



FOREIGN AFFAIRS, DEFENCE AND DEVELOPMENT POLICY (SUB-COMMITTEE C)

The EU's Conflict Prevention and Peace-keeping role in Sudan

Written Evidence

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Memorandum by the Associate All Party Group on Sudan (SUD 11) **Note from the Associate All Party Group on Sudan, March 21 2011**

The Associate All Party Group on Sudan visited North and South Sudan in February-March 2011. The delegation was led by Baroness Kinnock, chair of the APG, and the other delegates were Lord Chidgey, John Mann MP and the Earl of Sandwich. They had the opportunity of meeting President Salva Kiir and Archbishop Daniel Deng in Juba, besides visiting UK, EU and UN projects there and then spending three days in Khartoum where they met diplomats and civil society organisations.

Recommendations

In general, the APG came away impressed with the optimism of the South that they will achieve independence on paper in July, although this is still marred by continuing conflict in some states and in Darfur, and by the near impossibility of meeting all the terms of the Comprehensive Peace Agreement. The major questions of oil revenue, debt relief and currency will remain and even the business of government remains uncertain until the SPLM and other political parties have made more progress on the constitution through the new legislative assembly.

Role of the international community

The international community has worked hard to get the CPA and we recommend that the EU, US, UK and Norway stay as close as possible to the African Union to ensure that the 'soft borders' are made secure and the remaining points of the agreement are implemented.

Conflict resolution

Rebel commanders such as George Afuor in Jonglei state continue to harass the local population, and we urge the UK government to support the churches' peace initiative, the stalled demobilisation and disarmament process in the South, and all efforts by the African Union panel to resolve the conflicts in Abyei and Darfur.

Coordination of EU and UK aid

We believe that better coordination of aid is urgent and essential. Paradoxically in a very poor country it is not always possible to spend money effectively. Large donors still seem ready to pour more money in despite the corruption and lack of transparency, and this has led to bottlenecks in the past, notably in the World Bank Multi-Donor Trust Fund which was designed to avoid them. We welcome the EU's new joint initiative to speed up coordination and to focus on agricultural development, food security, basic health and education, democratic governance, women's rights and the role of civil society. We suggest that the UK budget for Sudan will need to increase to take account of the needs of two separate states.

Building capacity and skills

South Sudan has a very small educated elite and many skilled Sudanese have either left the country or have not yet returned. The country desperately needs the right balance of skills and post-conflict training to help it emerge from conflict and poverty. Many donors recognise this, but because South Sudan is an aid priority and governments need to satisfy their public, there is some pressure to spend. The support of regional bodies like IGAD is going to be critical: Kenya, Uganda and Ethiopia are already providing civil servants, health workers and teachers or offering training in their own institutions. Banking and accountancy skills will also be critical.

Improving the business environment

Juba is an 'aid city', not a business centre. Something must be done, perhaps through the EU, to improve the business environment in Juba and encourage investors to come in. Unemployment is high and the churches and NGOs are concerned about accommodation for southerners returning every week by road and river. There are stories of North Sudanese investors attempting to start hotels, farms and small businesses, only to find that kickbacks were required or the land titles had been taken away, possibly to satisfy army officers and friends of the SPLA. Until the new assembly passes legislation, the rule of law will be a pipedream.

Aid and the Cotonou Agreement

South Sudan needs to seek accession to the Cotonou Agreement and join the African Caribbean and Pacific group. This will give them access to the European Development Fund which has been denied to Khartoum. However ratification could take more than a year and the UK should encourage the EU to speed up the use of an interim mechanism to make funds available. We also expect the EU to provide humanitarian funds from ECHO to help with the resettlement of southerners returning from the North.

The UK's contribution

The APG has been pleased to see the commitment of the UK staff on the ground, both in FCO and in DfID. Considering the role of the UK in the CPA and in previous years, and taking account of the additional resources now available to DfID, the APG expects the UK to continue to take a leading role in the EU in ensuring that there will be a peaceful transition for both North and South Sudan into two new states later this year.

Memorandum by Professor Stephan Chan OBE PhD, School of Oriental and African Studies (SOAS) (SUD 5)

I am delighted to have the opportunity of making a brief submission to your deliberations. I am, I hasten to add, not a South Sudan expert. However, I observed the elections in South Sudan in 2009, and was deployed in contested territory. I have had PhD students who worked actively on South Sudanese political questions, and a former PhD student was a South Sudanese child soldier who is now a member of the government in President Salva Kir's office. I have, therefore, been kept more closely informed of developments in South Sudan than most laymen.

I have also had some involvement in China/Africa issues, and was a member of the Trilateral Dialogue between senior personnel from Africa, China and the United States, 2006-7, that met in Tswalu (South Africa), Beijing and Washington DC, and have spoken and written about the relationship between China and Africa. During the South Sudan elections I had occasion to encounter Chinese peacekeeping troops, barracked adjacent to Ukrainian, Canadian, and Kenyan contingents. I have visited Beijing and advised Chinese officials at high level on Sudanese questions. Again, these involvements are peripheral to my main interests but I feel, again, I am more closely informed of China/Sudan relations than most laymen.

DEVELOPMENT IN SOUTH SUDAN

During my election observation in 2010 I visited Central Equatoria, Eastern Equatoria, and Lakes provinces, as well as becoming familiar with Juba. I counted five kilometres of paved roads in all these areas. There are purportedly more kilometres in the country, but no estimate rises above double figures. This is in a country the size of Germany. From what I saw, transport links are maintained in this vast country by the upkeep of dirt roads. Much foreign aid is deployed to do this. The methodology consists in digging fresh dirt from the roadside or its vicinity and laying it over the existing road and rolling it into place. When the surface is worn away by heavy traffic or washed away by rains, the process is simply repeated. In this way, a skeleton road network is facilitated for heavy transport vehicles, but at cost to the environment (repeated stripping of surface soil, the creation of artificial and often stagnant lakes when deeper holes are dug, the reduction of roadside grazing land for cattle).

These conditions mean that the provision, in the short term, of all-terrain (4-wheel drive) vehicles will be a necessity for the new government's outreach and capacity but that, in the longer term, effective development of any sort (transport of modern building materials, supply and maintenance of new infrastructure) will depend on a durable road network.

I also found, working in areas that orthodox observer groups did not reach, that there is no or little cell phone coverage outside the urban areas, and that even satellite phones were unreliable.

If the UK Government were therefore seeking two key areas in which its assistance, either by itself or preferably in partnerships with other providers, would make a decisive difference – upon which all other development efforts would depend, then these are the areas of satellite/electronic communications and hard communications (road) infrastructure. My sense is that everything else would be a patchy effort, if not peripheral to core needs.

THE CHINESE

The insertion by the Chinese of Liu Guijin as Special Envoy to Africa – also Special Envoy to Darfur, but with a Sudan-wide brief – has made a huge difference to the nuance and sensitivity of Chinese outreach in this country. Notwithstanding continued public adherence to its doctrine of ‘non-interference’ in the internal affairs of any country, the Chinese were engaging with the Government of South Sudan well before this year’s referendum on independence. Salvar Kir has now visited Beijing twice in the last two years and a good relationship has been established at high level – notwithstanding resistance to good relations with China in some South Sudan provinces. As far as I know, Salvar Kir has not been to the UK twice as head of the GOSS.

The Chinese do not expect difficulties in terms of their continued involvement in petroleum exploration in the oil blocks that straddle the border (yet to be finally settled) between North and South. They have worked assiduously to be on good terms with both governments and Liu has had a major influence upon President al-Bashir in terms of his adopting ‘soft’ lines on South Sudanese independence and a ‘softer’ line towards the rebellion in Darfur. To an extent, this new ‘interference’ is established on decades of ‘non-interference’ and the good will that established. It should not be forgotten that when China was a pariah, Sudan was the fourth African country to accord the People’s Republic diplomatic recognition. The Chinese have never forgotten this support and have repaid it. Having repaid it, they are in position to influence Sudan positively.

UK policy towards China in Sudan should not, therefore, be confrontational or see China as a threat or rival to British interests. Right now, the UK has few deep-lying long-established interests in South Sudan anyway. The model, apparent in Chinese oil exploration and extraction, is in joint ventures (China works with Malaysian and Indian petroleum corporations: Greater Nile Petroleum Operating Company, in which China National Petroleum Corporation has 40% stake, with Malaysia’s Petronas Carigall Overseas and India’s ONGC also having large stakes); and in beneficiation, i.e. China has built a refinery and is prepared to build another. China purchases about 60% of Sudanese oil exports and this percentage is unlikely to change in any significant fashion. The trick would be to ‘buy into’ and not oppose this established pattern.

THE FUTURE

There is no guarantee that South Sudan will be stable, very little guarantee that it will develop its democratic institutions, and no firm prospect that it will stabilise its local quarrels. The one good thing about poor communications is that localised grievances and violence cannot easily spread. Insofar as current grievances have some form of ethnic base, their spread is limited in any case. However, it would be reductionist to view all instability as being ethnicised. Real problems of development and share of benefits from development become real grievances. The UK cannot help this new country by a patchwork approach. The required approach is located in a macro communications-based strategy. If the UK cannot by itself afford to be a 'player' in any key component of such a strategy, it should enter collaborative partnerships – even with the Chinese.

Memorandum by Concordis International (SUD 10)

Introduction

1. This submission describes the context in which post-2011 peacebuilding efforts in Sudan might have to operate and outlines ways in which the EU might continue to contribute to sustainable peace within and between Northern and Southern Sudan.
2. Concordis International has been working since 1999 on various forms of peacebuilding in and for Sudan, both nationally and for the Darfur and Eastern Sudan regions. Since January 2009, Concordis has been implementing the EU's Peace-building Initiative, with an increasing focus on North-South cross-border relations in the period of transition to the post-2011 situation. Further details are at <http://www.concordis-international.org/pnp/pbi.html>. In addition, Concordis has undertaken a major research project on the North-South border area, on behalf of the United States Institute of Peace but in close co-ordination with the EU-funded project; the research report *More than a Line* is available at http://www.concordis-international.org/files/pdfs/2010_More-than-a-line_Sudan_Report.pdf.
3. This submission assumes a basic knowledge of current Sudanese issues. It focuses on the prevention and resolution of violent conflict and post-conflict peacebuilding (all drawn into the generic term of 'peacebuilding'). While it is clear that broader development support (especially when implemented in a conflict-sensitive manner), support for good governance and encouragement of civil society activity are necessary contributions to peace, this submission focuses, though not exclusively, on the potential for peacebuilding dialogue processes to contribute to sustainable peace.
4. This submission is founded on the underlying assumption that sustained and co-operative attention to a comprehensive and broad-based peace process – operating at and connecting the highest political level, the intermediate policy level and the community level - is essential to peaceful change and the future stability of Northern and Southern Sudan. The theoretical underpinning for this assumption is outlined in the Appendix. Through the continuing work of Concordis, the EU is making a significant contribution to such a process, primarily but not exclusively focused on the North-South border area.

Background: Lessons from Sudanese Peace Agreements

5. The international guarantors to the Comprehensive Peace Agreement (CPA) including the European Union¹ did not pay adequate attention to the CPA following its signature. The Assessment and Evaluation Commission (AEC) was consequently slow to begin rigorously monitoring and supporting implementation. The reasons remain unclear but are likely to include: an international focus on the conflict in Darfur; the implicit strategy of taking Sudan's conflicts by turn; the political challenges and complexities related to supporting implementation of the agreement; and the high turnover of international officials engaged in the Naivasha process and CPA implementation. Without the active engagement of

¹ The international guarantors are the Intergovernmental Authority on Development (IGAD), African Union, European Union, Arab League, United Nations, Egypt, Italy, the Netherlands, Norway, United Kingdom and the United States

the guarantors, military capacity remained the main source of leverage between the parties. The result was the near collapse of the CPA in October 2007 when the SPLM announced a withdrawal of participation in the Government of National Unity (GoNU).

6. National mistrust deepened in the first two years of the CPA and elections originally planned for 2008 were delayed until April 2010. With less than a year to the referenda, the international focus on elections and the impending January 2011 South-Sudan referendum overshadowed other critical CPA benchmarks including border demarcation, preparations for the Abyei referendum and the Popular Consultations in South Kordofan and Blue Nile. Discussions on post-referendum/post-independence arrangements also suffered from the focus on electoral modalities and the international community as a whole was late to engage in efforts to promote and inform debate on these issues. A strategic plan and sustained efforts to support the breadth of CPA processes from the outset could have done much to smooth implementation.

Possible Peacebuilding Contexts

7. A highly significant determining factor for peace and stability in the wider region is the balance of power in Northern Sudan. Unresolved tensions between the centre and the periphery threaten peace and stability in the East, the far North, in Blue Nile State and in Southern Kordofan in addition to the ongoing conflict in Darfur. The glimmer of hope for constitutional reforms for many in Northern Sudan represented by the legal framework of the CPA is fading and this could combine with existing grievances to generate widespread conflict. Continued militarisation of the North-South relationship and a hardening of the border, wider unrest in the Middle East, and poor economic performance could make renewed hostilities along the border with South Sudan an attractive option for some influential actors.
8. Stability in South Sudan depends upon the parties finding viable arrangements for governing their relations in the post-independence period. Failure to do so will lead to economic challenges which could increase opportunities for spoilers and at the same time undermine the Government of South Sudan's ability to manage competing constituencies. The status of Security Sector Reform in South Sudan will also determine the level of violence witnessed within the borders of the new country. The post-referendum environment in southern Sudan has already exposed internal divisions within the army (inter-tribal fighting has also increased and risks deeper politicisation) and the post-independence period can be expected to see new and deeper divisions. These divisions could play out across South Sudan, but are likely to emerge close to the North-South border.
9. National mistrust, consequent lack of full implementation of the CPA and militarisation have amplified instability and missed the opportunities presented by the borderlands. Instead, the border areas including Southern Kordofan and Blue Nile, among the worst areas affected by the last war, are likely to be the locus of any renewed hostilities. The central dynamics are national and local competition

over resources, diverging interests between national and sub-national actors, a lack of state capacity and militarisation of the areas².

10. Sudan's stability is not only critical for Sudan itself. A domino effect could be seen in Kenya, Uganda, Eastern DRC and the wider Horn of Africa. Neighbouring countries would be affected by a myriad of factors such as forced migration, displacement, cross-border armed actors and the humanitarian impact of conflict. For example, deterioration in the situation in Darfur would have significant import in fragile Chad, Central African Republic and Southern Sudan.

Options for EU Conflict Prevention and Peacebuilding Role in Sudan

11. The Naivasha process that eventually led to the CPA and – especially – the Abuja process that led to the DPA all showed elements of a selective approach rather than the comprehensive one outlined here. There is some evidence that the current state of negotiations between NCP and SPLM risks similar shortcomings and that either: 1) modalities for 'post-referendum' arrangements may not be agreed before the expiry of the CPA; or 2) there remains serious disquiet within either party and wider society about the contents of the agreed framework for post-independence arrangements. The EU should continue to provide support to the formal mediators and where appropriate advocate that more comprehensive, consultative and inclusive, not necessarily more public, methodologies are applied.
12. The process of change following the January 2011 referendum and the 9 July separation is not functionally different from a peace process. How to implement modalities on economic, security and social arrangements between the two states will need to be agreed; coherent and consistent mechanisms will need to be designed and institutions established from international to local levels. *A strategy for sustained engagement, developed at the outset of the independence period*, and applied at each of the three (simplified) levels of society outlined above has the potential to make a contribution to sustainable peace.
13. Crisis reaction to public pressure and the bifurcation of Sudan policy, uneven funding, protection of national interest and a focus on peacekeeping and legal sanctions at the expense of other aspects of the conflict 'toolbox' should not again undermine a comprehensive approach to conflict management.³ This requires a long-term approach, in line with the December 2010 Foreign Affairs Council Conclusions in which the EU reiterated its commitment 'as witness to the Comprehensive Peace Agreement, to assist Sudan for the rest of the interim period *and beyond* in order to promote lasting peace, stability and prosperity'.⁴

² See Concordis Sudan report 'More than a Line: Sudan's North-South border', September 2010 for a comprehensive review of conflict dynamics along the borderline.

³ See Mark Simmons and Peter Dixon, eds., *Peace by piece: addressing Sudan's conflicts*, vol. 18 Accord (London: Conciliation Resources, 2006)

⁴ EU Foreign Affairs Council, 13 December 2010.

14. In any of the peacebuilding contexts above, comprehensive multi-level dialogue processes would contribute to the chances of finding a lasting peace. If the South were to secede relatively peacefully the need for continued dialogue to smooth any challenges of implementation at the national, regional and local levels would also remain. An assessment could be made of where peacebuilding within northern Sudan (relating to Darfur, the East etc) are falling short on comprehensive principles. Gaps at various policy levels could be addressed by programmes of dialogue linked to ongoing and emerging formal political processes, defined by issue, constituency or geographical region and with resources made explicitly available to support follow-up activities.
15. In light of the potential peacebuilding contexts outlined above, the EU should continue to consolidate its support of dialogue processes focusing on border management and security issues at the local, regional and national levels. In addition, the EU could consider allocating some resources to support the implementation of concrete measures mandated by EU supported cross-border dialogues.
16. Subject to the activities of other donors and the absorptive capacity of the South Sudan security sector, the EU should expand support to the Government of South Sudan in dealing with issues such as community security and small arms and light weapons, training of police and armed forces, DDR processes and the subsidiarity of martial to civilian law. These activities should be coordinated with other donors to ensure a coordinated strategy for South Sudan (the Three Areas Donor Working Group represents a useful model for communication and coordination among donors) and have short-term as well as long-term objectives.
17. The provision of emergency basic services and livelihood support such as seen under the first Instrument for Stability should be designed on a foundation of solid conflict analysis. This may involve investing in the consolidation of mechanisms for the collection and analysis of information. In all but the most serious emergency situation, the EU should of course allocate resources to do as much good as possible, over and above 'doing no harm'. To facilitate this, the conclusions of peacebuilding dialogue programs should be integrated into conflict analysis to provide areas of consensus on the stabilising potential of the available options.

Memorandum by Foreign and Commonwealth Office (SUD 2)

I. What is the EU's overall policy towards Sudan and does this closely reflect UK policy? What is the history of EU relations with Sudan and how does this affect the current relationship?

The EU discussion paper on Sudan, "Sudan – The Way Ahead", dated 20 July 2010 identified the subsequent 12-18 month period as critical for Sudan, in the run-up to the Southern Sudan Referendum. Its vision for the EU's engagement over this period was "the development of a peaceful and prosperous Sudan in a stable regional setting notably through full implementation of the Comprehensive Peace Agreement (CPA) and agreement on post-referendum modalities".

On 26 July 2010 the Foreign Affairs Council underlined the EU's readiness to support the following areas in its engagement on Sudan:

- the upcoming referenda processes in South Sudan and Abyei through substantial technical and financial assistance,
- peaceful implementation of the CPA, reaching an agreement on post-referendum issues and working towards long term regional stability,
- the work of the African Union High Level Implementation Panel,
- capacity building and assistance to meet the challenges faced by South Sudan,
- efforts to address insecurity and reach a lasting peace settlement for Darfur,
- the work of the International Criminal Court,
- continued development and humanitarian assistance across Sudan.

The history of the EU's engagement on Sudan has evolved over the last 10 to 15 years. The European Commission's humanitarian aid department (ECHO) has provided humanitarian assistance to Sudan since 1994. Up until 2005, more than €500 million is reported to have been made available by the EC to Sudan in the form of direct relief assistance. This period was characterised principally by the provision of emergency assistance, with limited or no development assistance and reportedly limited direct political dialogue between the EU and Sudan⁵.

The Comprehensive Peace Agreement, signed on 9 January 2005, was witnessed by the EU, along with three of its Member States (UK, Netherlands and Italy) and a number of other countries and inter-governmental organisations. The CPA established a clear framework for cooperation between North and South Sudan across a number of areas related to power and wealth sharing, and security arrangements. It also provided the opportunity for increased international assistance, including from the EU, to support CPA implementation.

Shortly after the CPA was signed the EU appointed a Special Representative for Sudan on 18 July 2005. The role continues, currently occupied by Rosalind Marsden (formerly Britain's Ambassador to Khartoum), with a mandate to lead on EU engagement across Sudan, including in support of the CPA and resolution of the conflict in Darfur. The EU delegation

⁵ http://ec.europa.eu/delegations/delsdn/en/eu_and_sudan/bilateral_relations.htm

is also represented at the Assessment and Evaluation Commission, the body established under the CPA and tasked with monitoring its implementation.

The EU has been actively involved on Sudan during the period of the CPA. Most recently, it provided technical and financial support to the Sudanese elections held between 11-15 April, and deployed an Election Observation Mission to monitor proceedings. The EU provided similar support for the Southern Sudan Referendum and has been politically and technically engaged in supporting resolution of other outstanding CPA issues. EU activity in Sudan has been mirrored by close engagement in Brussels. In the last 12 months EU Foreign Ministers have discussed Sudan and agreed Council Conclusions on five occasions.

The overall EU policy towards Darfur is broadly in line with the UK policy. This policy continues to focus on the need to cease hostilities and reach an inclusive settlement that addresses the root causes of the conflict and bring peace to the people of Darfur. This is reflected in both EU and UK action and communications.

We, along with the EU and most of the international community, have fully supported the Darfur Peace talks in Doha and the work of the AU/UN Chief Mediator, Bassole. The EU, along with all Member States, continues to call on all parties to cease hostilities and engage in the negotiations in Doha.

The EU has provided development and humanitarian assistance to both North and South Sudan. In the North this has principally focused on humanitarian assistance to Darfur, Eastern Sudan and other deprived areas. In the South the EU has provided humanitarian assistance as well as longer term capacity building support to the Government of Southern Sudan and provision of basic services. The EU has signalled its intention to remain engaged in Sudan beyond the end of the CPA in both North and South. This continued engagement is demonstrated by the fact that ECHO's budget across Sudan for 2010 was €136.6 million with €100 million planned for 2011. Beyond the significant financial support the EU provides to the people of Sudan, it is also active in encouraging coordination, in line with aid effectiveness principles, between EU donors and other organisation (such as the AU and UN)

EU policy towards Sudan closely reflects the UK approach both in terms of level and areas of engagement, and overall objectives. The UK has engaged actively with individual Member States and in Brussels to encourage strong alignment. Both the EU and UK share the objectives of full CPA implementation, establishment of constructive relations between North and South Sudan longer term, resolution of the situation in Darfur, financial assistance to reduce poverty and promote development, and support for the International Criminal Court.

2. How united is the EU in its attitude towards Sudan? If there are differences of approach between Member States, where do they lie?

We judge that there is a strong degree of alignment within the EU behind its policy towards Sudan. Sudan is not a majorly divisive issue in Brussels. There are differences in emphasis, with some Member States holding a particular interest in certain aspects of Sudan policy. For example, the Netherlands has played a leading role on the issue of the Three Areas: Blue Nile, Southern Kordofan and Abyei. It has also been particularly active at a technical level in Sudan on these areas.

There has also been a balance of interests between Northern and Southern Sudan with some Member States' engagement focused more on Darfur and others focused on Southern Sudan. Examples include France with their engagement being traditionally more centred on Darfur. However, overall we judge that there is a balance of EU engagement geographically, and that the EU is united in its approach to Sudan.

3. What are the main causes of conflict between north and south Sudan? What is the Government's assessment of the risk of conflict in Sudan following the referendums on secession of the south and on Abyei in January 2011?

The Sudanese civil war was one of Africa's longest running conflicts. Following independence from Britain and Egypt in 1956, southern discontent with the northern-dominated government developed into guerrilla warfare across the south. The 1972 Addis Ababa Agreement, which devolved some powers to the south, provided a decade of respite. However by 1983, this had been undermined by continuing unequal distribution of power between north and the south amongst other factors. Southern rebels coalesced into what became the Sudan Peoples' Liberation Movement/Army (SPLM/A), led by John Garang. This second round of fighting lasted until the conclusion of a peace deal in January 2005.

The war has often been simplified into a north-south divide – or more erroneously, a clash of Muslim and Christian civilisations. In reality, the conflict was fuelled by persistent underdevelopment of marginalised areas of Sudan and competition for access to political and economic power. Local conflict, such as over grazing or access to water resources, control of humanitarian aid and ethnic/religious mobilisation have also played significant roles. In the later years of the war, there was an intensified struggle for control of oilfields which straddle the north-south border. In short, the conflict was chiefly a struggle for power and resources.

The Referenda on Southern Sudan and Abyei are key milestones in the CPA implementation process. So far only the Southern Referendum has taken place and the Abyei Referendum remains stalled. Although the Referendum process was broadly peaceful, the security situation in Sudan remains fragile, particularly in the border areas and within Southern Sudan. There are a number of risk factors. These include the potential for miscalculation on the ground by either North or South, particularly along the North/South border; the threat posed by the Lord's Resistance Army in areas close to the Democratic Republic of Congo and Central African Republic; and the ongoing low-level incidents across Southern Sudan between tribal or other groups, for which there are a number of economic, social and/or political motivations. The risk of North-South conflict is best addressed by full implementation of the CPA and the establishment of constructive and mutually beneficial relations between North and South Sudan through resolution of the outstanding CPA issues – including the status of Abyei. We continue to press both parties to engage in serious and sustained negotiations to this end.

To combat the threats in Southern Sudan significant support is also needed to strengthen the Government of Southern Sudan's capacity to provide security to its citizens and address underlying drivers of intra-South conflict.

4. What is the Government's view of the way the referendums were held and their outcomes? To what extent are talks between the north and south making

progress under the auspices of the AU High Level Implementation Panel/ What kind of support is the EU providing to the Panel? Does the 'E6' group still exist? What sort of support does it give to the AUHLIP?

The UK Government is very encouraged that registration, voting and counting for the Southern Referendum has passed off broadly peacefully to date. President Bashir visited Juba on 4 January and made clear that his Government would respect the result of the referendum even if it were for secession. This was helpful in establishing a calm atmosphere for the voting period. The process has seen significant participation by Southern Sudanese voters. The Southern Sudan Referendum Commission announced on 15 January that the 60% turnout threshold of registered voters had been met, and preliminary results of the Referendum, announced on 30 January, indicated that 99% of Southern Sudanese voted for secession.

There have been a large number of domestic and international observers deployed to monitor the process. The EU deployed an observation mission led by Chief Observer Veronique de Keyser, comprising a combination of both short term and long term observers. There has been a significant degree of commonality in the observer assessment of the process. These have concluded that the poll was credible. In its preliminary statement on 17 January the EU observation mission welcomed a 'peaceful, credible voting process with overwhelming turnout'. The African Union, Arab League and Carter Centre issued similar statements.

The UK government welcomes confirmation that a peaceful and credible poll has taken place which reflects the views of the people of Southern Sudan. The Foreign Secretary issued a statement on 18 January which welcomed the observer assessments and the successful process⁶; he then welcomed the announcement of the preliminary results on 30 January. The UK will respect the choice of the people of Southern Sudan. We cannot offer a view on the outcome until the result is formally published (which we expect on either 7 or 14 February).

The Referendum in Abyei has not yet taken place due to disagreement between North and South over who is eligible to vote in the poll. The North believes that the nomadic Misseriya tribes, who cross through the Abyei area on a seasonal basis with their cattle, should be eligible to vote. The South believes only the Ngoc Dinka, who constitute the bulk of permanent residents of Abyei, should be able to participate. Failure to reach agreement on this issue has prevented establishment of the Abyei Referendum Commission. It has also raised tensions in the Abyei area. Around 7-9 January there were clashes in the Abyei area between elements of the Misseriya tribe and the Sudanese People's Liberation Army/Joint Integrated Police Unit.

The British Government remains deeply concerned at the impasse on Abyei and the resulting instability. We continue to press both Sudanese parties to reach resolution on the issue within the framework of the CPA, respecting the rights of both Northern and Southern communities on the ground.

⁶ <http://www.fco.gov.uk/en/news/latest-news/?view=News&id=535738582>

Beyond Abyei, there remain other significant areas where the Sudanese parties have not yet reached agreement and progress has been slow. President Mbeki, as Head of the African Union High Level Implementation Panel on Sudan, is lead mediator in these discussions. The UK Government has made clear its strong support for President Mbeki in this role, while emphasising that the Sudanese parties themselves must demonstrate the political will to reach agreement on the outstanding issues.

In June 2010, the parties signed the Mekele Memorandum of Understanding. The agreement established 'cluster groups' to address the remaining CPA issues, facilitated and overseen by President Mbeki and the AUHIP. The cluster groups cover: Citizenship; Security; Financial, Economic and Natural Resources; and International Treaties and Legal Issues. The details of the agreement can be found at: <http://www.cmi.no/sudan/doc/?id=1283>.

In November 2010 President Mbeki and the Sudanese parties agreed, but did not sign, a 'Framework Agreement' on CPA and longer term issues. This document set out commitments by the parties to implement outstanding CPA milestones (including the Southern Sudan Referendum) and principles for how the parties will reach agreement on longer term post-CPA issues, including wealth-sharing, the North/South border, citizenship, security and other areas. The document was not signed by the parties because of the continuing disagreement over Abyei. Negotiations between the parties are now focussed on reaching agreement on the practical details across the various areas, for instance how exactly citizenship arrangements will work after the end of the CPA. Both parties have committed to reaching agreement before the CPA ends on 9 July 2011.

The EU has a close relationship with the African Union on Sudan and has provided financial and technical assistance to the AU High Level Implementation Panel. This support has been provided through the EU's Instrument for Stability. The EU is providing experts for six months each (extendable) to the AUHIP: one expert in Minority Rights has been in place since December, and the AUHIP and EU have agreed she will also cover Darfur and drafting of a new/revised Constitution; one security expert has been recruited and is waiting to deploy; and the EU also agreed to provide a borders expert. However, the AUHIP have now requested an economic advisor instead of a borders expert, and are drafting new Terms of Reference for the post.

The 'E6' group is an informal grouping specific to Sudan between the five permanent members of the Security Council and the EU. It first met at Special Envoy level in Doha on 30 May 2009 and has since met a number of times and issued statements. The E6 last met in Doha on 6 January 2011 to discuss the Darfur peace process. While not an official mechanism we believe the E6 is a useful grouping to ensure close coordination between the EU and UNSC, both of which share a strong interest in Sudan. There is no formal link between the E6 and the AU HIP, although individual members of the E6, including the EU, have provided direct support to the AU HIP.

5. What is the EU's policy on preventing conflict and building peace between north and south Sudan and to what extent is it successful? How could the EU's policy be improved or strengthened? What are the implications for EU policy of the indictment of President Bashir by the International Criminal Court?

As set out above, the EU's policy closely reflects the UK approach, and is focused on full CPA implementation, establishment of constructive relations between North and South

Sudan longer term, resolution of the situation in Darfur, financial assistance to reduce poverty and promote development, and support for the International Criminal Court.

All EU Member States are ICC States Parties and the Court has had jurisdiction across the whole EU since July 2009, when the Czech Republic became the final EU state to ratify the Rome Statute. The EU is a strong supporter of the ICC, and provides technical, financial and political support to the Court. EU Member States have adopted a Common Position which sets out the EU's support for the effective functioning of the Court and seeks to increase global support for the ICC by promoting universal ratification of the Rome Statute.

The EU has taken a leading role in encouraging States Parties to fulfil their obligations towards the ICC by the enforcement of outstanding arrest warrants, in particular in relation to the three warrants issued by the Court for Sudanese President al-Bashir.

In the case of Sudan the EU has a policy on avoiding all but "essential contact" with ICC indictees, in line with the ICC Prosecutor's request to the UNSC. This has implications for the EU's engagement with President al-Bashir. Decisions on what constitutes essential contact is made on a case by case basis, but action to prevent of conflict could under certain circumstances be considered essential. .

The Darfur peace process has made only limited progress. However we do not accept the argument that this is due to the ICC indictments. Lack of genuine commitment to the negotiations by the belligerents is a more significant factor, and the UK, EU and international community as a whole regularly urge all parties to engage effectively in Darfur peace negotiations.

6. What development and humanitarian aid is the EU providing to Sudan? To what extent does the EU's aid programming effectively contribute to mitigating conflict and maximising opportunities for peace-building?

The European Union (through the DG Humanitarian Aid and Civil Protection – ECHO) provided EUR 136.6 million in humanitarian aid in 2010, and has committed EUR 100 million so far for 2011. More than 50% of this assistance is in the form of food aid provided by the World Food Programme (WFP) into the Darfur region. ECHO and WFP are working together to rationalise the food aid programme in Sudan.

In 2010, the EU committed EUR 15 million from the Instrument of Stability that will be fully contracted in 2011. This money was divided between support to the Southern Sudan and Abyei referenda, technical support to post-2011 negotiations, and in delegated co-operation with the UK for the delivery of basic services in Southern Sudan (through the UK-managed Basic Services Fund).

EU programming was designed to support creating a stable environment during the CPA interim period particularly in the war-affected areas. Funds were concentrated in three main sectors: Improving food security and facilitating agriculture development, extending education services, and supporting democratic governance:

- In terms of food security and agricultural development, programmes were implemented in Southern Sudan and in conflict affected areas of the north (i.e. the Three Areas and the East. EU funds have resulted in: (1) the development of a

proper institutional framework which has made better information on food security available, allowing both the Government of National Unity and the Government of Southern Sudan to adopt appropriate measures and policies in a timely manner; (2) supporting decentralization and economic diversification by providing office equipment and a comprehensive training programme to officials in the State Ministries of Agriculture and Animal resources; and (3) providing direct investment into the rural economy either through model projects (e.g. rehabilitation of irrigation schemes, opening up critical roads connecting produce to markets, or facilitating services along livestock migration routes) or through smaller scale support aimed at improving livelihoods at the household level. This latter has had a particular focus in areas in Southern Sudan where returns have been concentrated. Concerning the education sector, EU funds were mostly channelled through the MDTF-South, with the aim of providing a coordinated support to the whole sector. Unfortunately, delivery through the MDTF-S has been slow and progress in terms of the key education indicators quite limited. Impact so far is not satisfactory.

- In pursuit of stability, the EU has been an active partner within the international community's support to some of the key CPA steps such as the 2010 elections and the 2011 Southern Sudan referendum. The EU has provided funding for both processes through the UN-managed multi-donor basket funds, and has also provided direct technical assistance to the Election and Referendum Commissions. EU Observer Missions were present for both polls. The EU is currently providing technical assistance to the African Union panel led by former President Thabo Mbeki, in order to support the post-CPA negotiations between the parties.
- In the area of establishing democratic and accountable governance in Sudan, EU efforts have concentrated on supporting the development of democratic institutions in Southern Sudan, in particular the Judiciary, the Ministry of Legal Affairs and Constitutional Development (including supporting its decentralization through office building in some States) and the Southern Sudan Legislative Assembly. All these institutions have received specialized training in response to their specific demands.

The EU has also funded actions directly aimed at support to peace-building:

- From January 2009 to December 2010, the EU has funded a peace-building initiative implemented by the British NGO Concordis International. Concordis worked in partnership with the Centre for Peace and Development Studies (CPDS), at the University of Juba to facilitate a research-based dialogue at state and federal (Khartoum-Juba) levels, aimed at: building trust and understanding between border communities; developing a consensus on principles for how the border should be managed peacefully; and agreeing development initiatives to support peaceful coexistence at the border.
- Building on the activities mentioned above, a further six month project (January-July 2011) to stabilise cross-border relations is being implemented by Concordis International using funds from the Instrument for Stability (IFS). This project is aimed at contributing to wider efforts to foster stability in Sudan by providing urgent support to the design and establishment of a North/South border regime that contributes to stability and meets the human security needs of the populations living along the border. The project will make use of networks already established with Sudanese policy makers as well as international supporters of the negotiations on post-CPA arrangements.

The EU's aid programming is an important part of international efforts to create the conditions that are necessary for preventing conflict and building a durable peace in Sudan.

7. Have the EU or the UK carried out any evaluations of EU aid to Sudan, in particular its impact on conflict dynamics? What has been the result?

No overall evaluation of EU's aid impact on conflict dynamics has been carried out so far. A full evaluation of STABEX funds will be carried out in the second half of 2012 and will include this aspect. Several project specific mid-term and final evaluations have been carried out and some of them included conclusions and recommendations concerning peace building and conflict prevention. Overall, it was found that EU funding at community level had been useful to prevent or help manage conflict in some of the communities affected by inter-tribal conflict after the signing of the CPA. Also, model projects aimed at demarcating and facilitating services along livestock migration stock routes in Blue Nile and South Kordofan were found to have a positive impact in terms of conflict prevention during the seasonal migration.

Both evaluations called for a conflict prevention approach to be further integrated into future aid programming. This will be taken into account by the EU Delegation during the identification and formulation phases for new projects under the Special Fund for Sudan, which will start in March 2011.

A major OECD-Development Assistance Committee multi-donor evaluation of Support to Conflict Prevention and Peacebuilding Activities in Southern Sudan (2005-2010) is in the final stages of preparation and will include an examination of the impact of EU programming on conflict dynamics.

8. Beyond the EU, which states and organisations play an influential role in Sudan, including neighbours of Sudan, regional organisations and members of the UN Security Council? What role are the African Union and the international Troika (UK, Norway) playing in the mediation efforts between north and south Sudan.

Sudan enjoys attention from a wide range of states and international organisations, and there is significant international involvement in both the Darfur peace process and implementation of the Comprehensive Peace Agreement. The actors that play a role on Sudan vary somewhat between those that engage on Darfur and those that focus on North/South issues, although many engage on both.

The British Government works closely with the key international actors covering Sudan. Two of the key challenges faced by international engagement are to ensure an appropriate balance in attention between Darfur and North/South issues, while also ensuring that other important areas, such as Eastern Sudan, are not neglected. Another focus of attention is to ensure that international interest and involvement is translated into effective and coordinated support and pressure behind the political processes in Sudan.

Beyond the EU, there are a number of states and organisations which play a particularly influential role. The United Nations is extremely closely engaged on Sudan, both through the UN Security Council, the two significant peacekeeping missions deployed on the ground and through a strong presence in Sudan by the UN Country Team. During the course of

the last year Sudan has been one of the most important issues on the agenda of the Security Council, which has held frequent, at times at least weekly, discussions on North/South and Darfur issues. The UK focused its Presidency of the Security Council in November 2010 on Sudan and the Foreign Secretary chaired a special session on Sudan in the Security Council on 16 November.

The two peacekeeping missions in Sudan are the UN/AU Mission in Darfur (UNAMID) and the UN Mission in Sudan (UNMIS), which supports implementation of the Comprehensive Peace Agreement. Taken together these missions comprise more than 30,000 personnel on the ground, the most significant UN investment in any country in the world. Both missions play critical roles in supporting peace and security in their respective areas. These efforts are complemented by the UN Country Team presence, including UNDP, OCHA, UNCHR and others, which provide humanitarian and development assistance, complementing wider donor efforts.

The African Union is closely engaged on Sudan, including by active political support and its commitment to peacekeeping through UNAMID. Its principal political mechanism is the AU High Level Implementation Panel (AUHIP), led by former President of South Africa, Thabo Mbeki, supported by former Presidents Pierre Buyoya and General Abdusalamli Abubakar. The AUHIP was appointed in October 2009 and given a mandate to follow-up the recommendations of the AU Panel on Darfur, as well as to assist with implementation of the CPA. President Mbeki has become lead mediator in the negotiations between the parties to the CPA on resolution of the outstanding CPA issues as well the future relations between North and South Sudan.

This was agreed by the CPA parties in the Mekelle Memorandum, adopted on 23 June 2010.

Other notable regional organisations involved on Sudan are the Inter-Governmental Authority on Development (IGAD) and the Arab League. Sudan is a member of both. IGAD, whose membership covers primarily East African nations, has discussed Sudan on a regular basis at its Summit meetings, most recently in the margins of the AU Summit on 31 January 2011. The Arab League has also met to discuss Sudan on a number of occasions. Both the Arab League and IGAD deployed observer missions for the Southern Sudan Referendum. The interest of these regional organisations reflects the attention that their constituent members devote to Sudan, for example in the case of IGAD countries such as Ethiopia and Kenya, and in the case of the Arab League, countries such as Egypt.

The Sudan Troika is comprised of Norway, the UK and the US. All three are witnesses to the CPA and operated as a Troika in support of the negotiations which led to its signing in Naivasha in January 2005. As such the Troika has tended to focus on North/South issues in Sudan. It was revived in 2009 following concern about delays in various areas of CPA implementation and a desire to ensure maximum coordinated pressure and support from Troika members to the Sudanese parties to seek progress. Troika Foreign Ministers have spoken on a regular basis about Sudan and issued a number of statements, most recently on 9 January 2011 at the start of Referendum polling. Troika Special Envoys have also met on a regular basis and the Troika also operates at working level amongst officials.

Darfur Peace Process:

The international efforts in reaching an inclusive peace settlement for Darfur are currently focused in Doha on the Darfur Peace Talks. These are lead by Dibril Bassolé, the AU/ UN

Chief Mediator. This process was created in 2008 after the breakdown of the Darfur Peace Agreement (DPA), which was signed in May by Mini Menawi (the leader of Sudan Liberation Movement) and the Government of Sudan.

Qatar has given continuing support for Darfur Peace Talks which have been based in Doha since 2008. The progress of these talks has been varied. Significant developments include the formation of the Liberation and Justice Movement (LJM), which brought together a number of smaller rebel groups. LJM have held a series of negotiations with GoS and are close to reaching an agreement. The Justice and Equality Movement (JEM), another influential rebel group, have also engaged in the process. Bassole continues to work to bring all parties to the table and produce an inclusive settlement that bring lasting peace to Darfur.

UNAMID is an important player in Darfur and has been since inception in 2007. The joint AU/UN Peacekeeping Mission in Darfur replaced the AU's mission, AMIS. Ibrahim Gambari is the Joint Special Representative of UNAMID and holds significant influence in the direction of the Mission.

President Mbeki's through the AU, future role in a Darfur based Peace process is currently emerging. Mbeki has been involved in Darfur previously, chairing the AU Panel for Darfur. This panel then expanded to become the AUHIP which now works on both CPA and Darfur issues.

The League of Arab States is engaged particularly with their close relationship with the Government of Sudan. They are a significant donor and represent the largest group of non-traditional donors working in Darfur. Chad and Libya's relationship mainly lies with the Government of Sudan and rebel groups. Sudan and Chad previously supported each other's rebel groups and there was much suspicion between the two states. Chad rapprochement with the Government of Sudan in 2010 began a new phase in their relationship and the peace process.

Eastern Sudan:

The EU like the UK, maintains an interest in the East. The UN is active in Eastern Sudan with agencies such as UNHCR and WFP delivering key support. Eritrea is strongly engaged and the Eastern Sudanese Peace Agreement was signed in Asmara in 2006. The Gulf States are particularly interested in the East. Kuwaiti hosted a conference on Eastern Sudan at which many Middle Eastern states pledged significant amounts for development and reconstruction projects.

**9. What role does the UN play in preventing conflict between north and Sudan?
Are there UN sanctions between north and south Sudan and, if so, to what extent are these making an effective contribution towards conflict prevention?
Are the EU and UN coordinating their activities?**

The United Nations Mission in Sudan (UNMIS) was established on 24 March 2005, by Security Council Resolution 1590, following the signing of the Comprehensive Peace Agreement (CPA) by the Government of the Sudan and the Sudan People's Liberation Movement/Army.

UNMIS' central role has been to support the implementation of the CPA by providing good offices and political support to the parties, monitoring and verifying their security arrangements and offering assistance in a number of areas, including governance and facilitating important CPA milestones (like the elections and the referendum). It also works directly to mitigate conflict on the ground by carrying out local conflict resolution initiatives in areas of tension, helping to create a secure environment for civilians and provides de-mining services, all of which help to build local confidence. UNMIS has benefitted from strong leadership by Special Representative to the Secretary General, Haile Menkerios.

The work of UNMIS in supporting the referendum on self determination for Southern Sudan is of particular note. The UN has trained Southern Sudanese Police, and provided effective voter education via UN radio and helped fly and drive 1.2 million kg of materials to 2,638 polling centres in remote and inaccessible spots in the South. When violence erupted in the border area of Abyei on 7-10 January this year, the UN were instrumental in bringing the parties together to broker a local peace agreement. Coordination between UNMIS and other UN agencies has also been impressive: OCHA (the Office for the Co-ordination of Humanitarian Affairs), the UNHCR (the UN's Refugee Agency) and other agencies have successfully led and coordinated contingency planning for population movements around the referendum.

The UN High Level Monitoring Panel, headed by ex Tanzanian President Mkapa, has also played an important role in monitoring the credibility of the process. The Panel commented in a statement on 16 January, that it was "satisfied that the process allowed the people of Southern Sudan to express their will freely". Their continuing support for a transparent process has been key.

In short, UNMIS has played a critical role in preventing conflict between northern and southern Sudan. The CPA is due to end on 9 July 2011 and post CPA there will no doubt continue to be a need for an effective UN presence, restructured to meet the needs on the ground.

Increased Security Council engagement, including the 4-10 October Security Council visit to Sudan and 16 November Ministerial debate, chaired by the Foreign Secretary, William Hague MP, has helped to support the Sudanese parties in fulfilling their commitments under the CPA.

Are there UN sanctions between north and south Sudan and, if so, to what extent are these making an effective contribution towards conflict prevention?

The Security Council first imposed an arms embargo on all non-governmental entities and individuals, including the Janjaweed, operating the states of North Darfur, South Darfur, and West Darfur on 30 July 2004 with the adoption of resolution 1556. The sanctions regime was modified and strengthened with the adoption of resolution 1591 (2005), which expanded the scope of the scope of the arms embargo and imposed additional measures including a travel ban and an assets freeze on individuals designated by the Committee. The enforcement of the arms embargo was further strengthened by resolution 1945 (2010). There are currently four individuals listed under this sanction regime. The EU arms embargo also prevents EU Member States from exporting arms to Darfur and all Member States must abide by the EU ruling on this.

Sanctions are measures which the international community targets at certain countries, regimes, groups or individuals to coerce them into changing their behaviour so that they will no longer threaten international peace and security or abuse human rights. Kofi Annan, seventh Secretary-General of the United Nations, described sanctions as 'a middle ground between words and war'. The UK supports the sanction regime against Sudan fully at the UN and EU and takes the implementation of the sanction regime very seriously. We work with HMT and HMRC closely to ensure thorough implementation. Finally, the UK strongly supports the work of the Sudan Panel of Experts in the vital work they do in supporting the work of the UN Sanctions Committee.

Are the EU and UN coordinating their activities?

There is coordination between implementing agencies along sectoral and programme lines between UN agencies and individual UN and non-UN agencies which are funded by EU states, and between donors and UN agencies.

10. What kind of support is the EU providing to Southern Sudan and to what extent is this support effective in preventing conflict and building peace? What kind of support is the EU providing for security sector and rule of law reform in South Sudan? Is the EU providing support to disarmament and reintegration activities in south Sudan and if so, are these proving successful?"

After the signature of the CPA, Southern Sudan was allocated 46% of the total EC funding for the interim period (2005-2011) in line with the recommendations of the EU's Joint Assessment Mission (JAM). The remaining 54% was allocated to conflict-affected areas of the North (Three Areas and the East). The new Special Fund for Sudan (2011-2013) allocates 60% of its total EUR150million to Southern Sudan. Please see above for the specifics of the EC support to Southern Sudan.

The EU has not engaged in the security sector, as other partners are recognized as having a comparative advantage (e.g. UK and US). However, in February 2011, a mission will undertake a needs assessment for a potential new allocation to Southern Sudan from the Instrument for Stability. That mission should assess whether an EU contribution to security sector reform would have any added value.

In the rule of law sector the EU is supporting the Judiciary and the Ministry of Legal and Constitutional Affairs through capacity-building training and the construction of offices at central and state level.

Concerning disarmament and reintegration activities, the EU supported the start up of Disarmament, Demobilisation and Reintegration (DDR) activities through the UNDP-managed Interim DDR Programme with EUR12 million between 2006 and 2009. No further funding was granted, as most of the initial objectives were not achieved during the implementation of the programme.

11. What are the EU Member States' main commercial interests in the Sudan, including in the energy sector? How does this affect UK and EU policy-making towards Sudan? Is the Government concerned about possible disruptions to

Sudan's oil exports in the event of a flare-up in tensions following the referendums in January?

The main areas of opportunity for foreign investment in Sudan are oil and gas, agriculture and construction. However, Sudan is not a major trader partner for the EU. European Commission trade statistics show that imports from Sudan to the EU for 2009 were 0.1% of overall imports. The export percentage figure was too small for inclusion.⁷ UK and EU action in Sudan is driven by the imperative of conflict prevention, stability and human rights, rather than by commercial interests.

2009 figures show Sudan's main export partners to be China (58.29%), Japan (14.7%) and Indonesia (8.83%). Sudan's main import partners for the same period were China (21.87%), Saudi Arabia (7.22%), Egypt (6.1%), UAE (5.3%) and India (5.53%).⁸

The EU has an arms embargo on Sudan but no other trade restrictions. UKTI resources in the UK and in Khartoum provide advice and support for companies wishing to trade with Sudan. The prosperity agenda is one of the FCO's key priorities, as is work on human rights. The UK is continuing its longstanding trading relationship with Sudan but there is no question of HMG prioritising commercial links above human rights concerns. The UK remains concerned about serious ongoing violations of human rights, and access for vital humanitarian work in Darfur. We continue to press for action on these issues with the Government of Sudan, Government of South Sudan and internationally. The EU regularly raises human rights issues with the authorities. Baroness Ashton issued a statement of concern about human rights issues in Sudan in November 2010 and Rosalind Marsden, EU Special Representative to Sudan, raised human rights cases with the Government of Sudan in December 2010.

A flare up in tensions following the referendum would have negative implications across the piece, including on Sudan's oil exports. The UK and EU were witnesses to the Comprehensive Peace Agreement (CPA) in 2005 and have worked continuously with the parties and international partners to ensure implementation of the agreement, and to prevent a return to war. UK and EU technical, financial and political support to the referendum has contributed to a smooth process and lessened tensions. Where sporadic violence has occurred, the UK has been quick to call for restraint. The Foreign Secretary issued a statement calling for calm following fighting in the oil rich area of Abyei in January 2011. The UK and EU continue to support the parties, and the Mbeki panel, in finding a solution to the unresolved future of Abyei and agreement on post referendum arrangements.

12. Which countries are major arms exporters? Is the EU taking any steps to stop the import of arms into Sudan in order to prevent armed conflict and human rights violations? How effective is EU action to address the problem of small arms and light weapons (SALW). What measures are the EU taking to prevent the import of arms?

⁷ http://trade.ec.europa.eu/doclib/docs/2006/september/tradoc_113480.pdf

⁸ CIA World Factbook Website

The EU imposed an arms embargo on Sudan in 2005 to promote lasting peace and reconciliation within Sudan. This is reflected in the EU Common Position 2005/411/CFSP. This mirrors the UN measures (which cover Darfur), but includes an arms embargo on the whole of Sudan.

The EU arms embargo prohibits the sale, supply, transfer or export of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment and spare parts to Sudan by nationals of Member States, or from the territories of Member States, or by anyone using their flag vessels or aircraft of Member States. .

Levels of criminality remain high in some regions of Sudan and small arms and light weapons (SALW) from a number of sources continue to find their way into Sudan. It is clear that more needs to be done to prevent the import of further arms, particularly SALW, into Sudan. By rigorously enforcing its arms embargo, the EU is taking a leading role in reducing the number of arms entering Sudan.

I3. To what extent are the Chinese government and Chinese businesses playing an active and constructive role in the search for peace between north and south Sudan? Is China's role evolving towards a more engaged or constructive approach?

The Chinese government and Chinese businesses play a strong and active role in Sudan. China is Sudan's main export and import partner. The UK works closely with Chinese counterparts on Sudan issues in country, bilaterally and multilaterally through the UN and the P5. China is supportive of the peace process and the implementation of the Comprehensive Peace Agreement (CPA). A Chinese team observed the referendum and welcomed the successful completion of the process.

Memorandum by Rosalind Marsden, EU Representative for Sudan, EEAS (SUD 7)

1. What is the history of the EU's relations with Sudan and how does this affect the current relationship? What is the EU's overall policy towards Sudan and how closely does this reflect UK policy? How do you evaluate this policy? Is the EU talking to the right people?

The EU's policy in Sudan supports implementation of the Comprehensive Peace Agreement (CPA) of 2005 and efforts to achieve a comprehensive peace settlement for Darfur. The EU regards peace in Sudan as a prerequisite for regional stability and for sustainable, balanced and equitable development in Sudan itself. As the largest country in Africa, with nine neighbours, Sudan's stability is important for that of the wider region and much of the African continent.

EU relations with Sudan have evolved over the past 15 years. In the decade prior to signature of the CPA, relations were mainly based on provision of emergency assistance. From 1994 until 2005, more than 500 million Euros was made available by the EC to Sudan in the form of emergency relief assistance. The EU has continued to be a major humanitarian donor to Sudan since 2005 (see answer to question 3 below).

The signing of the CPA in January 2005 between the Government of Sudan and the Sudan People's Liberation Movement (SPLM) was a turning point in EU/Sudan relations. The CPA was witnessed by the EU and three Member States (UK, Netherlands, Italy).

In 2005, the European Commission resumed development assistance to Sudan after a 15 year break to support implementation of the CPA. Cooperation with Sudan was intended to deliver peace dividends to the most vulnerable people in the conflict-affected areas (Darfur, South Sudan, Eastern Sudan and the Transitional Areas), to support a gradual democratic transition and to contribute to sustainable, pro-poor development.

In the same year, an EU Special Representative for Sudan (EUSR) was appointed to reinforce the EU's diplomatic links in Sudan and the EU presence at international level, as well as improving overall coordination with key external actors and in Brussels. This post was held by Pekka Haavisto (Finland) from 2005-07, Torben Brylle (Denmark) from 2007-10 and Rosalind Marsden (UK) from September 2010. In November 2010, the High Representative established a Sudan Task Force under the chairmanship of the EUSR to strengthen coordination among EU actors dealing with Sudan.

The EU has been actively involved in Sudan during the CPA period. The EU pressed hard for the expansion of political space and respect for basic freedoms in the run-up to and after the April 2010 elections. It provided technical and financial support to the elections and deployed a large Election Observation Mission. This Mission drew attention to significant flaws in the conduct of the elections.

The EU also provided funding and technical expertise to support the South Sudan Referendum Commission in Khartoum and the South Sudan Referendum Bureau in Juba; and deployed a large Electoral Observation Mission to build confidence in the Referendum process.

With the escalation of the Darfur conflict in 2003/4, Darfur came to feature prominently on the EU agenda. The EU and Member States provided 440 million Euros in support to the African Union Mission in Darfur (AMIS) from 2004 until 2007, including funding personnel costs, equipment and training. In March 2006, the EU convened a meeting in Brussels with Sudanese Vice President Ali Osman Taha, Konare (AU), Zoellick (US) and Annabi (UN), which paved the way for the transition from AMIS to the hybrid UN/AU Mission (UNAMID). On the political track, the EU focused on the need to cease hostilities and reach an inclusive, comprehensive settlement that addresses the root causes of the conflict. The EU has given strong support to the Darfur peace talks in Doha and the work of the current UN/AU Chief Mediator, Gibril Bassole, and has urged the armed movements to join the process. The EU was amongst the first to recognise the need to encourage greater involvement by Darfuri civil society in the peace process by supporting the Darfur-Darfur Dialogue and Consultations and other civil society initiatives from 2007 onwards.

Following the indictment by the International Criminal Court of Ahmed Haroun, then Minister of State for Humanitarian Affairs, and former Janjaweed Commander Ali Kushayb, and the subsequent indictment in March 2009 of President Bashir, the EU and Member States have consistently called on the Government of Sudan to cooperate with the Court.

The EU has also raised concerns about the human rights situation in Sudan more generally, including the continued targeting of civilians and use of militias in Darfur, the detention without trial of human rights activists, journalists and opposition politicians and the non-accountability of the security forces. The EU lobbied for the extension of the mandate of the UN Special Rapporteur on Human Rights and, subsequently, the UN Independent Expert on Human Rights in Darfur.

The relationship with Khartoum has been strained, inter alia, by EU support for the ICC and human rights and by obstacles to humanitarian access in Darfur, including the expulsion of leading international NGOs in March 2009. But this has been counterbalanced by EU support for CPA implementation and the Darfur peace process, assistance for vulnerable populations in the Transitional Areas and the East, continued efforts to engage the Government of Sudan in a dialogue and strong people to people links.

The EU's overall policy towards Sudan was set out in a discussion paper on the EU's future engagement towards Sudan circulated on 20 July 2010. The EU's vision was described as being "the development of a peaceful and prosperous Sudan in a stable

regional setting, notably through full implementation of the Comprehensive Peace Agreement and agreement on post-referendum modalities".

At the Foreign Affairs Council on 26 July 2010, EU Foreign Ministers agreed that the EU should pursue the following objectives:

- "implementation of outstanding CPA priorities, including conducting timely referenda, and post-referendum modalities
- stability, security and development in Sudan regardless of the outcome of the referendum on South Sudan's self-determination; maintaining and improving relations with both Khartoum and Juba
- security and a political resolution to the conflict in Darfur
- addressing the root causes of conflict in Sudan, including the marginalisation of peripheral regions
- justice, reconciliation and respect for human rights, including full collaboration with the International Criminal Court
- humanitarian access throughout Sudan."

The EU's policy towards Sudan is set out in detail in the Foreign Affairs Conclusions of 26 July 2010, 22 November 2010, 13 December 2010 and 31 January 2011 and in the High Representative's statement on behalf of the EU on the occasion of the announcement of the final results of the South Sudan Referendum on 7 February 2011. The HR stated that the EU fully respected the outcome of the referendum as a true reflection of the democratically expressed wishes of the people of Southern Sudan and looked forward to further developing a close and long-term partnership with Southern Sudan which was set to become a new state once the CPA expired in July 2011. The EU remained committed to engage both North and South Sudan in the promotion of democratic governance, respect for human rights and a peaceful and prosperous future for all Sudanese people. In this context, the EU would step up its dialogue with both North and South and was ready to play its part in underpinning the development of two viable states.

The UK, together with other EU Member States, has been closely involved in the formulation of EU policy towards Sudan. Sudan has been on the Foreign Affairs Council agenda five times in the last 12 months and is frequently discussed in Working Groups and the Peace and Security Council in Brussels. The UK takes an active part in these discussions as well as in meetings of EU Heads of Mission in Khartoum. The EUSR for Sudan is also in close touch with the UK Special representative for Sudan and Special Envoys from other EU Member States. ECHO collaborates closely with DFID on advocacy for humanitarian space in Darfur.

The EU's High Representative for Foreign and Security Policy has discussed Sudan with a range of international actors including the UN Secretary-General, President Mbeki and President Obama. The High Representative attended the High Level Meeting on Sudan

in New York on 17 September 2010 chaired by Ban Ki-moon and attended by President Obama.

Commissioner Georgieva visited Sudan in June 2010.

The EUSR for Sudan has a regular dialogue with Presidential Advisers and Ministers in the Government of National Unity in Khartoum, First Vice President Salva Kiir and Ministers in the Government of Southern Sudan, other senior figures in the National Congress Party and the SPLM, leaders of opposition parties, the Darfuri rebel movements, human rights activists and lawyers, local NGOs, journalists, academics and women's groups. The EUSR and the EU Head of Delegation in Khartoum both participate in meetings of the Assessment and Evaluation Commission with the Sudanese parties to the CPA and other international actors. (See answer to question 6 for coordination with other international players).

2. What specifically is the EU's policy on preventing conflict and building peace between north and south Sudan and to what extent is it successful? How could the EU's policy be improved? What kind of support is the EU providing to the AUHIP? What are the implications for the EU's effectiveness following its support for the indictment of President Bashir by the International Criminal Court?

The EU's policy on preventing conflict and building peace between North and South Sudan is based on support for full and timely implementation of the CPA, the establishment of constructive relations between North and South in the longer term through the negotiation of post-referendum arrangements and resolution of the Darfur conflict.

The EU has used its dialogue with the Sudanese parties to the CPA to urge them to fulfil their commitments under the peace agreement. The EU has expressed particular concern about the need to find an equitable political solution to the problem of Abyei, and has urged the parties to exercise restraint when violent incidents have occurred.

The EU has contributed to conflict prevention and peace-building between North and South by supporting the UN Mission in Sudan (UNMIS), which was established in March 2005. Over 40% of the costs of UNMIS are funded by EU Member States through assessed contributions. The EU welcomes the strong leadership shown by the UN SRSG Haile Menkerios.

The High Representative took part in the UN Secretary-General's High Level Meeting on Sudan in New York on 17 September 2010, which sent a clear message to the parties about the need for a peaceful, credible and on-time Referendum. Similar messages were reflected in a series of Foreign Affairs Council Conclusions in November

and December 2010 and January 2011. Consistent international pressure, including from the EU, was an important factor that contributed to the success of the Referendum.

The EU has drawn on the following instruments to support conflict prevention and peace building:

- An intervention (3 million Euros) under the Instrument for Stability to support AU/UN efforts to facilitate the Darfur peace process. The activities include strengthening the capacity of the Joint Mediation Support Team, facilitating the preparations of the parties for negotiations, consultations with civil society, confidence-building measures and public information);
- A second intervention (15 million Euros) under the Instrument for Stability to support the referendum and post-referendum process, the provision of basic services in South Sudan as a peace dividend and support to the AU High Level Implementation Panel (see below).
- Support under the Peace Building Initiative to encourage dialogue between the parties to the CPA. The successful Concordis project, funded with 2 million Euros from the 9th EDF, focused on promoting cross-border dialogue between communities in the North-South border area to generate local stabilisation proposals.

During the run-up to South Sudan's independence and beyond, the EU will step up its support for stabilisation and development. Interventions could specifically focus on the border region and the security sector.

The EU has supported the efforts of the AU High Level Implementation Panel (AUHIP) led by President Mbeki to resolve outstanding CPA issues such as Abyei, North-South border demarcation and Popular Consultations in Blue Nile and Southern Kordofan and to facilitate negotiations between the parties on post-referendum arrangements that would sustain the North-South relationship in the long-term.

EU support is financial (1.4 million Euros from the Early Response Mechanism of the African Peace Facility), technical (through the provision of experts on specific subjects relevant to the post-referendum negotiations) and political. The High Representative welcomed the AU's announcement in mid-November that some progress had been made on a Framework Agreement setting out principles for good neighbourly relations between North and South Sudan.

However, considerable work remains to bridge the gaps between the CPA parties on post-referendum issues such as oil, currency, debt, security arrangements in Blue Nile and Southern Kordofan and future arrangements on citizenship. The still unresolved issue of Abyei is a particular concern.

In the past, the EU supported UNDP's Interim Disarmament, Demobilisation and Reintegration Programme as part of its conflict prevention and peace building efforts (see answer to question 8 below).

The fact that the GoS is not cooperating with the ICC has had a considerable impact on the EU/Sudan political dialogue and development cooperation. There is no longer a structured political dialogue with the GoS under Article 8 of Cotonou (although this was always very formal and not particularly productive). The EU has a policy of avoiding all but essential contact with ICC indictees, in line with the ICC Prosecutor's request to the UN Security Council. This has had implications for the EU's engagement with President Bashir, although the EU has continued to engage with a number of his senior advisers.

The ICC indictment has had a seriously negative impact on the humanitarian presence and capacity in North Sudan since March 2009. Humanitarian space in Darfur has significantly shrunk.

3. What development and humanitarian aid does the EU provide to Sudan, north and south? How effective is the EU's aid in contributing to the avoidance of conflict and maximising the opportunities for peace-building? Is the aid reaching the people, and serving the purpose for which it is intended?

Given the scale of humanitarian needs, Sudan has been one of the European Commission's largest country programmes in recent years with annual funding levels exceeding 100 million Euros. The bulk of this assistance has been for Darfur but the allocation to the South has increased, together with needs, since 2009. The Commission has eight technical experts present on the ground.

In the South, the priority between 2005 and 2009 was to support the reintegration of returnees. With the increasing number of emergencies linked to inter-tribal fighting and food insecurity from 2009, ECHO increased its focus on preparedness and emergency response.

The Commission also supported humanitarian contingency plans in the run up to the South Sudan Referendum by providing an additional 17 million Euros to support key humanitarian pipelines by pre-positioning of food and non-food items.

The European Commission mobilised €400 million of development assistance for Sudan under the 9th EDF, of which 45% was allocated to South Sudan. The decision by the Government in Khartoum not to ratify the revised Cotonou agreement (because of a clause requiring cooperation with the ICC) meant that Sudan has not been eligible for the 336 million Euros (earmarked for the period 2008-2013) to which it would otherwise have been entitled under the 10th EDF.

Ongoing cooperation is therefore limited to projects still being funded from the 9th EDF (most of which will be completed in 2011 and 2012.) and horizontal budget lines such as the Instrument for Stability and the European Instrument for Human Rights and Democracy.

However, the EU has mobilised an additional 150 million Euros from 9th EDF de-committed ("special") funds to assist war-affected populations in Sudan, including in the South, the East, the Transitional Areas and Darfur. Following a Council decision in July 2010 these funds have been allocated to agriculture development/food security, delivery of basic services and the promotion of democratic governance. 60% of these funds are earmarked for the South.

The perspective of continuing development cooperation with Khartoum in the framework of Cotonou appears difficult and innovative ways to maintain the relationship will have to be explored. On the other hand, following independence, South Sudan is expected to apply to become an ACP country, ratify the Cotonou Agreement and thus become eligible for EDF funding.

The EU's current and future development aid is intended to bring a peace dividend to the people in those areas of Sudan, both in the North and in the South, most affected by war. The EU contributes to conflict prevention and peace-building by improving food security, rural development and the delivery of basic services. In Darfur and South Sudan, half the population are dependent on what is currently the world's largest food aid operation.

The provision of basic services such as water helps to reduce the risk of conflicts driven by competition over resources. Similarly, in areas which receive large numbers of returnees, provision of services is likely to reduce tension between returnees and host communities.

When humanitarian actors still had access to rural areas of Darfur, ECHO was able to fund organisations supporting nomads and rural communities, thereby reducing the risk of further large-scale displacement.

The European Commission takes a number of measures to ensure that its humanitarian aid reaches the intended beneficiaries. Implementing partners have the obligation to report regularly on the progress of operations and beneficiaries reached. The Commission has eight technical experts present on the ground, whose job it is to monitor the operations and verify whether aid is reaching the most vulnerable. In Darfur, given access constraints, the Commission applies additional controls to make sure implementing partners have the necessary operational capacity to reach the intended beneficiaries.

4. How is the EU engaging with Member States and other aid donors to ensure maximum efficiency? What, if any, problems are created by the absence of a new EU Country Strategy Paper and the way in which resources are allocated to Sudan under the European Development Funds?

EU support to Sudan is frequently discussed in Brussels in the Council working groups. On the ground, the EU delegation and EU Member States' Embassies meet regularly to

exchange information and coordinate their programming priorities. In Juba, six EU Member States are co-located in the same compound with ECHO and the EU Delegation Juba office.

At the 22 February 2011 Informal Development Ministers' Meeting in Brussels, EU Member States agreed to pursue a "joint programming" approach for South Sudan.

Coordination with other donors is also taking place through high-level visits to Brussels and on a regular basis in Khartoum and Juba, including through participation in the "G6" Group of major donors (US, UK, UN, World Bank, EU, Norway) and participation in sectoral working groups involved in preparing the Government of Southern Sudan's Three Year Development Plan (2011-13).

In September 2010, the European Commission hosted a high-level conference in Brussels with other international donors on strengthening South Sudan's core governance functions in the period up to July 2011.

Programming large-scale development assistance for South Sudan will be a particular challenge given its huge development needs, weak administrative structure and lack of state capacity. Innovative ways to channel development aid effectively will need to be explored given the so far disappointing performance of the Multi-Donor Trust Fund.

Multi-annual programming of EDF funds for South Sudan will have to await the accession of an independent South Sudan to the Cotonou framework. In the meantime, the European Commission has produced an ad hoc programming document (adapted to the structure of a Country Strategy Paper) for the 150 million Euros "special funds" programme, which could be a starting point for assessing further programming needs. The Government of Sudan's Three Year Development Plan (expected to be ready in May) will also be a key reference document for planning and programming development assistance for South Sudan. The EU has the sectoral lead on natural resources.

5. How successful has the EU been in its policy of upholding the principles of accountability, justice and reconciliation as part of its peace-building efforts? How does the EU intend to deal with the problem of corruption?

The EU has been a pioneer in supporting justice and reconciliation as part of peace-building through its support for a North-South cross border cooperation project implemented by the NGO Concordis.

For the past five years, the European Commission has supported a range of projects in the field of governance including capacity-building and infrastructural support under its Transitional Programme for Post-Conflict Rehabilitation and Capacity-Building in Sudan (RECAP- 70 million Euros). Capacity-building projects in South Sudan have benefitted the GoSS Ministry of Legal Affairs and Constitutional Development, the judiciary and the South Sudan Legislative Assembly. The GoSS has asked the EU to continue its support

to the governance sector, which is fundamental to laying the basis of a democratic system.

Under the Special Fund for Sudan, the allocation aimed at strengthening democratic governance will include activities contributing to accountability by enhancing the capacity of the anti-corruption structures at GoSS level and in the ten states and supporting awareness raising about anti-corruption measures.

Together with other major development partners, the EU has also urged the GoSS to create a mutual accountability framework in the Three Year South Sudan Development Plan. The EU recognises the need for a holistic approach to deal with the problem of corruption including through the strengthening of procurement processes and public sector financial management to allow tracking of how money is spent, the establishment of an effective Auditor-General's Office and Anti-Corruption Commission and the empowerment of civil society, the media and legislative assemblies to exercise effective oversight.

6. How does the EU coordinate its activity with that of the UN and other major players, (the AU and other regional organisations, Sudan's neighbours, the international troika (UK, Norway and US), members of the UN Security Council)?

Sudan is on the agenda of nearly all EU high level political dialogue meetings with major international partners, including the African Union, UN, P5, South Africa and Norway.

The EUSR coordinates its activity with major players mainly through the EUSR for Sudan. The EUSR is in touch with Special Envoys and Africa Directors from other EU Member States (UK, Netherlands, Sweden) and maintains close working relations with Special Envoys from the US, China, Russia, Norway, Canada, Japan, the African Union and the League of Arab States.

The EUSR takes part in meetings of the E6 (P5 plus EU) Special Envoys. The most recent E6 meeting took place in Doha in December 2010. The EUSR met P3 Special Envoys in the margins of the AU Summit in Addis Ababa on 31 January 2011 and took part in a wider meeting of Special Envoys (E6 plus Canada, Netherlands, Sweden, Japan, Arab League) convened by Joint Special Representative Gambari in Nyala on 18 February to discuss the Darfur peace process.

The EUSR is also in close touch with the Special Representative of the UN Secretary-General Haile Menkerios and his team in Khartoum and Juba, the UN/AU Joint Chief Mediator for Darfur, Gibril Bassole, and Qatari Minister of State for Foreign Affairs Al Mahmoud, the AU High Level Implementation Panel led by President Mbeki and his team, the UN/AU Joint Special Representative for Darfur Ibrahim Gambari and with international NGOs.

Close coordination with key players is also ensured through the work of the EU Delegation in Khartoum and its office in Juba. The EU Delegation meets regularly with EU Heads of Mission in Khartoum to discuss the latest political developments and the appropriate EU response. The EU office in Juba is co-located with the offices of several Member States in the same compound.

The EU Delegation in New York is in close contact with DPKO and OCHA and UN Security Council members over Sudan-related business in the UN. The EU Delegation in Addis Ababa also maintains close contact with Jean Ping, the Chair of the AU Commission, and Ambassador Lamamra. There is also an informal coordination group meeting under Norwegian leadership in New York, which brings together key partners, including the EU, the UK, France, Germany, the Netherlands, the US as well as UN agencies and the World Bank.

7. What support is the EU providing for security sector and rule of law reform in south Sudan? Is the EU providing support to regional disarmament and reintegration initiatives in south Sudan, and if so, are these proving successful?

The GoSS has repeatedly emphasised the need for capacity-building in core governance functions, including security and rule of law. The EU's support (to date) for rule of law is covered in the answer to question 5. In the security sector, the European Commission has provided support for DDR (see below) and demining. A 5 million euro project, which ended in December 2010, supported the deployment of landmine impact survey teams, marking and/or clearance of high priority areas and raising mine awareness and mine clearance local capacity.

Governance and rule of law is one of the areas already highlighted for support under the "Special Funds" programme for South Sudan. An EU inter-services mission visited Juba in February 2011 to make a preliminary assessment of possible EU support to an independent South Sudan. It concluded that South Sudan would face significant stabilisation and state-building challenges for a number of years; and that the EU should do more to try to manage conflict risks, particularly in the volatile North-South border area; and that the EU should use its range of instruments to support stabilisation in the South, working closely with the UN and other donors and taking account of the GoSS's own priorities. The Mission identified a number of possible options for additional EU support.

The UN Development Programme has suggested that the EU engage in building up the justice sector in South Sudan after independence. DPKO has also indicated an interest in such an EU action. An engagement could be possible, for example in the framework of CFSP. EU Member States have so far not taken a decision on such an engagement.

As part of the EU's support for the security sector, the EU and some EU Member States have been supporting UNDP's Interim Disarmament, Demobilisation and Reintegration Programme for ex-combatants in South Sudan and the Three Areas, as one of the pillars of the CPA, to contribute to peace-building and conflict prevention. Unfortunately, this programme has stalled due to lack of political will by the two CPA parties to commit to a DDR process that would meaningfully reduce their military capability in advance of the referendum and practical problems with implementation. Short-term reinsertion benefits could not meet the expectations of veterans in the absence of any structure for long-term pensions and the limited absorptive capacity of local economies to support alternative livelihoods. In February 2011, donors and the GoSS requested suspension of the programme. It is currently under review.

8. How united is the EU in its attitude towards Sudan? If there are differences of approach between Member States, where do they lie? What are the EU Member States' main commercial interests in Sudan, including in the energy sector? How does this affect UK and EU policy-making towards Sudan?

There are no major differences between EU Member States in their approach to Sudan. The existence of a broad consensus is reflected in Foreign Affairs Council Conclusions over the last year.

The main areas of opportunity for foreign investment in Sudan are oil and gas, agriculture and construction. Sudan is not currently a major trading partner for the EU but some member states do have commercial interests in the energy sector. For example, the French company Total SA has a concession in Block B in Jonglei State in South Sudan. It is due to start exploration by April 2011. In August 2010, the Finnish company, Fenno Caledonian, signed an oil and gas exploration agreement for Block 10 in the eastern part of North Sudan; and also has a stake in Block 14 in Northern state. In July 2010, the Luxembourg-based company, Star Petroleum, signed an oil exploration contract in Block E, which covers five states in South Sudan and Darfur.

Commercial interests do not significantly affect EU policy-making towards Sudan. EU policy is driven by the imperative of humanitarian assistance, conflict prevention, human rights and democratic transformation rather than commercial interests.

9. Which countries export arms to Sudan? Is the EU taking steps to stop the import of arms into Sudan? How effective is EU action to address the problem of small arms and light weapons (SALW) in Sudan?

The EU is concerned about the proliferation of weapons, including small arms and light weapons, in Sudan. In 1994, the EU imposed an arms embargo on the whole of Sudan, which has been applied ever since (Council Decision 94/165/CFSP, Council Common

Position 2004/31/CFSP and Council Common Position 2005/411/CFSP). By enforcing its arms embargo, the EU and its Member States are contributing to reducing the number of arms entering Sudan.

The EU supports the work of the UN Panel of Experts on Darfur, which has investigated alleged breaches of the UN arms embargo on Darfur and reported them to the UN Sanctions Committee. However, due to lack of consensus in the Committee, the 2010 report of the Sudan Panel of Experts has still not been published. According to the 2010 Annual Report of the Sanctions Committee, the Panel of Experts described continued violations of the arms embargo.

10. Are the activities of the EU and its Member States and China complementary or in conflict?

Given China's substantial commercial investments in both North and South Sudan, the EU and China share a common interest in peace-building and the establishment of positive post-referendum relations between North and South. China is supportive of CPA implementation. A Chinese monitoring team observed the South Sudan Referendum and welcomed the successful completion of the process.

China and the EU also share a common interest in a comprehensive and sustainable peace settlement in Darfur.

China has had a close strategic partnership with the Government in Khartoum since the 1990s. More recently, it has also established a Consulate-General in Juba. China has invested heavily in the energy sector (mainly oil exploration and refining) and agriculture and has provided large concessional loans for big infrastructure projects, particularly dams, roads and bridges. In this respect, China's activities are complementary to those of the EU and its Member States, who have focused more on humanitarian assistance, capacity-building, governance and human rights. China provides direct funding to Government Ministries, whereas the EU and its Member States fund projects through NGOs and international organisations.

The EU has close contacts with Chinese counterparts bilaterally and through the E6.

Memorandum by Øystein H. Rolandsen, Peace Research Institute Oslo (PRIO) (SUD 6)

1. I am a Senior Researcher at PRIO and a specialist on Sudanese current affairs and contemporary history. My research interests include civil war, peace negotiations, international aid and regional security. Important aspects of EU-Sudan relations have already been addressed and debated in two public hearings (27 January and 10 February 2011). I will comment on three topics related to this inquiry: a brief historical review of international engagement with the Sudan; challenges related to its EU's future engagement in the Sudan; finally, how EU and its member countries should address the challenges confronting the Sudan. The Norwegian Peacebuilding Centre (Noref) has kindly facilitated the preparation of this document.

International engagement with the Sudan in a historical perspective

2. Sediments of past interaction have ingrained a number of countries with considerable vested interest in the Sudan. Control of up-stream Nile resources and colonial ambitions were important, interwoven motivations for the United Kingdom and Egypt's initial involvement in the Sudan. Missionary activity contributed towards raising interest and awareness of the Sudan in European countries like Italy and the UK, but also in the United States. Following the Sudan's independence in 1956, the Sudan was a part of the cold war competition between the United States and the USSR for influence in Africa. Neighbouring African countries such as Ethiopia, Kenya, Uganda and D. R. Congo have had strained or neutral relations with the Sudan, oftentimes influenced by their considerable tacit sympathy for the population in the South. From the late 1960s, Israel supported the first rebel movement in the South. The first peace agreement in the South (1972-83) opened up for a broader international involvement both in terms of provision of international aid and potential exploitation of oil and other natural resources. The US and the UK strengthened their engagement, and also France (oil) and Norway (aid) became involved.

3. The second civil war in Southern Sudan contributed significantly to elevate the Sudan question to a prominent place on the international agenda. The war was long-lasting, brutal and embodied a number of issues that triggered internal involvement (*inter alia*, large scale hunger, religious conflict, slavery, oil). The UN led Operation Life-line Sudan (long-lasting coordinated aid effort to war affected areas) and the IGAD Partnership for Peace (a forum for international support to peace negotiations) became entry points for international involvement. EU and several member countries focused its efforts on humanitarian support as a part of the UN effort, while the Netherlands, the UK and Italy were also involved in supporting the peace negotiations. Following the disengagement of Western oil companies in the late 1990s, Chinese state oil companies and the Chinese government have become key-partner for the Government in Khartoum.

4. A 'Troika' (The US, the UK and Norway) crystallised in 2001 – 2002 when the IGAD peace process changed gears and the negotiation of what was to become the

Comprehensive Peace Agreement (CPA) started in earnest. Yet, the role of the IGAD countries, Kenya in particular, must not be underestimated in this process. Concerned home constituencies, political ambition and long-term engagement are important reasons why the Troika-countries took the lead in the process. The Troika co-ordinated the countries' political and technical/financial support to the CPA negotiations, thereby ensuring a constructive and relatively streamlined engagement from these countries. The Troika was less active during the interim period starting in 2005, but the US in particular has stepped up its involvement in the last year. AU has become an important factor in political developments in the Sudan. In the South, AU with the AUHLIP is increasingly taking over the role played by IGAD during the peace negotiations. With the mediation failures in Darfur fresh in mind, there is still considerable scepticism towards AU's ability to deliver results which match its ambitions.

Constraints on EU's Engagement in Political Process in the Sudan

5. The principles for any external entity to engage productively with political processes in the Sudan are flexibility, long-term perspective and consistency. EU's structure and *modus operandi* makes it difficult to fulfil these.

6. *Flexibility*: Sudanese politics are unpredictable and crises occur frequently. To be relevant as an external facilitator in political processes in the Sudan, it is necessary to have a certain degree of political room for manoeuvring and the possibility on short notice to engage politically and to mobilise competent personnel and flexible funding. EU currently seems to lack the flexibility and agility required for actively engaging in political processes in the Sudan. Decision-making processes in the EU appear to be characterised by production of extensive documentation and elongated deliberations, a strong emphasis on rules and regulations, and avoidance of policies and actions perceived to be beyond a consensus among the member states. The difficulties related to provision of development assistance from EU caused by the Sudan's non-signature of the Kotonou agreement illustrate this point (see Questions 85-89 in oral evidence).

7. *Long-term perspective*: Northern and Southern Sudan need international partners willing to engage consistently over a long period of time. Occasionally, events and processes in the Sudan receive global attention and myriads of external parties converge on the processes. The latest instance was the referendum in January. But most of the time the Sudan is below the international radar and receives little attention; it is in these periods assistance is most needed. In the years after the signing of the CPA, the crucial implementation phase of the peace agreement was given insufficient attention by external partners. The pressure on the parties to 'make unity attractive' was limited. The international focus on Southern Sudan will probably subside after the declaration of independence. It is also likely that international support will dwindle, and budgets and attention will be directed elsewhere. A long-term engagement with political processes in the Sudan requires dedicated personnel at the diplomatic and political level, substantial physical presence and multi-year

programmes/budgets. These partners cannot expect spectacular political victories. In a political climate demanding short-term quantifiable results it might be difficult for EU to justify a long-term engagement with diffuse goals and few instant achievements.

8. *Consistency and co-ordination*: The Sudan does not lack solutions to its political problems, but sufficient incentive and political will to implement these solutions. The role of the external actors is in most cases two-fold: to apply pressure on political leaders in the Sudan to take bold political steps, and to assist in elaboration of solutions and developing technically sound ways of shaping and implementing political compromises. The CPA negotiations and the referendum are examples of such processes. However, for the international effort to be efficient it is necessary for the actors involved to be consistent over time and to ensure that everyone is pulling in the same directions. When external actors launch new negotiation forums or alternative solutions to problems, this opens the opportunity for the Sudanese actors to engage in forum shopping and to drive wedges between groups of international actors. A more active engagement from EU in political processes in the Sudan faces two challenges: how to ensure a consistent policy over time and how to engage in active co-ordination with other external entities involved in the process. Moreover, a possible challenge for EU to become an independent actor in the Sudan setting is the UK and other member countries bilateral relations and political involvement in the peace processes in the Sudan.

EU's Future Engagement with the Sudan

9. EU's engagement in the Sudan has been covered in statements made in the public hearings, in particular the evidence provided by Sara Pantuliano, 10 February. In brief, EU has focused its efforts in the Sudan on the aid dimension, while the more political processes have been handled by member countries. In the period after the signing of the CPA, EU has moderately increased its engagement at the political level (e.g. a more active envoy, observation mission to election, support to local conflict resolution). There seems to be little question of whether EU should continue its provision of humanitarian aid and development partnership. The main issue is whether EU should have a more active role in supporting political processes in the Sudan. The successfully executed referendum over the future of Southern Sudan resulted in an overwhelming majority vote in favour of secession, but the two emerging states (Northern Sudan and Southern Sudan) face a number of challenges. An assessment of increased EU engagement in political processes in the Sudan must be related to these inter-linked political challenges faced by Sudanese leaders and the Sudanese people, but also how to utilise EU's specific competence and historical experience.

10. *The secession process*: One immediate challenge is the negotiations over the terms of Southern Sudan's secession. EU may have a facilitating role in the process of negotiating the terms of secession and in establishing future modalities for political and economic interaction between the North and South. Flexible funding and technical assistance to the AUHLIP will be important in the difficult negotiations to come. Based on EU's background as a political federation it might contribute in developing models for future political interaction between

the new states. The complicated multi-layered issue of Nile Water distribution is one policy sectors where EU experience and expertise may become useful.

11. *Northern Sudan*: Another challenge is to ensure stability and to facilitate political reform in Northern Sudan. As the civil war in Darfur and the secession of the South testify to, the Sudan is a deeply troubled state kept afloat by oil income and rife with corruption and unchecked violence. Any debate over the fragility of the Sudan as a whole has been overshadowed by the discussion over Southern Sudan's viability as an independent state. Yet, the NCP regime in the North is under pressure. As a state construct, the Sudan is fundamentally flawed with a strong concentration of power and economic development in the centre, and large under-developed peripheries. Regime changes elsewhere in the North Africa are a source of inspiration for oppositional elements in Khartoum, and the Southern secession has strengthened demands for regional autonomy in northern peripheries. In the months to come the NCP regime must choose either a soft-line and accommodate the opposition with the aim of long-term fundamental change, or they will continue today's hard-line of stifling dissent and basing its limited legitimacy on its Islamist credentials. A long-term, deep involvement by international actors is necessary to assist leaders in Khartoum towards a sustainable political development. Experiences made during EU's assistance to reform in Eastern European countries over the last decades may be valuable in this setting.

12. *Southern Sudan*: A third difficult and long-lasting challenge is the numerous political, administrative and economic problems facing the Government of Southern Sudan in the process of building a new state. There is a long and difficult road from a *de jure* independent Southern Sudan to a *de facto* sovereign state. The new country needs to assert its sovereignty vis-à-vis neighbouring countries and other foreign entities, and it must establish effective governance over its own territory and maintain and expand its legitimacy. This is a tall order and countries that became independent in 1960s continue to struggle with similar challenges. Southern Sudan has one disadvantage compared to the previously de-colonised countries: while these inherited a fully manned although lean state structure, there is very little for the new Southern Sudanese state to build upon. Moreover, the Sudan People's Liberation Movement has been the dominant political force in the South for several decades, and the war and the uneasy peace have dictated a temporary broad political coalition. The establishment of the new state is an incentive for political pluralism and competition, but a transition to a genuine multi-party system within a highly militarised society is challenging. In this regard EU may have resources and competence to offer in two important processes that require external assistance: developing a professional Southern Sudanese diplomatic corps and effective foreign policy apparatus, and, a politically and administratively sound process of decentralisation and devolution of power within Southern Sudan.

Memorandum by Saferworld (SUD 9)

Introduction and summary

Despite the civil war between North and Southern Sudan being formally brought to an end with the signing of the Comprehensive Peace Agreement (CPA) in 2005, the situation in Sudan has remained fragile and there has been only slow progress during the period of CPA implementation towards addressing the root causes of conflict.

Research suggests that around 40% of post-conflict countries slide back into conflict within a decade.⁹ Sudan cannot be strictly described as ‘post-conflict’ – indeed, at any given time, different regions of Sudan may be a complex tangle of ‘pre-’, ‘mid-’ and ‘post-’ conflict. However, the fragility of the peace that *has* been achieved in Sudan demands international attention if an escalation of violence is to be prevented, and the EU can make a significant contribution to this goal.

Through the introduction of its External Action Service (EAS), the EU has the opportunity to play a much more significant role in Sudan after the conclusion of the CPA period. The establishment of the EAS will enable a more coherent approach between member states, including making the necessary links between humanitarian aid and political engagement. It should also represent the interests of Member States at the intergovernmental level, for example with the African Union, Intergovernmental Authority on Development and the United Nations.

The rest of this submission is organised into the following sections:

- I. Causes of conflict and insecurity in Sudan

2. The EU’s role in conflict prevention and peacebuilding in Sudan
 - a. Development assistance
 - b. Disarmament, demobilisation and reintegration
 - c. Security sector reform
 - d. Arms control

3. China’s role in Sudan

I. Causes of conflict and insecurity in Sudan

⁹ Collier, Hoeffler, and Söderborn (2007) – *Post Conflict Risks*
www.hgu.se/Files/nationalekonomi/Personal/Soderborn/winprogress/postconflict07.pdf

As well as tensions between the North and South, continuing armed violence in Darfur and in Jonglei, Lakes, Unity, Upper Nile, Warrap and Western Equatoria states in the South create insecurity for large portions of the Sudanese population. The recent referendum on independence for Southern Sudan was a major achievement and conducted more peacefully than was feared by many (despite some violent clashes in the border areas). However, the possibility of an increase in violence in the coming months is significant, given the range of complex issues still to be resolved before the CPA period comes to an end in July 2011 and the challenges inherent in the birth of two new countries following Southern Sudan’s vote for secession from the North.

The following table sets out some of the potential developments which could cause instability in Sudan in the post-referendum period, and Saferworld’s recommendations as to how the EU should respond (some of these responses may be politically sensitive – i.e. some areas of engagement with North – and it is possible that the EU is currently undertaking these without publicising them). This table has been constructed from a conflict analysis conducted in December 2010 based on a review of literature, a series of interviews with local, national and international stakeholders, and discussions with community members in Central Equatoria, Eastern Equatoria and Southern Kordofan states in Sudan.¹⁰

Potential developments	Recommended EU response
Borders and North-South relations	
South turns overly inward (beyond what is needed to address internal challenges) and reduces engagement with North	<ul style="list-style-type: none"> • Take a ‘whole of Sudan’ perspective – remembering all the conflicts across both North and South, and not only concentrating on the state-building project in Southern Sudan <p>The North is likely to be a fragile state with high potential for intra- and cross-border conflict. Similarly, violence in Abyei, South Kordofan and Blue Nile would also undermine stability in the South</p>
Armed groups and/or nomads in Abyei, South Kordofan and/or Blue Nile attack civilians	<ul style="list-style-type: none"> • Prepare to increase funding for a complex humanitarian emergency • Support humanitarian work that builds on the

¹⁰ Saferworld (2010), *Sudan: Hoping for the best, preparing for the worst?*
www.saferworld.org.uk/Sudan_hoping%20for%20the%20best.%20preparing%20for%20the%20worst_final.pdf

<p>and provoke security forces on either side</p>	<p>lessons of Operation Lifeline Sudan and other contexts regarding conflict sensitivity</p> <ul style="list-style-type: none"> • Have strategy ready for meeting heightened humanitarian need with agencies that have institutional policies to prevent them from repeating the costly mistakes of humanitarian aid delivery to previous complex emergencies • Provide humanitarian and protection assistance for population of affected areas, including the displaced • void as far as possible aid provision that facilitates clearing of specific groups from specific areas in indirect support of any actor’s military strategy • Begin early dialogue with armed groups regarding international humanitarian law, distinction between combatants and civilians and obligations to enable humanitarian access and avoid harming civilians – early dialogue should be seen as a <i>preventative</i> measure, rather than reactive
<p>Southerners living in North Sudan are not granted citizenship rights and respond violently</p>	<ul style="list-style-type: none"> • Engage with the North on the citizenship issue to ensure that Southerners rights are not violated and violence prevented
<p>Small-scale formal military engagement for particular oil-fields/border/strategic areas</p>	<ul style="list-style-type: none"> • Apply strong pressure in a co-ordinated way to prevent both parties from taking steps to escalate hostilities, fairly apportioning blame and discouragement based on a neutral weighing of the evidence • Support the closest possible monitoring of the situation on the ground along the border areas
<p>Gradual escalation of violence between SPLA and SAF</p>	<ul style="list-style-type: none"> • Immediately push for Troika to engage both the SPLA, SAF and other relevant parties in dialogue to pursue compromises that enable violence to be mitigated, ended and replaced by inclusive dispute resolution processes to avoid further escalation
<p>Full scale violence between the SPLA and SAF</p>	<ul style="list-style-type: none"> • Undertake outreach and advocacy towards all actors to guarantee humanitarian access and decent treatment of and assistance to the civilian population • Provide humanitarian and protection assistance for population of affected areas, including the displaced, in a way that envisages an exit strategy

	<ul style="list-style-type: none"> • Maintain a focus on the longer term agenda for working towards peace, security and development • Encourage communities to be involved in planning and monitoring what and how assistance is provided • Help communities develop solutions to their own challenges for themselves
<p>North</p>	
<p>Government consolidates centralised, Islamist and authoritarian rule which could precipitate further violent resistance periphery (with other regional actors engaging in support of a faction)</p>	<ul style="list-style-type: none"> • Rapidly engage actors in dispute resolution processes that enable violence to be mitigated, ended and replaced by rule of law • Encourage and support national and local stakeholders to follow through on the implementation of CPA protocols in areas where these have not been fulfilled and remain relevant (such as free and fair elections, popular consultations and the constitutional review) • Support local and national stakeholders to develop and implement new agreements that are based on consultation with and take account of the needs and rights of all groups • Make sure community-based civil society organisations are fully supported to play an active and positive role in preventing conflict and building peace at the local level • Base EU engagement in a more unstable Northern Sudan on sound analysis of the political situation and a genuine understanding of the differences and nuances within and between different factions, rather than relying on broad assumptions about fundamentalism and Islamist/hardline groups <p>Undertake outreach and advocacy towards all actors to guarantee humanitarian access and decent treatment of and assistance to the civilian population</p>
<p>South</p>	
<p>Regular outbreaks of sporadic, isolated incidences of violence related to – for instance – access</p>	<ul style="list-style-type: none"> • Identify ways to encourage communities and GoSS / other security providers to pursue compromises that enable violence to be

<p>over resources (i.e. grazing land, water)</p>	<p>mitigated, ended and replaced by rule of law</p> <ul style="list-style-type: none"> • Ensure that adequate humanitarian assistance is delivered and in recognition of its impact on chances for further violence • Ensure long-term, sustainable and conflict-sensitive development assistance helps address the underlying causes of this violence
<p>Internal divisions in South turn to prolonged violence in specific areas (such as Greater Equatoria, Warrap, Lakes, Unity, where conflict has already been ongoing)</p>	<ul style="list-style-type: none"> • Build on the capacities for peacebuilding demonstrated by Southern Sudanese political and military leaders in the last two decades • Undertake outreach and advocacy towards all actors to guarantee humanitarian access and decent treatment of and assistance to the civilian population • Avoid as far as possible aid provision that facilitates clearing of specific groups from specific areas in indirect support of any actor’s military strategy • Continue to maintain presence, access and focus on development in more stable areas, supporting state-level and local government administrations towards responsive, efficient and accountable delivery of services, including security and justice alongside water, sanitation, health and education
<p>Disagreements over the division of power between ethnic interest groups in local and central government generates conflict</p>	<ul style="list-style-type: none"> • Work with local and central government to promote diversification and good governance

As well as these possible developments, the EU should also seek to address the long-term drivers of conflict in and between both North and South. The following table sets out some of the key drivers of conflict alongside outline recommendations for the how the EU can begin to address them.

<p>Long-term drivers of conflict</p>	<p>Responses EU should include in its strategy and implementation plans</p>
<p>Absence of links between the periphery and the centre in the South</p>	<ul style="list-style-type: none"> • Put diplomatic pressure on GoSS to decentralise government and provide technical assistance to do so • Support the growth of a multi-party system

Marginalisation of the peripheries in the North	<ul style="list-style-type: none"> Put diplomatic pressure on Government of Sudan to decentralise government, invest in economic development in peripheries and negotiate in good faith with rebel factions seeking greater recognition for peripheral regions
Status of Abyei/oil-rich areas	<ul style="list-style-type: none"> Apply pressure to the governments of both North and South to refrain from provoking violence in oil-rich border regions by manipulating armed groups, and pursue compromise over border demarcation
Disagreement on sharing of oil revenue	<ul style="list-style-type: none"> Encourage governments on both sides to diversify sources of revenue to reduce economic reliance on oil
Inequity and lack of conflict sensitivity in basic service delivery	<ul style="list-style-type: none"> Offer assistance to both governments in designing policies to ensure service delivery is conflict-sensitive Ensure that all EU development assistance is conflict-sensitive
Lack of adequate security and justice services in the South	<ul style="list-style-type: none"> Support Government of Southern Sudan to establish security and justice systems which are transparent and accountable to those they serve, learning lessons from existing informal security and justice mechanisms where appropriate
Prevalence of arms owned by civilians in South	<ul style="list-style-type: none"> Assist the Government of Southern Sudan in developing a meaningful framework for small arms control Support programmes for voluntary civilian disarmament, learning lessons from unsuccessful programmes of forceful disarmament undertaken in the past.¹¹
Non-state armed groups that act as proxies for North or South (N.B. it is important to make the distinction between such proxy groups and those that provide 'security services' to communities in the absence of state provision)	<ul style="list-style-type: none"> Apply pressure to the governments of both North and South stop supporting non-state armed groups and pursue compromises that enable violence to be mitigated, ended and replaced by rule of law
Ongoing perceptions of insecurity at the	<ul style="list-style-type: none"> Support communities to identify their security needs and help bring them together with relevant authorities to develop appropriate

¹¹ For further information see Saferworld (2010), *Southern Sudan: Referenda and Beyond* www.saferworld.org.uk/downloads/pubdocs/Southern%20Sudan%20Referenda%20%20beyond.pdf

community-level	solutions
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2. The EU’s role in conflict prevention and peacebuilding in Sudan

It could be argued that the EU’s political leverage in Sudan has been reduced by its public support for the International Criminal Court’s arrest warrant for President Bashir and that, subsequently, its large scale humanitarian and development assistance has been more significant than its role as a political mediator in recent years.

The EU is a major relief and development actor in Sudan, having delivered €650 million of development assistance since 2005, and €776 million in humanitarian aid since 2003. Areas in which the EU has provided assistance include rehabilitation and recovery of war-affected communities and infrastructure, support to CPA implementation, capacity development for non-state actors and public administrations, health, rule of law, media and human rights programmes.

The EU has also provided financial support for better aid co-ordination and management, as well as being active in encouraging the Government of Southern Sudan to identify a comprehensive vision for the post-CPA period, and encouraging co-ordinated donor support to this. However, at present the EU lacks a strategic vision for its assistance to Sudan.

Country Strategy Paper

The EU’s most recent Country Strategy Paper (CSP) was originally intended to cover the period 2005- 2007).¹² The strategy was jointly agreed by the European Council and the Government of Sudan, and was signed on 25th January 2005 in the presence of an SPLM representative. This mobilised €400 million of EC assistance for the period 2005-2007, linked to effective implementation of the CPA and the efforts made by the Government of Sudan and other parties concerned to resolve the conflict in Darfur. The 2005-7 CSP focuses on food security and education, but also includes commitments to support the peace process and peacebuilding initiatives such as demobilisation, disarmament and reintegration (DDR), human rights, democratisation, rule of law and good governance, among others.

¹² European Community and Government of Sudan (2008), *Country Strategy Paper and National Indicative Programme for the period 2005-2007* http://ec.europa.eu/delegations/delsdn/en/eu_and_sudan/agreement_2.pdf

No new CSP has been produced since the previous one expired in 2007. This may in part be linked to Sudan's decision not to ratify the revised Cotonou Agreement – which means that it cannot receive aid under the EU's current main development instrument, the 10th European Development Fund (EDF) for 2008-13. However, the EU continues to disburse large amounts of humanitarian assistance, funds ongoing programmes committed to under the previous EDF, and has been looking at how to disburse further funds to Sudan through its Instrument for Stability (IfS) and European Instrument for Democracy and Human Rights (EIDHR).

Given the EU's ongoing engagement with Sudan, Saferworld believes the EU needs to make it a priority to produce a new CSP in order to provide strategic direction which takes into account the significant developments in Sudan's circumstance since 2007. Only with a thorough analysis of conflict dynamics and a coherent strategy in place can the EU begin to address the root causes of instability in a systematic way.

- ***As a matter of priority, the EU should develop a new CSP for Sudan that is based on a thorough and updated conflict analysis.***

2a. Development assistance

Sudan, especially Southern Sudan, remains extremely under-developed with very poor infrastructure, limited public services and high levels of poverty. In Southern Sudan, people's expectations for development after any successful split from the North are extremely high, often beyond the likely capacity of GoSS to deliver. On top of this, much localised conflict and insecurity stems from competition over resources between communities and insecurity in the absence of adequate security and justice service provision from either GoSS or non-state groups.

The EU's development assistance has the potential to either mitigate or exacerbate all of these dynamics. A crucial part of the EU supporting a peaceful future for Southern Sudan will be ensuring that its development assistance is both conflict-sensitive (i.e. aware of its impact on a very fragile context; aimed at addressing underlying causes of conflict) and effective in delivering sustainable development outcomes.

The EU's strategic approach to development in Sudan to date has been to follow the spirit of the Linking Relief, Rehabilitation and Development (LRRD) principle. Subsequently, support has been given for the rapid delivery of peace dividends in order to prevent new conflict and sustain political support for CPA implementation.

- ***Given the central role that effective, long-term development will play in providing basic services and meeting people's expectations in any new state of Southern Sudan, ensuring that the EU is able to disburse development funds to Southern Sudan, and that its development programmes are fully conflict-sensitive and help address long-term drivers of conflict will be essential.***

2b. Disarmament, demobilisation and reintegration

The previous CSP mandates the provision of assistance for DDR operations 'that could include demining, training of security forces and any other action for which provision is made under Article II of the Cotonou Agreement'. In April 2006, the European Commission (EC) signed a funding agreement amounting to €12 million, with Military Industry Corporation (MIC), to support DDR as part of the EC's support for the CPA.

Given this relatively limited support given to DDR by the EU, it is difficult to assess the impact of this assistance. However, overall, DDR programmes in Southern Sudan, including the UNDP, – have had very limited success, and are viewed by many stakeholders as having been flawed in a variety of ways¹³. It has been argued, for instance, that they have not taken sufficient account of a context in which the CPA parties have been strengthening their militaries against the threat of further civil war and that the lack of a pension scheme has contributed to soldiers being kept on the GoSS payroll rather than be demobilised with no income.

Co-operation between international agencies working on DDR and with other programmes has also been challenging. Interviewees for this study stated that DDR programmes had pursued demobilisation processes that were felt by many SPLA ex-combatants to be perfunctory given the option available to most of returning to mostly welcoming communities and drawing a continued salary and pension. Suitable reintegration packages that are attractive in comparison to remaining on military payrolls or effective in preventing child soldiers from retaining links to the SPLA were also asserted by interviewees not to have been successfully provided. Other analysis has criticised the failure of DDR efforts to build a conducive socio-economic environment for reintegration in receiving communities and link reintegration to broader economic development processes.

The EU should:

¹³ See for instance, *DDR in Sudan: Too little, too late?* Ryan Nichols / *Small Arms Survey*, February 2011
<http://www.smallarmssurveysudan.org/pdfs/HSBA-SWP-24-DDR-in-Sudan.pdf>

- ***support the GoSS and other stakeholders in the ongoing process to clarify the DDR process Southern Sudan needs before developing further DDR programmes***
- ***ensure the sustainability of any subsequent DDR programmes by directly linking them to community development programmes.***

2c. Security sector reform

Security sector reform (SSR) covers the whole range of security actors and institutions, from the civilian to the military and the formal to the informal. It should not be conflated with the narrower area of 'defence transformation' which is a part of SSR but not its entirety.

However, helping Southern Sudan to right-size its defence assets and make the transition towards civilian control and oversight of the armed forces will be critical to the future of the nascent state, which is left with a large army and a range of armed militia groups after 20 years of conflict. Defence spending currently represents around 30% of public spending, but if future conflict is to be prevented, the excessive level of military spending must be reduced to a more appropriate level, the role of security actors within society brought under civilian control and the state must be supported to provide its population with security.

There are significant efforts to support SSR in Southern Sudan, including engagement from a number of donors to support the development of the Southern Sudan Police Service. However, there are also concerns about whether the various security and justice programmes currently underway are working towards a coherent goal. For instance, some SSR programmes seek to develop only the operational capabilities of Southern Sudanese security services. While this is undoubtedly important, such capacity building must be complemented by support to help develop greater civilian oversight, accountability and adherence to international humanitarian / human rights law too.

Following the secession of Southern Sudan, a national vision of SSR based on clear understanding of existing institutions, stakeholder perceptions and public interests is currently being developed by the Government of Southern Sudan, which donors should coordinate their support for over coming years.

The EU does not currently support SSR programmes in Southern Sudan, although does provide support through the EIDHR to improving the judicial system in Northern Sudan.

The EU should:

- ***look at what support it can give to the GoSS as it develops its national vision of SSR and ensure that it promotes key issues such as oversight and accountability of the security sector within this vision***
- ***ensure that any future SSR programmes it develops as part of an updated CSP are coordinated with other donors and support the GoSS vision of national SSR – as long as that vision prioritises issues such as oversight, accountability, and adherence to international Human Rights and Humanitarian law.***

2d. Arms Control

Arms exports to Sudan

In general terms, it is important to underline that accurate assessments are difficult to make because detailed reporting and transparency with regards to arms transfers is generally limited. This is particularly relevant to Sudan, where neither end of the supply chain (Sudan as the final destination and the major providers of equipment to Sudan) reports comprehensively, if they do at all. Sudan does not produce any national report on its imports and has never submitted data to the UN Register of Conventional Arms (UNROCA). Belarus, China, Iran, Russia and Ukraine – the main exporters to Sudan – only do so partially. Submission of data to the UNROCA is not compulsory for States. The picture is especially opaque when it comes to SALW as transfers are more difficult to monitor and reports – when available – less detailed.

Arms transfers to North Sudan (2003 onwards)

The following countries are considered to be the main providers of military equipment to Khartoum: Belarus (mainly armoured vehicles and combat aircrafts), China (mainly SALW and ammunition, but also armoured vehicles, including battle tanks, and helicopters), Iran (mainly armoured vehicles and SALW), Russia (mainly helicopters and aircrafts) and Ukraine (armoured vehicles, including tanks, aircrafts and big calibre artillery systems). SALW exports to Sudan also originated from Egypt, France, Saudi Arabia, Brazil, Turkey and – in smaller quantities – Germany and Italy. Data is mainly extracted from the COMTRADE database, for which data are generated from Custom declarations, therefore only capturing legal and accurately-declared transfers.

According to available information, EU nationals (including UK citizens) and EU-registered companies (mainly based in the British Virgin Islands) have been involved in a number of transfers of military items to Sudan between 2004 and 2005. It should be underlined that since the adoption of the EU Common Position on Brokering, EU Member States should control such activities and authorise brokers to operate (by including the EU Common Position provisions in their national legal system if they do not already have similar existing frameworks). In addition, some of the equipment delivered by Ukrainian companies in 2004 was reportedly originally EU-manufactured (namely in Slovakia) and re-exported after a first export to Ukraine. In 2007 it was reported that Belarus re-exported Slovakian weaponry to Khartoum despite a non re-transfer clause.

Sudan also produces military items locally. In 2007, the Government of Sudan claimed to have the capacity to manufacture a wide range of equipment, from assault rifles and

rocket-propelled grenades (RPGs) to main battle tanks and aircraft systems. While there is no clear evidence to support this statement, several observers consider that the country did make progress in modernising its industrial capacities, especially in the SALW area (in this field, it is important to highlight that national manufacturing capacities have been proved, especially for small calibre ammunition). Even if doubts persist on the real manufacturing capacities, some analysts consider that the national industry appears to be able – at least – to locally assemble systems (using parts imported from elsewhere) and to guarantee maintenance of current stocks of equipment.

Transfers to Southern Sudan (2003 onwards)

Southern Sudan has received military assistance (but not necessarily direct transfers of military equipment) from a number of Western countries, including the US and the UK.

The two major providers of equipment are reportedly Ukraine (mainly tanks and armoured vehicles, anti-aircraft weapons and ammunition, and SALW) and Ethiopia (tanks). European companies and individuals were involved in the transfer of Ukrainian tanks to Southern Sudan through Kenya.

It is difficult to identify the origin of SALW circulating in Southern Sudan, as several routes of trafficking exist in the region (between Southern Sudan, Northern Kenya, Northern Uganda and Somalia). This situation is the result of successive flow of weapons and ammunition to the region – sometimes legally transferred in the first place under government-to-government transfers and subsequently leaked from national stockpiles; attacks on army facilities, for instance, occurred repeatedly in Uganda in the last 20 years.

Non-state armed groups

A number of non-state armed groups are active in the country. These range from organised armed rebel groups (for example in Darfur) to armed tribal groups to more localised community militias (as is common in Southern Sudan). As reported in the UN Panel of Experts' reports on Darfur (2006 to 2009), the majority of the equipment used by armed groups in Darfur originated from government stockpiles in Sudan, Chad, Eritrea and Libya (in order of importance). In some cases, such equipment – transferred into Darfur in violation of the UN embargo – was originally EU-manufactured (e.g. in Belgium, Spain, Bulgaria) and legally transferred before being diverted. In fact it is likely that government stocks, both in Southern and Northern Sudan, represent a major source of weapons acquired by non-state armed groups. It is likely that such transfers may be used as a means of creating instability in either Southern or Northern Sudan if hostilities between the two would escalate.

As noted above, illicit regional flows of SALW are another important source of weapons for non-state armed groups.

Transfers and diversions from Sudan

It should be noted that there exists considerable evidence that the Government of Sudan has consistently violated the UN arms embargo on Darfur by transferring weapons to both military units and armed groups operating in Darfur.

It may be relevant to recall the support the Government of Sudan has offered to the Lord's Resistance Army (LRA) and other non-state armed groups in the recent past. Credible intelligence reports indicated that talks between the Government of Sudan representatives and LRA commanders were held in mid-2010. According to one LRA officer subsequently arrested, the objective of these talks was to see how the Government of Sudan could provide logistical support and protection to the LRA. Even if the case should be considered anecdotal, it should be noted for example that cartridges collected after a wave of attacks on civilians by LRA combatants in the Democratic Republic of Congo (DRC) in early 2009 proved that they were manufactured in Sudan.

Finally, it should also be noted that the UN Group of Experts' reports of 2008 and 2009 on the DRC contain references to transfers of military equipment to the DRC Government that originated in Sudan. Such transfers were in violation of the UN Sanctions regime on the DRC.

EU action to stop the import of arms into Sudan

In 1994 the EU established an arms embargo on Sudan, which was strengthened in 2004. It covers all state and non-state actors operating within the entire territory of Sudan. While the embargo has been effective in preventing direct transfers to Sudan, as the case of Slovakian-produced or designed arms being used by Sudanese Armed Forces suggests, there is scope for improvement in ensuring that final end users and final destinations down the transfer chain are legitimate.

In terms of arms export control, the most effective tool of the EU remains the EU Code of Conduct on Arms Exports. If the EU Code of Conduct was fully implemented, the EU would not need to establish embargoes or specific *ad hoc* measures, as the existence of ongoing instability, armed conflicts or human rights violations in the recipient country represent criteria that should prevent any export from the EU.

EU member states, especially France and Britain at the UN Security Council, play an important role in the support, formation and continued monitoring of the UN arms embargo on Darfur. While continuing such support is important, there are clearly serious gaps in the embargo's mandate, implementation and enforcement that require greater levels of attention.

Effectiveness of EU action on SALW

SALW circulation and uncontrolled movements still represent a problem in Sudan and continue to fuel instability. It is estimated that there are 2 million arms held by civilians in Sudan, which has obvious implications for both human and state security and stability.

The EU has adopted a number of initiatives on SALW: the Common Action in 2002; the EU Strategy to combat the illicit proliferation of SALW in 2005; and a Common Strategy to combat the illicit

trafficking of SALW by air transportation in 2007. In addition, the Instrument for Stability contains some specific provisions on SALW control in the Great Lakes Region. EU Member States are also active participants in the UN Programme of Action on SALW. All these instruments and initiatives concern – to some extent – Sudan.

Material assistance provided by the EU to support efforts to counter the excessive proliferation of SALW has generally given priority to regional approaches and programmes and rarely focuses on a single country. As far as Sudan is concerned, the EU has strongly supported the Regional Centre on Small Arms (RECSA) which operates in the Great Lakes and Horn of Africa Region. For example, the EU has made available \$1.3 million to RECSA in 2009/10. Similarly, the UK and other EU countries have also supported RECSA.

RECSA, however, has not fully implemented work in Sudan and can only take action when requested to do so by Signatory States. Until such time as South Sudan is granted status as an independent state, RECSA faces limits to its intervention in Southern Sudan with a corresponding impact on its effectiveness. However, it should be pointed out that the GoSS 'Southern Sudan Bureau for Community Security and Small Arms Control' ('CSSAC Bureau') is functioning as a de facto focal point for small arms work and works closely with RECSA in this regard. Similarly, whilst progress may not have been as good as hoped for, RECSA have provided the Bureau with two machines for marking small arms which have subsequently been used to mark and record over 30,000 weapons held by the Southern Sudan Police Service¹⁴.

¹⁴ RECSA also provided the training to use these machines and Saferworld provided training on various supplementary issues.

EU member states should:

- **work at the UN to ensure better implementation and monitoring of the embargo on Darfur**
- **ensure that countries importing their defence and security exports are compliant with end-use declarations and take preventive measures at the time of concluding the agreements on transfers (for instance by including ‘no re-export’ clauses in the case of non-compliance)**
- **continue to utilise the Code of Conduct as the primary means through which to prevent arms flowing to Sudan and re-double efforts to ensure the successful agreement of a legally-binding and robust international Arms Trade Treaty at the UN.**

The EU should:

- **seek to work directly with the Government of Southern Sudan on projects that address SALW proliferation, such as the GoSS CSSAC Bureau, while maintaining support for regional initiatives (such as the Regional Centre on Small Arms, ‘RECSA’)**
- **within the UN Programme of Action on SALW framework, give priority to initiatives that focus on delivering concrete impacts for communities rather than regulatory and legislative-oriented action**
- **prioritise opportunities for bilateral engagement with China on best practice to prevent diversion of arms, especially with regards to UN embargoes, and stress to China the benefits of greater transparency, openness and engagement on issues related to arms transfers (see also next section)**
- **engage with China and Southern Sudanese authorities on how the EU and China could jointly support practical initiatives to combat the proliferation of SALW – for instance, joint financial and technical assistance on stockpile management (see also next section).**

3. China’s role in Sudan

While there are clear differences in the content of their relations and the approach they take, China, the EU and its Member States have a shared interest in peace and stability in Sudan. Peace in Sudan, especially between North and South, is directly in China's interests for several reasons: China's energy investments lie in contested border areas between North and South; Chinese citizens have been targeted and violently attacked in Sudan; China has peacekeepers serving in both UN peacekeeping missions deployed in Sudan; and the Chinese Government is keen to be perceived as a responsible power that contributes to peace and security.

Relations with North Sudan

China's bilateral relations with the government in Khartoum are long-standing but have developed more deeply since the mid-1990s. Relations focus primarily on economic co-operation, particularly in the energy sector which Chinese state-owned oil companies are heavily invested in. China has provided significant amounts of financial assistance to the Khartoum government in areas outside of the oil sector, for example providing loans for dam construction. China has also sought to develop other areas of economic co-operation with Sudan, for example in agriculture, and sees Sudan as a potentially lucrative market for Chinese goods and investments. While European commercial actors are not totally absent from the Sudanese economy, the depth of China's energy and economic investments mark a clear distinction between the EU and China, and some see China's economic engagement in Sudan over the last fifteen years as breaking a siege of international diplomatic isolation of Khartoum.

China officially takes a position of non-interference in the domestic political affairs of Sudan, including on issues related to governance and security, which clearly distinguishes China's approach from that of the EU. However, in the period from 2006-2008, China sent several high profile delegations to Sudan and pressured the Sudanese Government at the highest levels to accept the deployment of UN peacekeepers in Darfur and take action to resolve the conflict there, which was seen by some as marking a more flexible interpretation of its policy of non-interference. Various factors may have contributed to this shift, including China's sensitivity over its image, lobbying from African and Western governments, and a recognition that the Sudanese Government was failing to resolve what was an escalating crisis that could jeopardise Chinese interests.

While at the official level China's position on non-interference is unlikely to change in the near future, the experience of Darfur proves, that under pressure from its African partners and international actors and/or in situations where its interests are at stake, China is ready to actively engage and deploy diplomatic pressure on Sudanese peace and security issues. While any such pressure will remain low-key and subtle rather than public and openly confrontational, it may complement similar EU diplomatic actions.

Arms transfers

One key area of conflict between the EU and China is in the area of arms transfers (see also previous section). It was China that watered down a proposed UN embargo on Sudan so that it applied only to the Darfur region, and while the EU has a blanket embargo on Sudan, China has continued to transfer arms to Khartoum. This form of security co-operation highlights that some policy-makers in Beijing equate a country's stability with the state's capacity to enforce it. Furthermore, arms transfers to Sudan are a source of revenue for Chinese defence companies, and help to cement political ties to the regime.

At the same time, embarrassment over the continued use of Chinese arms in Darfur and recognition that they may simply be fuelling conflict has meant that some policy-makers in Beijing and sections of the policy community are sceptical as to the benefits of continued arms transfers relative to their cost. The EU shares complementary concerns with such Chinese actors, some of whom may be significant policy-influencers.

UN Security Council

As with European Member States, China plays a role in Sudan's peace and security situation through its positions and actions on the UN Security Council (UNSC). While there are clear differences on issues related to the deployment and mandate of UN peacekeepers, China has contributed boots-on-the-ground for UN peacekeeping missions which EU states have supported. However, unlike EU Member States on the UNSC, China has maintained that coercive actions such as sanctions and embargoes are of limited effectiveness and may undermine peace negotiations by isolating the Government of Sudan. Furthermore, Chinese officials insist that outside of exceptional circumstances (such as Somalia), peacekeeping missions should only be deployed with host-country consent. China has previously argued that changes to UNMIS's mandate must be consented to by the Sudanese Government, meaning that it may object to a stronger mandate developing. China's UNSC positions are also heavily informed by those of African regional bodies such as the AU, meaning that it may follow their lead if they call for a more active role for UNMIS. While one should not overstate the importance of AU positions to Chinese policy-making on Sudan, a case can be made that China's increased pressure on the Government of Sudan to accept peacekeepers into Darfur at least partly reflected growing frustration among concerned African states and shifting AU positions.

International Criminal Court

China's position on the ICC clearly sets it apart from the EU and its Member States. While China did not veto a 2005 UNSC referral of the Darfur conflict to the ICC,

Chinese officials have since remained vocally critical of the ICC's indictment of Omar al Bashir and Sudanese officials, claiming that a serving head of state should be immune to prosecution and that ICC actions threatened ongoing peace negotiations.

Comprehensive Peace Agreement

Leading up to the referendum on secession, China and the EU showed official support for the CPA's aim to 'make unity attractive'. While the Chinese Government has shown reluctance elsewhere in the world to support secession, in Sudan it has claimed both before and after the referendum that the choice of Southern voters must be respected. China justified its acceptance of secession on the grounds that it is an outcome of an agreed peace deal and that the AU has supported it. China sent referendum monitors to help oversee the referendum and officially accepted its outcome at the same time as other external actors. In this regard the EU and Chinese positions are complementary.

China's diplomatic engagement on conflicts and ongoing tension between the North and South is limited as it is still reluctant to play a pro-active or high profile role in this period of transition. Instead, officials refer to regional organisations (especially the AU and IGAD) as holding primary responsibility and being best placed to mediate between parties and take the lead in external diplomatic intervention. While China maintains a 'wait and see' position on unfolding security events in Sudan, if it feels compelled by international pressure or by threats to its own interests in the face of a future outbreak of conflict, it is prepared to take a more pro-active but low-profile role, including pushing the Khartoum government to accept the demands of the international community and regional actors. It is unlikely that China will idly stand by should the security situation dramatically worsen between North and Southern Sudan.

Relations with Southern Sudan

China has only very recently established ties with the Government of Southern Sudan and the SPLM. In the past, China saw the SPLM as a rebel group and, even after the signing of the CPA in 2005, its engagement with the South was conducted via Khartoum. At the same time, China was negatively perceived in the South as being closely aligned with Khartoum during the years of armed conflict. China's lack of historical engagement in the South distinguishes its engagement from that of the EU and its Member States.

In 2008 China established a consulate in Juba, and it has encouraged a number of Southern Sudanese leaders and officials to visit China. Beijing is adjusting to changing political realities on the ground, given that a large amount of Chinese oil investments are in areas that will come under direct control of the Government of Southern Sudan when

the South officially becomes independent. Despite China's somewhat negative image, Southern leaders will undoubtedly continue to engage with China for practical reasons.

China will seek to develop stronger and more direct political and economic relations with the Government of Southern Sudan, particularly after independence. The Chinese Government, Chinese state-owned banks and companies, and other commercial actors are likely to provide significant amounts of economic investment and assistance to Southern Sudan as a means to cement political ties, safeguard resource access and generate commercial profit. Chinese officials argue that this is a form of post-conflict support for Sudan because poverty and underdevelopment are driving factors behind much of the country's violence. In this regard, the EU and China may hold complimentary interests in supporting economic development in Southern Sudan. However, as China conducts such engagement according to the principle of non-interference (and thus without seeking to encourage internal political reform), its position as an alternative partner to the SPLM may undermine the leverage of the EU and its Member State donors seeking to encourage shifts to good governance, democracy and human rights fulfilment through their own aid and diplomacy, which may have knock-on effects for peace and security. At the same time, European and Chinese economic assistance should not be perceived as substitutes to one another or as inherently in conflict or competition. The EU and its Member States will, at least in the near future, support a wider and different set of needs from China that Southern Sudanese authorities continue to demand.

The EU should:

- ***not overestimate China's influence on the situation in Sudan, whilst recognising China as a key stakeholder. Caution should be given to messages that paint China as both the primary cause of, and solution to, continued insecurity in Sudan***
- ***prioritise discussion on the situation in Sudan within broader dialogues with Chinese officials at various levels of EU-China and Member State-China relations***
- ***share best practice and lessons learned with Chinese policy makers as a step towards seeking closer policy alignment in key areas***
- ***demonstrate an appreciation that China may have its own perspectives on Sudan and recognise where these are constructive contributions as well as challenging where they are not***
- ***identify and explore areas where the EU and China can explore cooperation at both local and regional levels (for instance, joint training and capacity-building for AU peacekeepers stationed in Sudan)***

- ***support a dialogue on Sudan between Chinese, European and African policy communities, allowing for more open exchanges than are possible at the official level and exposing Chinese policy-influencers to African views which lie outside of the official discourse***
- ***remain committed to the values of human rights, democratisation and good governance in its development engagement with Southern Sudan: the EU should avoid falling into the trap of re-aligning its development priorities as a means to compete with Chinese influence or as a result of Sudanese authorities playing the EU and China off one another.***

Saferworld's work in Sudan

Saferworld is an independent international NGO that works to prevent violent conflict and promote co-operative approaches to security. Through our work in the Horn of Africa, South and Central Asia and Eastern Europe we aim to understand what causes violence by talking to the people it affects and then bringing together communities, governments, civil society and the international community to develop solutions. Using this experience, we also work with the UK, EU, UN and others to develop ways of supporting societies address conflict and insecurity.

Saferworld has had a programme looking at Southern Sudan since 2005. We encourage an integrated approach to security-building which includes improving small arms controls, increasing community security and supporting the development of security and justice services. We provide technical support to the Government of Southern Sudan, including through facilitating exchange visits to neighbouring states affected by similar security issues, both to share learning and to increase the involvement of Southern Sudan in regional small arms control mechanisms, as well as capacity-building on small arms and light weapons (SALW) issues. We support civil society groups such as the Southern Sudanese Action Network on Small Arms (SSANSA) to strengthen networking, co-ordination and engagement of civil society on community security and SALW issues in Juba and at the State level. We are also initiating community security interventions with local partners and community-based organisations in three locales, both to contribute to improved security in those locations and to develop appropriate models that could be replicated elsewhere.

Memorandum by Dr Paul Holtom, Director, SIPRI Arms Transfer Programme and Mr Pieter Wezeman, Senior Researcher, SIPRI Arms Transfer Programme, Stockholm International Peace Research Institute (SIPRI) (SUD 4)

Arms exports to Sudan

Summary of key points

1. Russian, China, Belarus and Iran have been the main suppliers of major conventional arms and military equipment to the armed forces of North Sudan. Ethiopia and Kenya have supplied or facilitated the transfer of arms and military equipment to South Sudan. It is assumed that Kenya has facilitated the transfer of arms from Ukraine to Southern Sudan in recent years.

2. The whole of Sudan has been subject to an EU arms embargo since 1994 (the UN arms embargo of 2005 applies only to transfers into the Darfur region of Sudan). There is limited evidence of violations of the EU arms embargo. However, the current EU arms embargo will not cover South Sudan once it has been recognized as an independent state. Therefore EU member states will have to decide whether to:

- Impose a new arms embargo on South Sudan; or
- Utilise existing national export control systems, in compliance with the EU Common Position 2008/944/CFSP defining common rules governing control of exports of military technology and equipment (Common Position).

3. There are three ways in which the EU can address the issue of restraint in arms flows to North and South Sudan:

- Promote the adoption of the EU arms embargo on Sudan and the Common Position by non-EU members. The Common Position is already promoted in outreach activities on export controls. These efforts could be accompanied by a stronger political commitment. However, it has to be recognised that it will be a challenge to change the policies of North Sudan's main suppliers.

- Pay greater attention to the risks of diversion of arms exports by EU member states to countries (a) bordering North or South Sudan or (b) known to have strong military-to-military ties. There have been cases in which governments have diverted arms and also where arms have been stolen from arsenals in bordering countries. While technical assistance could be rendered to improve stockpile security in these states, political engagement is needed to address re-export and diversion concerns.

- Promote greater transparency on arms acquisitions. This could be included as part of a broader set of confidence-building measures to help assuage concerns about military build-

ups between North and South Sudan. In turn this could also help to provide oversight of military affairs and prevent the diversion of limited financial resources to the armed forces away from development.

Which countries export arms to Sudan?

4. Military expenditure and arms procurement by North and South Sudan is not necessarily related to the prospect of a North-South conflict. Many of the arms procured by North Sudan are for use in the conflict in Darfur, including replacing weapons lost in combat. North Sudan's arms procurement should also be seen in the light of its threat perception towards its neighbours. Though relations between Chad and Sudan have improved, Chad has backed some of the rebel groups in Darfur and has recently upgraded its armed forces significantly. Eritrea has been accused of supporting rebels in Darfur, whereas Ethiopia and Kenya have friendly relations with South Sudan's military. The EU and its member states should take this regional dynamic into account when considering efforts to restrict arms flows to North and South Sudan.

Arms exports to North Sudan

5. North Sudan increased military expenditure from \$1722 million in the period 2001-2003 to \$3868 million in the period 2004-2006 (the latest year for which data is available) thanks in large part to increased oil revenues. Information on the financial value of arms imports for North Sudan is unavailable. During the past decade North Sudan's main arms suppliers have been Russia, China, Belarus and Iran. Other potential arms suppliers include India, Pakistan and Turkey, which signed military agreements with Sudan in 2003, 2008 and 2006 respectively. To date there is limited evidence of actual deliveries of major conventional weapons to Sudan from these states.

6. There are indications that China and Iran are important suppliers of small arms and light weapons to the North Sudanese army. However it is possible that other countries have also supplied such weapons.

7. With assistance from China, Iran and Russia, North Sudan has created its own arms industry, the Military Industry Corporation (MIC). The MIC appears to have limited capabilities for the production of small arms, assembly of artillery and armoured vehicles from imported parts and servicing and maintenance of military aircraft. All terrain vehicles, trucks and transport or light aircraft supplied to or assembled in Sudan have been or can be used for military use. The Sudanese company GIAD has assembled MAN and Renault trucks, from Germany and France respectively. Some of these trucks have been used by the Sudanese military. MAN stopped all cooperation with GIAD in 2007. Land Rover vehicles have also been used by the Sudanese military, with Land Rover stopping supply to Sudan in 2007.

8. Russia and China have also assisted with the development of Sudan's nascent aircraft industry at Safat Aviation Complex (SAC). SAC has recently unveiled Safat-03 light aircraft in Sudanese Air Force colours. The Safat-03 is an Utva-75 light aircraft of Serbian design, which

is equipped with two under-wing hard-points for unguided rockets, bombs or gun-pods. Utva Aviation Industry based in Pančevo (Serbia) could have supplied six of these aircraft in kit form or as components since 2009.

Box 1. Deliveries of major conventional weapons to North Sudan in the period 2001 to 2010 have included:

- From Russia: 12 MiG-29 combat aircraft, a total of 48 Mi-24 and Mi-17 combat/transport helicopters and 30 BTR-80 armoured personnel carriers (APC);
- From China; at least 12 A-5 ground attack aircraft and 12 K-8 trainer/ground attack aircraft and an unknown number of Type-85-IIM tanks, WZ-551 APCs and FN-6 man-portable surface to air missiles;
- From Belarus: 14 or 15 Su-25 ground attack aircraft, 20 T-55 tanks and 39 BRDM-2, 2 BTR-70 and 9 BMP-2 APCs from Belarus;
- From Iran: unknown numbers of light Rakhsh APCs, upgrade packages for T-55 tanks and Shahine artillery rockets.

Arms exports to South Sudan

9. South Sudan has spent the past few years transforming the Sudan People's Liberation Army (SPLA) from a guerrilla force into a regular armed force, including officially stated plans to establish an air force and riverine forces. In 2008 official SPLA expenditure was \$917 million, which dropped to \$449 million in 2009. The 2010 budget was planned to be almost one third of the state budget of 4.3 billion Sudanese pounds (\$1.9 billion). During 2008-2009 most of the SPLA budget was allocated for salaries and only about 10 per cent or less for capital spending. Several countries, including the USA and UK provide logistical assistance and military training, but as far as is known no weapons.

10. There is limited reliable open-source information on recent arms imports by South Sudan. In general it appears that the SPLA is still far less well equipped than the North Sudanese forces. It has no combat aircraft, as far as is known only a very limited air defence capability and few other major conventional weapons. Its deterrent capacity towards North Sudan remains a large number of lightly armed men with considerable experience in guerrilla warfare. However, in recent years Ethiopia, Ukraine via Kenya and Russia have supplied arms and military equipment to South Sudan. Ethiopia repaired 18 SPLA T-55 tanks which were delivered back to South Sudan in 2008, while Kenya facilitated the transfer of between 77 and 110 T-72 tanks from Ukraine during 2007-2009. It is suspected that Kenya also re-exported to South Sudan at least some of the 6 BM-21 rocket launchers, 42 500 automatic rifles and submachine guns, 100 light machine guns and 505 rocket-propelled grenade launchers delivered by Ukraine to Kenya during this period. Ukrainian officials continue to deny that the GOSS was the intended recipient of these items and maintain that they supplied this equipment to Kenya. In early 2011 South Sudan inaugurated its air force and started to operate the first Mi-17 transport helicopters delivered from Russia. They will be used in both military and civilian roles.

Is the EU taking steps to stop the import of arms into Sudan?

11. In reaction to the civil war in South Sudan the Council of the EU imposed an arms embargo on the whole of Sudan in March 1994. As such it is broader in coverage than the United Nations arms embargo related to Sudan. The UN Security Council imposed an arms embargo on non-state belligerents in the Darfur region of Sudan in July 2004, expanding the coverage in March 2005 to include transfers of Sudanese government arms and military materiel into the region. The EU also amended its arms embargo in light of the UN Security Council resolutions, but maintains an arms embargo on the whole of Sudan. EU member states were instrumental in placing this issue before the UN Security Council and also tried to expand the coverage of the UN arms embargo to Sudan as a whole. These efforts failed and the March 2005 amendments to the UN arms embargo were limited in scope due to pressure from China and Russia.

12. The EU arms embargo on Sudan refers specifically to Sudan in its current form. It is therefore likely that the EU arms embargo will not cover South Sudan once it has been recognized as an independent state. Therefore EU member states will have to decide if the arms embargo on Sudan will be amended to cover the new state of South Sudan. Another option would be to rely upon EU member states to assess arms export licence applications for South Sudan against the criteria of the EU Common Position 2008/944/CFSP defining common rules governing control of exports of military technology and equipment.

13. There have been no major deliberate breaches of the EU embargo by companies or EU citizens. A known case of the supply of military equipment by EU citizens in violation of the EU arms embargo was the delivery by L Jackson & Co. of Doncaster (UK) of 15 military vehicles to Sudan from the UK via Norway during 2005-2006. Andrew Jackson, the owner of L Jackson & Co., was jailed for two years and eight months for knowingly violating arms export law with another employee given a suspended sentence in late 2009. This case shows how close cooperation between EU member states and states with export control systems aligned with the EU can work together to prevent arms from reaching Sudan.

14. Promoting the adoption of, and compliance with, the EU arms embargo on Sudan in its outreach activities with states is one way in which the EU and its member states could stop arms from reaching North and South Sudan. Belarus, Serbia and Ukraine have supplied North and South Sudan with arms and military equipment in recent years. All three states, along with other states from Eastern Europe, South-Eastern Europe and North Africa have attended EU-funded outreach seminars on export controls in recent years. Considerable time is dedicated to discussing the technicalities of implementation of the Common Position during these meetings with export licensing, customs and law enforcement officials. However, there has been little sign of these states reconsidering their arms transfer relationships with North or South Sudan. If this is a priority for the EU, more could and should be done in this field at the political level to complement engagements on technical issues. At the same time, one should be aware that as long as China and Russia continue to oppose a UN arms embargo on the whole of Sudan, it will be difficult to persuade these countries to change their policies towards Sudan. The situation with regards to Belarus and

Ukraine is particularly challenging, as they produce components for weapons systems exported to Sudan by China and Russia.

15. Another method for EU member states to prevent arms from reaching North or South Sudan is by paying more attention to the risks of arms exports by EU member states being re-exported or diverted to North or South Sudan. As mentioned above several countries bordering South Sudan have been involved in the supply of arms to different factions in Sudan. This has included cases in which governments of these countries were directly involved in such deliveries but has also included cases in which arms stolen from arsenals in bordering countries have been diverted to Sudan. In recent years EU member states have supplied weapons and other military equipment to countries bordering Sudan, in particular to Chad, Ethiopia, Kenya and Uganda. There is a risk that some of these items might be diverted to embargoed parties in North or South Sudan. There has been disagreement between EU member states on the delivery of SALW to Libya on these grounds, with some members denying licences due to concerns relating to unauthorized re-exports to embargoed targets in Sudan while other member states have considered granting export licences for SALW.

16. Similarly, there is a risk that military items or technology supplied by EU member states to countries with known military relations with Sudan will be re-exported to Sudan. For example a gun-turret of Slovakian design has been spotted on Sudanese armoured vehicles in 2007. There is reason to believe that the turrets had been supplied to Sudan by Belarus.

17. There are several other forms of indirect EU involvement in arms supplies to Sudan. There is the possibility that companies based in EU member states provide brokering, transportation or other services related to arms transfers for countries bordering Sudan, which are then re-exported to Sudan. For example, the German-owned ship the Beluga Endurance transported an arms shipment from Ukraine to Kenya, which is suspected of being re-exported to South Sudan.

18. Another dimension is presented by the fact that companies based in the EU may have interests in companies that are supplying arms and military equipment to North Sudan. For example the European Aeronautic Defence and Space Company (EADS) is a strategic partner in AviChina Industry & Technology Company Limited, holding 5.03 per cent equity interests. AviChina is the producer of 12 K-8 trainer/light attack aircraft supplied to North Sudan during 2005-2008.

19. Several EU member states have been involved in security sector reform and other forms of support to the Government of South Sudan and could use their presence and influence to prevent destabilizing arms supplies to the autonomous region and future independent state. However, the secretive arms procurement policy of the GOSS raises major doubts about the extent to which EU member states have tried to promote responsible and transparent arms procurement by the GOSS or have used their presence in South Sudan to monitor GOSS arms procurement.

Memorandum by Small Arms Survey. Sudan Human Security Baseline Assessment (HSBA) project (SUD 8)

Question 9. Which countries export arms to Sudan? Is the EU taking steps to stop the import of arms into Sudan? How effective is EU action to address the problem of small arms and light weapons (SALW) in Sudan?

Arms Supplies to the Sudan Arms Forces (SAF)

The Small Arms Survey undertook a detailed survey on arms flows to and within Sudan in mid 2009.¹⁵ We found that the main exporters of arms to Khartoum are China, Russia, Belarus, and Iran. Russia and Belarus both report their exports of major weapons systems (e.g. fighter aircraft, armoured personnel carriers, infantry fighting vehicles, and attack helicopters), to the UN Register of Conventional Weapons. China and Iran do not, but evidence is available of acquisitions from photographs, parades and other information sources such as reports from the United Nations (UN) Panel monitoring violations of the arms embargo on Darfur.¹⁶ Examples include Chinese Type 85II main battle tanks, ZSL92 wheeled armoured vehicles, K-8 combat jet trainers, as well as Rakhsh APCs mounted with 12.7 machine guns from Iran.

According to Khartoum's reports to the UN's Commodity Trade Statistics Database (known as COMTRADE) it received most of its small arms from China during the period 2001-2009. Khartoum reported that it has received more than USD 100 million of small arms, light weapons, their parts and accessories, as well as ammunition from China. The next largest provider, according to Khartoum, is Iran, with transfers totaling some USD 20 million. (China and Iran report transfers of military goods to Sudan at substantially smaller levels.) Misreporting is an issue. The Small Arms Survey has learned, for example, that Khartoum accidentally entered CH for China on some transfers with the unintended result of recording Switzerland as a supplier. (The correct code for China is CN.) In 2009, Sudan also recorded that it received small arms parts that it valued at USD 20 million from St Vincent and the Grenadines. St Vincent and the Grenadines makes no such claim in their customs reporting. The Survey will follow this up with Sudanese government officials on 28 March when they visit the Survey in Geneva.¹⁷

The appearance of latest model Chinese-made Small Arms and Light Weapons (SALW) and ammunition among the SAF and associated militias/proxies has been a striking feature of the Darfur conflict. Recently produced Iranian SALW has not been observed, but there is evidence of older supplies alongside training and military assistance being provided since the early 1990s. These have also reached government-affiliated militias/proxies. Chinese state-led investment, particularly in the oil industry, has provided both the resources and the motivation for Chinese arms sales. In contrast, the relationship with Iran is grounded in ideological support for the Islamist-inspired government and Popular Defence Force paramilitaries.

¹⁵ See *Skirting the Law: Sudan's Post-CPA Arms Flows*, by Mike Lewis. HSBA Working Paper 18. Geneva: Small Arms Survey. September. <http://www.smallarmssurveysudan.org/pdfs/HSBA-SWP-18-Sudan-Post-CPA-Arms-Flows.pdf>

¹⁶ See the panel's reports at <http://www.un.org/sc/committees/1591/annualreports.shtml>.

¹⁷ Perhaps the official in question may have meant to enter VE (Venezuela) or VN (Vietnam) instead of VG.

In addition to the formal, reported transfers described above, there is a long history of informal transfers to fighting forces operating within Sudan. Most recently, Chad, Libya and Eritrea have been implicated in this regard in connection with supplies and logistical support to insurgent forces operating in Darfur.

Arms Supplies to the Sudan People's Liberation Army (SPLA)

Our research has shown that three shipments of arms have been sent from the Ukrainian state-owned arms exporter, 'Ukrinmash', to Mombasa in Kenya, en route to South Sudan since September 2007. This came to light when in September 2008 a 10,000-ton cargo vessel, the *Faina*, was hijacked by Somali pirates in the Indian Ocean en route from Oktyabrsk. The cargo contained heavy weaponry and small arms and light weapons, including T-72M1 main battle tanks, BM-21 multiple-launch rocket systems, 14.5mm anti-aircraft guns, and a large quantity of RPG-7V grenade launchers. At the time the Government of South Sudan (GoSS) and the Kenyan government vehemently denied that the cargo was destined for South Sudan, claiming that the Kenyan existing British-built Vickers MK III tanks were to be replaced by the Soviet-origin T-72s. The Survey conducted research into this claim and deemed it to be highly unlikely: a complete conversion from North Atlantic Treaty Organization-origin to Soviet-origin tanks would entail a major shift in equipment, training, and spending and was unlikely to have taken place unnoticed; in addition, procurement and training for Kenya's Vickers MK III tanks has continued since.

The content of the *Faina* is likely still sitting in Kenya, unable to be moved north to South Sudan due to the media interest in the story, but at least some of the content of the earlier two shipments (the *Radomyshl* and the *Beluga Endurance*) arrived in South Sudan travelling by road from Mombasa. The Survey obtained evidence to this effect from diplomatic and military sources, eyewitnesses in Juba who saw T-72 tanks from July 2008 onwards, an eyewitness in Lokichokio (about 30 km from the Sudanese border) who saw two night-time convoys of tanks being transported by trucks in late 2008 and February 2008 heading in the direction of Sudan, and satellite imagery confirming the presence of the T-72s in Juba during 2009 (some covered in distinctive camouflage identical to that seen moving out of Mombasa port in February 2008).

Notably the shipments involved an array of actors including shipping operators from Ukraine and Germany, and shipping brokers and charterers in Ukraine, the UK and the Isle of Man. Significantly, two of the European commercial transport actors involved informed the author that they had been aware that the shipments were destined for South Sudan, raising serious questions about the adequate enforcement of the EU embargo.

See the table below for an overview of the known arms shipments from Ukraine to Kenya/South Sudan between 2007-2009.

Armament type	Transferred from Ukraine in 2007	Transferred from Ukraine to 'Kenya' in 2008–09
T-72 main battle tanks	77	33
125 mm tank ammunition rounds	n/a	13,926
BM-21 122 mm multiple-launch rocket launchers*	2*	6
Anti-aircraft guns	15 (ZU-23-2, 23 mm)**	6 (ZPU-4, 14.5 mm)
RPGs	405	n/a (36 packages)
Automatic rifles	40,000	n/a

Notes:

* The 2007 report of the Ukraine State Service for Export Control lists the transfer of two BM-21 systems to Kenya; Ukraine's submission to the UN Register of Conventional Arms, by contrast, lists the transfer to Kenya of five 'large-calibre artillery systems', including BM-21 (122 mm) systems and 203 mm systems.

** Figures in this column have all been taken from Ukrainian government reporting except one weapons category—anti-aircraft guns—which is not included in these reports. Figures for anti-aircraft guns are taken from the shipping documentation of the *Beluga Endurance*, and so should be regarded as a minimum figure.

Sources: col. 2: DSECU (2008); col. 3: *MV Faina* (2008); *MV Beluga Endurance* (2007)

In addition, there is some evidence of Ethiopia providing the SPLA with technical assistance (e.g. repairing its tanks) and arms. On 10 October 2008, for example, an Ethiopian military C-130 cargo aircraft landed at Juba airport and offloaded heavy and light weaponry. Observers from the UN Mission in Sudan (UNMIS) were prevented from verifying the offloaded cargo. The delivery coincided with the first Ethio-South Sudan Trade Fair, which included uniforms and other paramilitary supplies, alongside brochures detailing small arms and light weapons. It is believed that the physical weaponry was shown in a second, private part of the fair.

The European Union (EU) Arms Embargo on Sudan

The EU arms embargo (legally binding on all 27 member states and their nationals) applies to all Sudanese actors, both governmental and non-governmental, across the whole of Sudan's territory and is the most comprehensive of the three legal regimes (the UN arms embargo, the Comprehensive Peace Agreement or CPA, and the EU arms embargo) restricting arms flows to the country. It came into force on 16 March 1994 and was strengthened in early 2004 to cover technical, financial, brokering, transport and other assistance related to military activities and equipment. It forbids EU nationals to;

[engage in the] sale, supply, transfer or export of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment and spare parts for the aforementioned to Sudan by nationals of Member States or from

the territories of Member States, or using their flag vessels or aircraft [...] whether originating or not in their territories;

grant, sell, supply or transfer technical assistance, brokering services and other services related to military activities and to the provision, manufacture, maintenance and use of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned, directly or indirectly to any person, entity or body in, or for use in Sudan;

provide financing or financial assistance related to military activities, including in particular grants, loans and export credit insurance, for any sale, supply, transfer or export of arms and related materiel, or for any grant, sale, supply, or transfer of related technical assistance, brokering services and other services, directly or indirectly to any person, entity or body in, or for use in Sudan.

Crucially, it is reliant on each member state to establish and enforce a penalty for breaches of the embargo, something that is not always undertaken. There appears to be inadequate end-use monitoring by exporting member states and poor export risk assessment, allowing diversions of arms from countries outside the EU to Sudan.

One case study that the Small Arms Survey documented was the apparent indirect transfer of weapons turrets/stations from Metapol Group in the Slovak Republic (a joint Slovak-Belarusian company) to SAF. These were observed in Khartoum in 2007 when SAF paraded a number of infantry fighting vehicles mounted with these weapons stations. It seems likely that they were exported legally to Belarus and from there to Sudan. There is no evidence that Metapol or any other Slovak entities are guilty of willful wrongdoing: what the case illustrates is the need for greater end-use monitoring, particularly when exporting to known suppliers to Sudan such as Belarus, as the EU embargo forbids the supply of military equipment “directly or indirectly to any person, entity, or body in, or for use in Sudan”.

On the basis of the above, there is a clear need for EU member states to take the following action:

- To investigate any accusations of violations of the EU embargo by EU nationals – whether direct or indirect - in a timely manner, and to penalize offenders;
- To adequately monitor end-users when exporting arms both within and outside of the EU; and
- To conduct adequate risk-assessments when exporting to non-EU members states, particularly to known suppliers to Sudan.

Key Related Security Issues for the EU to Consider

Small Arms Survey research on the proliferation of weapons in Sudan has revealed that the more arms being imported by the parties to the CPA, in particular the NCP, the more arms will “trickle” down to other semi-state and non-state armed entities: This occurs through battle-field losses, theft, corruption, hiring of proxy forces and unsafe stockpiles, and will have a profound impact on security in Sudan and the region for decades to come.

Key issues are the following:

1). *Transparency in collections of weapons as part of disarmament, demobilization and reintegration (DDR).* The CPA provided no oversight role for the international community with regard to weapons collections as part of DDR. With plans to demobilize more than 180,000 ex-combatants in Sudan as part of an internationally-funded DDR programme, there is a clear need for international involvement to ensure transparency, accountability and security. To date, both the SPLA and the SAF have resisted any international involvement in the process, leaving the fate of the weapons collected uncertain.

2). *Transparency in civilian arms recovery efforts.*

Currently weapons collected as part of *ad hoc* civilian disarmament efforts in South Sudan are being recycled to the SPLA, South Sudan Police Service and other security forces. With no relevant laws in place (or even a regional strategy document), there is no oversight of this process, either at the Juba or local levels, potentially leaving it open to abuses by power-brokers including politicians and members of the security forces. This is aside from the fact that civilian disarmament is on occasion undertaken with the use of force, resulting in serious human rights abuses.

3). *The need for the GoSS to improve its stockpile management.*

It is essential that the SPLA and other Southern security forces improve practice on storage, distribution, and the safe destruction of weapons in their stocks. General stockpile management, including the marking of weapons, record-keeping, and the provision of secure storage depots are clear areas where improvement is needed to guarantee transparency and safety.

4). *The future of the Joint Integrated Units (JIUs) and their weapons.*

The JIUs, comprising equal numbers of SAF and SPLA and mandated by the CPA to form the nucleus of a joint army in the event of unity, are already being disbanded ahead of South Sudan's independence in July 2011. Absorbing these men into the respective (already inflated) armies is impossible and they will likely be required to go through DDR. The SPLA, in particular, is extremely disengagement from the DDR process in South Sudan – why go through DDR to face an uncertain future, when a salary and pension are available from the SPLA? – and the forcible demobilization of some 19,000 ex-SPLA JIU members (plus other Southern JIU members of SAF who will wish to return to South Sudan) poses a security risk to communities absorbing them. It is essential that a sustainable reintegration programme be developed for them and that their weapons are transparently collected and handed over.

Memorandum by Professor Ian Taylor, University of St Andrews (SUD 1)

The rapid development of Sino-African linkages has been the source of much comment in recent times (see Taylor 2006a; Taylor, 2008a). Whilst there are undoubted major benefits to Africa stemming from increased Chinese engagement, Beijing's involvement with regimes widely deemed (by the West) as beyond the pale has garnered negative attention and has soured the overall efforts by an outgoing and increasingly confident China to sell itself as a responsible power (Taylor 2007a). This evidence analyses the controversial relationship between Beijing and Sudan, and unpacks what effect Chinese interests have had, particularly with regard to the issue of whether or not the activities of the EU and its Member States and China are complementary or in conflict.

It will take as a given that much criticism of Chinese relations with Africa—including Sudan—stems from commercial competition and concern that Beijing and its outward investment in places such as Africa threatens long-established business interests—explaining in part why issues such as “human rights” have suddenly been resurrected as an “issue” when discussing Sino-African ties (see Breslin and Taylor 2008). The evidence will demonstrate that Chinese policy towards Sudan has changed and evolved and that Beijing has, within the constraints within which it operates, sought to pressure Khartoum to engage with the international community and move towards a resolution of the Darfur crisis and of South Sudan.

China and Sudan

Chinese companies are now Sudan's largest investors. One source has stated that ‘China [has] reportedly invested \$20 billion in Sudan, apart from soft loans, grants and other forms of aid’ (Jacob 2004). According to a study by PFC Strategic Studies, the Sudanese government could collect as much as \$30 billion or more in total oil revenue by 2012 (*Washington Post*, December 23, 2004) and the bulk of this will come from Chinese-operated oil wells. Chinese corporations are the leading developer of oil reserves in Sudan, and China currently imports 60 percent of Sudan's oil output. The Sino-Sudanese oilfield project covers 50,000 square miles in the southern non-Muslim region of the country and once fully operational is expected to produce 15 million tons of crude oil annually. With proven reserves of 220 million tons, the project is amongst the largest Chinese firms have undertaken overseas. The state-owned Chinese company China National Petroleum Corporation (CNPC) owns the largest share (i.e. 40%) in Sudan's largest oil venture, the Greater Nile Petroleum Operating Company; CNPC's equity oil from the project is around 150,000 barrels a day.

Sudan is the third largest producer of crude oil in sub-Saharan Africa, having 563 million barrels of proven reserves, over two times the 262 million barrels estimated in 2001. It should be pointed out that China is not the only country from which oil companies operate. Indeed, around fifteen oil corporations work in Sudan, mostly Asian in origin and coming from India and Malaysia. Prior to Chinese involvement, the American company Chevron was the pioneer in oil exploration in Sudan. However, despite discoveries of abundant reserves, Chevron suspended its project to deliver oil to the Sudanese market in 1984 after three expatriate workers were killed during an attack on one of its plants. Chevron deserted its concessions as the Sudanese civil war heated up in the 1980s (Johnson 2003). Following the 1989 military coup in Sudan, Islamist officers declared an effective *jihad* against the largely animist and Christian South, whilst pursuing a more general policy of Islamicizing the whole country.

The National Islamic Front (NIF) terminated moves towards a North-South peace agreement and rapidly purged Sudanese society of all opponents to its agenda, particularly within the military and civil society. The country's oil reserves, discovered by Chevron in 1978, were seen as the vehicle through which funding could be obtained to pursue the objective of subjugating the South, which had been involved in an on-off war with Khartoum since independence in 1956. This became a reality once Sudan began exporting oil in 1999. At the same time, Khartoum's courting of radical Islamists and alleged involvement in terrorism attracted growing hostility from Washington. Hosting Osama bin Laden, alleged ties with conspirators in the 1993 bombing of the World Trade Centre and the attempted assassination of Egyptian President Hosni Mubarak in Addis Ababa in 1995, where Khartoum allegedly supported the assassination attempt and provided a means of escape to the would-be assassins, all made the NIF regime beyond the pale as far as many were concerned, culminating in the unanimous UN Security Council Resolution 1044, adopted in January 1996, which imposed diplomatic sanctions on Sudan for its refusal to cooperate in the investigation of the Mubarak assassination attempt.

Due to economic boycotts imposed by Western states and the IFIs, Sudan plunged into a perilous financial state. To evade this problem, Khartoum sought support and help from less discerning partners. According to Askouri, 'the [Islamic] junta wanted its business partner to have the strength and ability to withstand political pressure from Western "imperialist" countries; the stamina and determination not to be bothered by the protests of human rights groups; and, above all, to be a heavyweight international player that Western imperialist countries would find hard to force out of the country through political pressure' (Askouri 2007: 72). They found this in China. Essentially the policy aims of Khartoum—evade the sanctions and get the oil online—and Beijing—get the oil—coincided. Consequently, Chinese corporations began moving into Sudan in a big way. Khartoum has been appreciative of this, with the Sudanese president stating that 'Our relationship with China is built on mutual benefit. China has always supported the unity of Sudan. When our relations became problematic with the international financial institutions, we turned to China. Relations with China have enabled us to overcome economic difficulties' (quoted in Askouri 2007: 76).

Crucially, in 1991 there was a split within the rebel movement in the South, which led to the 1997 Khartoum Peace Agreement, which in turn co-opted Riek Machar—the highest-ranking Nuer general—into the NIF government. This to all intents and purposes removed military opposition in the South to oil exploration by Khartoum-backed prospectors (previous opposition had scared off Chevron, as noted above). Consequently, Khartoum was to have an effective free hand in those parts of oil-rich Upper Nile Province where the Nuer dominate. In the mid-1990s a Canadian company, Arakis Energy, had commenced developing the Heglig and Unity oil fields, estimated to hold between 600 million and 1.2 billion barrels of crude. In 1996 Arakis sold off 75% of its rights to Blocks 1, 2, and 4 to form the Greater Nile Petroleum Operating Company (GNPOC), a conglomeration of CNPC, which owned 40%, Malaysia's Petronas, which held 30% and the state-owned Sudanese oil company Sudapet, which had 5%. This formation helped raise finances to build the 1,000-mile pipeline to the Suakim oil terminal at Port Sudan on the Red Sea. It should be noted that after the Chinese built the pipeline, the Sudanese government openly boasted that oil would now fund the civil war: 'Sudan will be capable of producing all the weapons it needs thanks to the growing oil industry', stated General Mohamed Yassin shortly after oil began flowing out of the new pipeline into supertankers at the Red Sea port (Christian Aid 2001: 4).

Earlier, in 1995 CNPC purchased the former Chevron concession of Block 6 in Western Kordofan. In 1997 CNPC took the principal position in GNPOC when Arakis sold most of its remaining interests. CNPC outbid its competitors by proposing to Khartoum that it would construct an oil refinery. Arakis then sold out its remaining interests in Sudan to another Canadian company, Talisman Energy, in 1998. However, civil society pressure within Canada, as well as a 2001 lawsuit filed by the Presbyterian Church of Sudan, forced Talisman in 2003 to sell its 25 percent stake in the Greater Nile Oil Project to ONGC Videsh, an Indian oil company. Here, it needs to be pointed out that the Sudanese government acted against CNPC's bid to increase its share by purchasing the share Talisman formerly held:

The Sudanese settled a similar bid by the Malaysian oil company Petronas by awarding it a concession outside GNPOC's domain. Instead, Sudan awarded Talisman's share to the Indian National Oil Company. This chain of events is viewed by many Chinese observers as a reflection of both the Sudanese government's desire to reduce its dependence on one major foreign (i.e., Chinese) company's interests involved in the country's oil exploration as well as the limits of the Sudanese government's inclination to "reward" Chinese business interests in exchange for the Chinese government's support of Sudan in the United Nations (Jakobson and Zha 2006: 67).

In other words, Khartoum has considerable agency in its dealings with external actors interested in its oil—including the Chinese—and will not hesitate to utilize this agency if it feels that Sudanese interests are at stake. This needs emphasizing as this lessens the ability of Beijing to compel Khartoum to act on other issues—something which observers, not least the "Genocide Olympics" lobby during the run-up to the Beijing Olympics, tends to exaggerate.

Chinese Policy and Darfur

Beijing's relationship with Khartoum became a major cause célèbre and arguably threatened to tarnish China's reputation as a responsible power, even whilst Chinese corporations desperately sought oil in Africa to service China's burgeoning economy (Taylor 2006b). The campaign to link Chinese support for Khartoum and what is going on in Darfur with the 2008 Beijing Olympics was perhaps the most public manifestation of the unease within Western activist circles, although we should not make the mistake of seeing only Westerners as disturbed by Darfur and China's role, as an editorial in the Nigerian [Daily Champion](#) makes clear:

For a country without a defined history of colonialism, China should begin to know that its activities and complicity in Darfur could be interpreted as neo-colonial experimentation. Whatever the commercial policy China intends to explore in Africa where she is already doing multi-billion dollar businesses in relatively stable democracies, it is tantamount to double standard for China to continue to benefit from the tragedy that is Darfur ([Daily Champion](#) (Lagos), April 5, 2007).

In response, Chinese diplomats stepped up their efforts to defend China's contribution to conflict resolution.¹⁸ This was partly because of the worsening situation in Darfur and partly

¹⁸ Chinese diplomat, Addis Ababa, Ethiopia, May 15, 2007.

because of negative perceptions about China's role in protecting Khartoum from international censure and action.

Some Chinese official media pronouncements have blamed the West for Darfur, proclaiming that 'The situation has worsened since some Western countries are eager to "internationalise" what had been a pure [sic] internal affair of Sudan... The Darfur issue wouldn't have escalated so fast... without intervention from external powers driven by their own interests' (*People's Daily* (Beijing), May 12, 2006).

The UN Security Council has been involved in trying to find a resolution to the crisis from the early stages of the conflict. It does have to be said that for a long time China sought to hamper or undermine such efforts. Progressively, there was a gradual change in policy, as will be detailed below. An examination of Chinese reactions to UN efforts vis-à-vis Darfur follows.

Beijing and UN Security Council Resolutions on Darfur

On 30 July 2004 the Security Council passed Resolution 1556 which called on the Khartoum government to conclude a ceasefire agreement without delay and facilitate international relief for the humanitarian disaster in Darfur. The Resolution also endorsed the deployment of international monitors and an African Union protection force, and urged UN member states to support the efforts led by the African Union. 'China's deputy U.N. ambassador, Zhang Yishan, said the resolution was too harsh and would be unhelpful' and Beijing abstained (*China Daily* (Beijing), July 31, 2004). Later, in September 2004, the Council adopted Resolution 1564 calling for an International Commission of Inquiry on Darfur to look into violations of international humanitarian and human rights law. China weakened the Resolution however, which would have sanctioned Sudan if the government failed to disarm the *Janjaweed*, as, due to Chinese pressure, the final language of the Resolution was that the Council would 'consider taking additional measures' instead of sanctioning Sudan.

The International Commission of Inquiry on Darfur presented its report in January 2005, demonstrating that the Sudanese government and the *Janjaweed* were responsible for gross violations of international human rights and humanitarian law. The violations were so prevalent and systematic that the Commission deemed them to constitute crimes against humanity. Resolution 1564 had also threatened Sudan with oil sanctions unless it stopped the violence in Darfur, but China left this meaningless by pledging to veto any bid to impose an embargo against Khartoum. Indeed, 'In the winter of 2004, American and British diplomats started to gain information about the position of the other members of the Security Council with regard to the humanitarian crisis in Darfur. In January, they issued three proposals for a resolution. China, however, made it clear that it would refuse to endorse them and announced informally that it would use its veto right if Chinese interests in Sudan came under threat' ([New Vision](#) (Kampala), June 16, 2007).

The Security Council then passed three additional key Resolutions in March 2005. According to one report, 'the Chinese representative [began to strike] a more conciliatory tone and showed willingness to discuss the resolutions provided that the integrity of the country [Sudan] would be guaranteed... The results of the bargain were three diluted resolutions' ([New Vision](#) (Kampala), June 16, 2007). Resolution 1590 (24 March 2005) set up the United Nations Mission in the Sudan (UNMIS) and sanctioned the deployment of up to 10,000 military personnel, plus a civilian component to support the Comprehensive Peace Agreement (CPA) between the Government of Sudan and the Sudan People's Liberation Army. But this had nothing directly to do with Darfur. Indeed, after the consent of

Khartoum, peacekeeping troops were sent to South Sudan, not to Darfur. In fact, China objected to any form of communication between the observer mission of the African Union that had already been approved and the UN peacekeepers.

Resolution 1591 (adopted on March 29, 2005) imposed an arms embargo on all actors in Darfur and made available travel bans and the freezing of assets of persons who continued to violate pledges to stop the conflict. China abstained. However when, in April 2006, sanctions were proposed on four Sudanese officials over their alleged role in conflict in Darfur, in line with Resolution 1591, China's UN envoy Wang Guangya contended that 'this [was] not the right moment' to impose sanctions and that 'We have to be careful with any step the Council is going to take' (*Agence France-Presse* (New York), April 17, 2006). It should be noted here that the original report on who to sanction listed seventeen individuals. China (with Russia) succeeded in cutting this to four and 'even then China abstained for the reason that no sufficient information and "clarifications on the inclusion of individuals on the sanctions list" were provided' (Holslag 2007: 6).

Resolution 1593 (31 March 2005) referred the situation in Darfur to the International Criminal Court (ICC), allowing the Court to examine and act against alleged perpetrators of crimes in Darfur. The resolution was adopted under Chapter VII of the UN Charter authorizing coercive measures for non-compliance. China again abstained, although the Chinese representative, Wang Guangya, noted that Beijing 'believed that the perpetrators must be brought to justice. The question before the Council was what was the most appropriate way to do so' (quoted in United Nations, 2005). This did not please Khartoum as the Sudanese second vice president Ali Osman Mohamed Taha had told Sudan's cabinet he had had Chinese assurances the resolution would not be passed (*Reuters* (Khartoum), December 17, 2005). China's 'abstention rather than a veto embarrassed Taha within the government' and 'the crowd following the ICC referral criticized China for not blocking the resolution' (*Sudan Tribune* (Paris), January 15, 2007).

On 31 August 2006, the UN Security Council then passed Resolution 1706, which concluded that the situation in Sudan constituted a threat to international peace and security, and decided to deploy an international peacekeeping force with a Chapter VII mandate allowing for the use of force for protection of civilians. However, the most critical and controversial language of Resolution 1706 expanded UNMIS' mandate to deploy peacekeepers in Darfur and 'invites the consent of the Government of National Unity for this deployment'. This effectively held the Security Council hostage to the will of Khartoum. China again abstained, along with Russia and Qatar. The insistence on Khartoum's consent was a consistent feature of Chinese diplomacy over Darfur and arguably gave the Sudanese government a great deal of room for manoeuvre. Consequently, the language of "consent" made the employment of UN peacekeepers in Darfur a subject of political will rather than capacity and for all practical purposes granted Khartoum the ability to bar what it perceived to be intrusive inspections and interventions.

In fact, despite the various Security Council resolutions and other declarations, the killing and raping continued, largely unabated. This was fundamentally because movement towards authorizing a resolution to permit intervention without Khartoum's consent was consistently stalled. Thus when in voting for a May 16, 2006 Security Council resolution that obliged Sudan to permit a UN Department of Peacekeeping assessment mission into Darfur (Resolution 1679), Beijing made it apparent that China would not vote for any further resolutions under Chapter VII authority. The resolution itself did not request the deployment of troops; Chapter VII was brought into play simply to place Khartoum in

violation of international law if it did not allow the UN assessment team in. Yet for China this was too much and directly after the vote, Beijing's deputy ambassador to the United Nations stated that the vote 'should not be construed as a precedent for the Security Council's future discussion or adoption of a new resolution against Sudan'. Importantly, only Chapter VII authority can supply the mandate required to part combatants and then tackle the *Janjaweed*. Zhang Yishan went on to say that 'We [China] believe that, if the United Nations is to deploy a peacekeeping operation in Darfur, the agreement and cooperation of the Sudanese Government must be obtained' (quoted in Shichor, 2007). Yet this was the same government that the UN's own International Commission of Inquiry on Darfur found was complicit in massacres and crimes against humanity.

Equally critically, it was found that China (along with Russia) had broken the United Nations arms embargo by supplying Sudan with attack helicopters, bombers and other weapons for use against civilians in Darfur. Previously, Ernst Jan Hogendoorn, one of four UN experts on the panel which recommended seventeen players in the Darfur conflict be sanctioned for obstructing peace, had stated that 'China has been, and continues to be, a major supplier of light weapons to the government of Sudan and many of the neighbouring states'. Though the panel found no evidence China was defying the embargo and supplying arms directly to Darfur... weapons they had sold to Khartoum were likely to end up there' (*Reuters* (Khartoum), June 19, 2006). Later however, it was found that 'Chinese strike aircraft and Russian helicopter gunships have been photographed at three airports in Darfur. Their presence violates UN Resolution 1591, which banned Sudan from transferring any weaponry to Darfur without the Security Council's official permission' (*Daily Telegraph* (London), May 10, 2007). The report, compiled by Amnesty International, argued that 'The irresponsible transfer of arms to Sudan and its neighbors are a significant factor in the massive human rights catastrophe in Darfur and its spread into eastern Chad' (Amnesty International, 2007: 3). 'China sold arms and ammunition worth £12 million to Sudan in 2005, along with spare parts worth £30 million which could have been used to keep military aircraft airborne' and 'China also sold six K-8 training aircraft to Sudan's air force. Another six of these jet planes, which could be used for ground attack missions, are due to be delivered soon. Sudan has carried out numerous air strikes against civilian targets in Darfur, in breach of a no-fly agreement signed in 2004' (*Daily Telegraph* (London), May 10, 2007). The Amnesty report concluded that 'The authority of the Security Council itself is being greatly undermined as the Sudanese authorities and armed groups in Darfur are allowed to act with such obvious impunity before the eyes of the world, importing and diverting arms to commit flagrant violations of international law' (Amnesty International, 2007: 30).

In return, a Chinese Foreign Ministry spokeswoman, Jiang Yu, stated that Chinese sales to Africa were 'very limited and small in scale' and that in any case, China's weapons sales to Africa were made to sovereign nations and not individuals (quoted by *Associated Press* (London), May 8, 2007). This was Beijing's consistent position. After all, in April 2007 during a meeting in between the Defence Minister of China and Sudan's joint chief of staff, the Chinese official was quoted as saying that military relations had been 'developing smoothly' and that China was 'willing to further develop military co-operation between our two countries in all areas' (*Financial Times* (London), April 4, 2007).

The "Genocide Olympics"

All of the above provoked a grass-roots movement, primarily in the United States, that called for a campaign to highlight China's complicity in Darfur. This was then directly linked to Beijing's hosting of the 2008 Olympics, with campaigners re-naming the event the

“Genocide Olympics”. Editorials in the United States in late 2006 began declaring that ‘The Chinese leadership must be forced to make a choice: work now to halt genocide in Darfur, or see the Olympic Games used, at every turn, as a means of highlighting the Chinese role in sustaining the ultimate human crime’ (*Sunday Boston Globe*, December 17, 2006). The *Washington Post* for its part ran an article entitled ‘Responsible China? Darfur exposes Chinese hypocrisy’ (*Washington Post*, September 6, 2006).

Frightened by the possibility that China’s coming out party might be tarnished, Beijing embarked on a major public relations exercise to convince the world of its positive role in Sudan. This was particularly spurred on when, in April 2007 the Chairman of the US Senate Foreign Relations Committee Joseph Biden and 96 other Senators wrote a letter to Hu Jintao calling on China to use its influence to help end the violence in Darfur. Soon after, on May 10, 2007, the Chinese Government appointed Ambassador Liu Guijin as the special representative of African affairs, with a particular remit for Darfur. Liu was a veteran diplomat to Africa, having served as the Chinese Ambassador to Zimbabwe, Director General of the Department of African Affairs and the Chinese Ambassador to South Africa.

According to one informant, it was the Senate letter regarding Darfur and the Olympics that was the tipping point in galvanizing the Chinese government to act. China’s foreign policy is still predicated on essentially state-to-state relations and whilst the “Genocide Olympics” campaign remained nongovernmental Chinese decision-makers felt it could be ignored. However, once it drew in legislators and the American state apparatus, Beijing felt compelled to move.¹⁹

Meanwhile, the Chinese media began to publicise claims that Beijing had played a constructive role in Sudan, with the *Beijing Review* typically declaring that ‘Since the Darfur issue emerged, China has been in constant communication with the relevant people, playing mediator, promoting dialogue between top leaders, dispatching envoys, discussing the problem in the UN assembly’ (*Beijing Review* (Beijing), June 7, 2007). There were even stories of how Fan Chuan Zhao, ‘a normal Chinese farmer from Shandong Province’ was managing a farm near Khartoum and employing; some 20 Sudanese workers coming from the troubled western Sudanese region of Darfur’ (*Xinhua* (Beijing), April 20, 2007).

Those involved in the Darfur issue at the diplomatic level largely saw these developments as positive. Certainly, Western diplomats began to assert that there had been a sea change in China’s position. Thus American special envoy to Sudan, Andrew Natsios, told a Senate panel that China had ‘been largely supportive of our efforts to resolve the Darfur situation’ (State Department 2007). The then British Foreign Secretary Margaret Beckett joined in, asserting that ‘On Sudan, I know there has been some criticism of China, but actually China has played really quite a positive role, particularly in the negotiation of the Darfur peace agreement’ (*Financial Times* (London), May 18, 2007). Analysts have argued, however, that such positive reactions to Chinese diplomacy in Sudan stem from the fact that it is ‘expedient to suggest that China is helpful because US foreign policy within the Bush administration has no desire to elevate the significance of the Darfur crisis in the bilateral relationship between China and the US’ (Reeves 2007: 11-12).

A Change in China’s Position?

¹⁹ He Wenping, Chinese Academy of Social Sciences, Beijing, China, September 18, 2007.

It is clear that China began to publicly advise Sudan to be more “flexible” in accepting UN peace support personnel under the “AU/UN hybrid” proposal. And it began to give briefings on how much of a positive role China had been playing in Sudan. It is also quite clear that as 2007 developed, Beijing began to be ever more sensitive of accusations that it had colluded with a tyrannical regime. As a result, behind the scenes Chinese diplomats sought to move Khartoum to a more accommodative stance on Darfur and outside involvement. Yet, China has at all times been hidebound by its intimate economic relationship with Khartoum and the billions of dollars worth of investment it has poured into Sudan. As well, it has continued to hold to the position that ‘China does not support bad governments. What it does is engage with them but does not tell them what to do’.²⁰

Thus whilst on the one hand Beijing advertised and talked up its positive role in the country, China was also active in trying to talk down the notion that sanctions or isolation could work. For example, after a “fact-finding trip” to Sudan, Liu Guijin was adamant that ‘Sanctions or pressures cannot solve the problem but will only complicate the situation and send incorrect signals to the Sudanese government...In these circumstances, why can’t the international community give more time for a peaceful settlement of the problem?’ Liu ‘also urged some countries not to politicise Sino-Sudanese energy collaboration, saying it was normal business activity and has, indeed, helped social and economic development in the poverty-stricken country’ (*China Daily*, May 30, 2007).

The anti-sanctions line fitted in with other comments by Chinese sources, with Li Junjua, a senior Chinese diplomat, stating in late May 2007 that Beijing was firmly opposed to any sanctions against Sudan, maintaining that ‘We never, ever believe that sanctions would contribute a lot to move the situation’ (*Associated Press*, May 29, 2007). It should be pointed out that China had no such reservations regarding sanctions against apartheid South Africa (see Taylor, 2000).

Chinese official sources also began to downplay the humanitarian situation in Darfur. Thus when visiting a refugee camp in the region, Liu Guijin defended Chinese investment in Sudan and said that he had not seen ‘desperation in refugee camps in Darfur during a visit...and found that international and Sudanese groups were working together to solve humanitarian problems there. “I didn’t see a desperate scenario of people dying of hunger”, Liu said at a media briefing. Rather, he said, people in Darfur thanked him for the Chinese government’s help in building dams and providing water supply equipment’ (*Associated Press* (Khartoum), May 29, 2007). Earlier, Assistant Foreign Minister Zhai Jun had reported on his visit to three displacement camps in Darfur, stating that ‘My general impression is that the current situation in Darfur is basically stable [and] the local government runs normally...According to the local people, the security situation in Darfur is generally improved’ (*Xinhua* (Beijing), April 12, 2007). According to one critic, ‘This gross misrepresentation of current realities [sent] a clear signal to Khartoum that whatever China is obliged to say under international pressure about the Darfur crisis, there is as yet no willingness to respond consequentially to the extraordinarily dire assessments offered by humanitarian and human rights groups’ (Reeves 2007: 11). Note that Zhai Jun’s comments about the security situation in Darfur having improved came less than two months after the French aid group, Medecins du Monde, pulled out of Darfur because the violence there posed too high a risk to its workers.

²⁰ Chinese diplomat, Addis Ababa, Ethiopia, May 15, 2007.

Of particular note was President Hu Jintao's February 2007 visit to Khartoum. Much was made of this visit as during the trip Hu offered up "Four Principles" on how to deal with the Darfur issue. The Chinese Ambassador Wang Guangya was reported as saying that 'Usually China doesn't send messages, but this time Chinese President Hu Jintao's recent visit to Sudan they did...It was a clear strong message'. The Four Principles were namely:

1. Respect Sudan's sovereignty and territorial integrity.
2. Solve the issue by peaceful means and by sticking to dialogue and coordination based on equality.
3. Take into consideration the overall situation and from a long-term perspective, respect and address each other's reasonable concerns.
4. It is imperative to improve the situation in Darfur and living conditions of local people (*Xinhua* (Beijing), February 3, 2007).

Critics might aver that Principle One is in actual fact a major problem in addressing Darfur, given that Khartoum consistently invoked its state sovereignty as a means of preventing the deployment of international forces there. 'Notably, China [said] nothing about the principle of a "responsibility to protect" framed in the UN World Summit "Outcome Document" (September 2005) specifically so as to supersede claims of national sovereignty when civilians are unprotected from "genocide, war crimes, ethnic cleansing, and crimes against humanity"' (*Sudan Tribune* (Paris), February 4, 2007). Principle Two is somewhat hackneyed 'but certainly one way of understanding "peaceful means" is as a code phrase for no humanitarian intervention in Darfur', as could the phrase 'sticking to dialogue' (*ibid*). Principles Three and Four were arguably quite prosaic and did little to address the ongoing conflict.

However, during the same visit to Khartoum by Hu, it was carefully leaked to the media that Hu had urged Sudanese President Omar al-Bashir to bring more Darfurian rebels into the peace process. 'Hu raised the issue at a closed-door meeting during the Chinese leader's landmark visit...The official, who spoke on condition of anonymity because of the sensitivity of the issue, said Hu told al-Bashir his "government should work more earnestly to get the rebels who did not sign the Darfur peace agreement to join the peace process"' (*Associated Press* (Khartoum), February 2, 2007). This was given a high-profile in Chinese media reports and was offered up as evidence that China had changed tack on Sudan.

Indeed, it was evident that Beijing was pushing Khartoum to move on Darfur. China played a key role in setting up the hybrid force of 26,000 peacekeepers (UNAMID) and placing it under UN command. As a permanent member of the UN Security Council, Beijing closely cooperated with the UN, AU and the Sudanese government and agreed to send 275 engineering troops to Darfur, as well as provide \$10 million and other humanitarian support to the region. According to the Liu Guijin (China's envoy to Sudan), 'We have been playing a role of bridge [sic]...We have been trying to give advice and to persuade Sudan to be more flexible to accept the UN plan' (*Xinhua* (Beijing) 16 June, 2007). As part of this process, Liu also held consultations with the AU Commission Chairman Alpha Oumar Konare in Addis Ababa, officials of the Arab League and kept in frequent contact with Khartoum. Whilst pushing Khartoum to accept the hybrid force, however, Liu was keen to stress that threats of sanctions and pressure would not work and that 'No matter how many troops you send, without a political presence and cooperation of the [host] government, we cannot find a long-lasting solution' (*ibid*). Later, Liu again stressed that 'the Sudanese Government was a sovereign Government. Whether one liked the Government or not, without its cooperation, it would not be possible to carry out a successful peacekeeping operation' (*Xinhua* (Beijing), 11 September 2007).

Having said that, Beijing began, as 2008 unfolded, to be far more vocal in public in urging Khartoum to co-operate and resolve Darfur. In February 2008 Liu publicly stated that Beijing was urging Sudan to eliminate obstacles blocking full deployment of UNAMID. This came within the context of the resignation of film director Steven Spielberg as an artistic adviser to the 2008 Beijing Olympic Games on the grounds that China had not used enough of its influence over Khartoum vis-à-vis Darfur. 'But in a departure from Beijing's usual public diplomatic vaguery, envoy Liu Guijin said Sudan should do more to end the bloodshed by cooperating more with a "hybrid" peacekeeping force backed by the United Nations and African Union... "First, the Sudan government should cooperate better with the international community and demonstrate greater flexibility on some technical issues. Next, anti-government organisations in the Darfur region should return to the negotiating table" [said Liu] (Reuters (Beijing) 24 February, 2008). At the time of Spielberg's resignation, amid increased focus on China's role in Darfur, the Chinese Ambassador to Sudan, Li Chengwen, asserted that 'China helped push forward the Sudanese government, the AU and the UN reaching consensus on the resolution on the hybrid force to Darfur, which did not come easily and our efforts have been applauded by the international community'. (Xinhua (Beijing) 17 February 2008).

When Sudan's vice president, Ali Osman Taha, visited Beijing in June 2008, President Hu Jintao publicly called on Sudan to take steps toward peace in its Darfur region. 'His comments Wednesday, were unusually strong given China's close ties to Sudan, where it is a major investor in the oil industry and to whom it sells arms. That relationship, though, has prompted calls for it to press Sudan hard over Darfur' (Reuters (Beijing), 12 June 2008). The *People's Daily* quoted Hu as stating that Sudan 'should push forward the peacekeeping mission and political process in a balanced manner' and should also press 'the relevant parties to realize a comprehensive cease-fire and to continually improve the humanitarian and security situation, and on this basis help the people of Darfur to rebuild their homeland'.

Later, after Thomas Christensen and James Swan, American deputy assistant secretaries of state for East Asia and Africa, respectively, praised China for its efforts on the Darfur issue, a Chinese Foreign Ministry spokesman replied that 'China's efforts on Darfur are no worse than and no less than any other country in the world'. The spokesman added that the top priority was to promote the resolution of Darfur through the three-party mechanism (the Sudanese government, the African Union and the United Nations), and the double-track strategy of peacekeeping actions moving alongside a political process (Xinhua (Beijing) 5 June 2008). Echoing such comments, assistant foreign minister Zhai Jun told an international symposium on the issue that "'We have done as much as we can do," Zhai said. "China remains committed to resolving the Darfur issue and has made unremitting efforts"' (Agence France-Presse (Beijing), 26 June, 2008). In short, from being seen to block all efforts at resolving Darfur, Beijing as of mid-2008 makes a great deal of effort to be seen to be publicly pressing Khartoum to resolve the crisis.

Explaining China's Behaviour

Chinese diplomacy vis-à-vis Sudan is not simply about oil (although that is a major part of the equation). As far as the Chinese are concerned, there are important principles at stake in dealing with Khartoum.

Chinese foreign policy remains committed to the Five Principles of Peaceful Co-existence, formulated in 1954 and setting out the guidelines for Beijing's foreign policy and its relations with other countries.²¹ These Five Principles are namely, mutual respect for each other's

²¹ Acting Head, Political Affairs Section, Chinese Embassy, Windhoek, Namibia, August 13, 2006.

territorial integrity; non-aggression; non-interference in each other's internal affairs; equality and mutual benefit; and peaceful coexistence (see Taylor 1998).

Although not a static concept, from the Chinese position, 'human rights are something covered by the sovereignty of a country. A country's sovereignty is the foremost collective human right...And sovereignty is the guarantor of human rights'. (*Xinhua* (Beijing) December 12, 2005). 'In the humiliating old days, China was bullied by foreign powers. Its sovereignty was trampled on, and also the Chinese people's human rights. So the Chinese people know very well that sovereignty is a pre-condition to their enjoying human rights. In sum, there would be no human rights to speak of in the absence of sovereignty' (*Xinhua*, December 12, 2005). Remembrance of the past and how this informs China's position on sovereignty and human rights is important (Scott 2007). In Chinese diplomacy, sovereignty often typically trumps other norms, such as the liberal conceptions of political and civil rights. Indeed, China is a state generally defensive of traditional beliefs about sovereignty when events deemed by policymakers to be threatening Chinese interests are occurring. Certainly a belief that non-intervention in the domestic affairs of states is vital for preserving international peace and stability, i.e. the Westphalian peace, underpins Beijing's diplomacy and is enshrined in the Five Principles of Peaceful Co-existence, though it needs emphasizing that this position is not static—as Beijing's movement on Darfur demonstrates.

China has customarily emphasized the sovereignty of states in resolving issues amongst themselves also because of Beijing's sensitivity to possible outside involvement in affairs perceived by China as strictly domestic matters, such as the issues of Tibet and Taiwan.²² As Pang Zhongying (2005: 88) notes, 'Central to Chinese concerns is the changing nature and context of peace operations—with the potential for mission creep and the move to "coalitions of the willing"—and the implications this would have for international involvement in China's key internal affairs relating, for example, to Taiwan, Tibet and Xinjiang'. Preventing international precedents that may be later utilized in attempting to deal with China's "domestic" issues is a policy thus pursued by Beijing, even though it invites cynicism from non-Chinese observers.²³

However, it needs emphasizing that rhetoric contained in official Chinese pronouncements 'has led many observers to reach the premature conclusion that Beijing opposes all forms of intervention and is wedded to an antiquated approach to sovereignty' (Carlson 2006: 218). In fact, it is possible to discern a subtle shift in China's position regarding state sovereignty.²⁴ This has been underpinned by an evolving list of four official guidelines on legitimate intervention. For these to be satisfied, intervention must first proceed with respect for the concerned state's sovereignty. Secondly, United Nations' authorization must be gained. Thirdly, the invitation of the concerned state must be secured. Finally, force should only ever be used when all other possible options have been proven ineffective (Carlson 2004). This set of necessary conditions demonstrates that there has been movement in Beijing from a previous uncompromising stand on state sovereignty and noninterference (Taylor 2008b). Darfur is a case in point.

²² Shu Zhan, Chinese ambassador, Asmara, Eritrea, June 29, 2006.

²³ Military attaché, Western embassy, Addis Ababa, Ethiopia, May 15, 2007.

²⁴ He Wenping, CASS, Beijing, China, September 18, 2007.

It is true that China has become quite adept at pursuing a strategy of non-participation and/or abstaining in debates and voting within the Security Council over peace operations issues (Morphet 2000). It can in fact be argued that abstention is an expedient strategy for China for it both avoids criticisms from the West that it is an obstructionist actor if it was to vote in opposition to contentious peace operations *and* it allows China to either disassociate itself from unpopular operations from the developing world's perspective (as mediated at the UN through the G-77) or avoid a divergence between China's broad doctrine of non-interference if and when a particular peace operation is backed by developing nations e.g. when the African Union came out in support of a mission to Sudan.²⁵ Kim has in fact emphasized that 'China's voting behaviour, particularly its abstention on Chapter VII enforcement resolutions, is neither positive engagement nor destructive obstruction but one of pursuing the maxi-mini strategy in a situation-specific and self-serving way' (Kim 2003: 69). Such a policy has worked to a certain extent for China as it has allowed Beijing to posit that it wishes to play a more significant role within the United Nations whilst often avoiding actual obligations.

This has been an important tool for Chinese diplomacy given the changing nature of UNPKOs in recent years. Under Chapter VII, the Security Council is allowed to take coercive action against states, which may (Article 42) necessitate military force, if the Council concludes that there is 'any threat to the peace, breach of the peace, or act of aggression' (Article 39). The Westphalian notion of state sovereignty, which China has long promoted in its foreign policy, 'shall not prejudice the application of enforcement measures under Chapter VII' (Article 2 IV). This is a problem for Beijing, as Darfur exemplifies. And in the post-Brahimi Report era, Chinese foreign policy vis-à-vis peace operations has had to face a number of other thorny issues, particularly as the peace support aspect of peace operations is a quite novel type of peacekeeping (Bellamy and Williams, 2004). What the Brahimi Report effectively did was to codify changes in practices that had been occurring since the end of the Cold War. Importantly, UN principles were understood as giving a clearer authorization for the deployment of military force in peace operations to help pressurize warring sides to abide by established peace agreements, although UN peace operations (blue helmet operations) still only deploy with host government consent.²⁶ Whilst the Brahimi Report did not legitimize intervention and indeed confined itself to talking about peace operations, what it *did* say was that when blue helmet troops are deployed in peace operations, they cannot stand by while civilian massacres are going on. But even this position raised the ire of Chinese commentators, with a Chinese scholar's concerns over future intervention allegedly in line with the implications of the Brahimi Report capturing some of this concern:

Will the out-of-control "humanitarian intervention" become a reprint [sic] of the globalisation of colonialism in the 21st century?... [The colonialists] didn't take into account rights and ideas of people of the colonies in Asia, Africa and Latin America at all. And today, it is these former colonial countries that their hedge of sovereignty [sic] is being breached in the process of the generalizing of "humanitarian intervention" (Qin Xiaocheng 2003: 169).

For the Chinese, "traditional peacekeeping" 'is organized and deployed directly by the UN *with the consent of all parties*' [emphasis added] (Zhang Li 2003: 209). This has had

²⁵ Western diplomat, Asmara, Eritrea, June 29, 2006.

²⁶ Military attaché, Western embassy, Addis Ababa, Ethiopia, May 15, 2007.

implications for China's reactions to attempts to mediate in the Darfur issue and the material aspect i.e. oil is not the only explanatory variable in accounting for China's policy stance regarding the ongoing crisis in Sudan.

Concluding Remarks

James Tang (2006: 31) has remarked that 'as China has become more involved in regions where the Chinese presence formerly was limited, Beijing has encountered new challenges, such as the humanitarian problem in Sudan'. It might be averred that the strategies adopted by a rising power, seeking to grab opportunities wherever it can, and those of an established power, looking to protect its investments in an unstable environment, are intrinsically different and account for some of China's actions. Equally, and this needs emphasising, Chinese corporations and the Chinese state are not the only actors involved with unsavoury regimes in Africa. It has long been alleged that Western companies, with the tacit approval of their home governments, have used all sorts of means to craft oil deals with African regimes and have overlooked notions of democracy and human rights. In some cases this is not even tacit but quite open. After all, the Elf corruption scandal in France revealed that annual cash transfers totalling millions of dollars were made to a variety of African leaders in places as diverse as Angola, Cameroon, Congo-Brazzaville and Gabon. The multi-million dollar payments were partly aimed at guaranteeing that it was Elf and not American or British firms that pumped the oil, but also to ensure the African leaders continued their allegiance to France (*Guardian*, November 13, 2003).

Damning indictments of Shell's activities in Nigeria are well-known (Okonta and Douglas 2003) whilst Condoleezza Rice publicly labelled Equatorial Guinea's notorious president, Teodoro Obiang Nguema, as a "good friend" of the United States (*Washington Post*, April 18, 2006), even though it is characterized as a "criminal state" elsewhere (Wood 2004). In sum, it is somewhat unpalatable to construct China's diplomacy in Sudan as "bad" while glossing over the duplicity displayed by Western governments and corporations in Africa. Indeed, much criticism of Beijing has focussed on the apparent willingness to continue relations with the autocratic regime in Khartoum and this is often extrapolated as being emblematic of Sino-African ties. Strangely, France's close ties with the Rwandan genocidaires or Washington's active support of the Khmer Rouge regimes in Cambodia during the 1980s is rarely cast as representative of French or American foreign policy respectively.

Paradoxically, keeping good relationships with major Western powers is a key foreign policy concern for Chinese policymakers. The events surrounding aspects of Chinese activities in Sudan arguably threaten this, or at least play into the hands of critics of China and those who like to speak of the "China threat". Chinese diplomats seem aware of this, asserting that 'China's policy of non-interference is appropriate for Beijing's diplomacy, but China has not been very successful in explaining this to the world. Consequently, we are concerned that people are "misinterpreting" our diplomacy'.²⁷ Features of Chinese involvement in Sudan's oil industry unquestionably fit with ongoing external interactions with Africa. After all, French policy towards the oil-rich parts of the continent—such as Gabon—has never been guided by liberty, equality and fraternity and other Western actors in Africa do not possess exemplary records. Washington's relations with oil-rich nations such as Saudi Arabia are not guided by concerns over democracy or human rights. Business, as far as many actors are concerned, is business and in this sense criticism of China's oil diplomacy in Africa is

²⁷ Chinese diplomat, Addis Ababa, Ethiopia, May 15, 2007.

somewhat hypocritical.²⁸ Equally, as Jakobson and Zha (2006: 62) assert, given the lack of a global policy structure for oil trade, there remains ‘ample space for both exporting and importing countries to manoeuvre by mixing economics with politics when it comes to oil trade’. Those features of Chinese NOC activities which are routinely criticized can in fact be linked to this broader structural absence of any overarching global oil architecture, which has, it must be said, served Western oil corporations’ interests for a very long time—until China arrived on the scene.

However, this is not the whole story. There is a growing consensus among the more serious governments in Africa on where they wish the continent to be heading. Yet, ‘While in some countries China’s involvement appears benign, in others its approach undercuts efforts by the African Union (AU) and Western partners to make government and business more transparent and accountable’ (*Africa Research Bulletin*, February 16-March 15, 2006: 16855). Indeed, a key concern is that some of Beijing’s activities in pursuit of resources have threatened to re-introduce practices that the New Partnership for Africa’s Development (NEPAD) and the African Union are ostensibly seeking to move away from (see Taylor 2005)—even though China protests that it fully supports NEPAD (see for instance Liu, 2004).

Problems are compounded when one combines the nature of an African state such as Sudan with what is known as the “resource curse”. Here, Chinese interest in African oil mirrors the issues that other actors have to confront. The broader character of the oil industry and the way it has tended to undermine democracy and accountability in the developing world, particularly in Africa, is longstanding. China’s experiences in Sudan are not particularly unique and Chinese corporations have had to deal with equally thorny issues in places such as Nigeria (Taylor 2007b). Leonard and Straus (2003: 13) argue that enclave economies in Africa (economies that export extractive products concentrated in relatively small geographic areas) are particularly problematic. Revenue generation is physically confined to small locales, with the prime markets for the products being external (the international market). This makes ‘the general economic health of areas outside the enclave quite secondary, if not irrelevant. In enclave economies, then, elites gain little from any deep, growing, economic prosperity of the masses of the population’. Thus whilst individuals who have gained access to rents from such enclaves may benefit handsomely, the system fundamentally fails to promote economic growth and development (see Yates 1996).

Indeed, in extreme cases, the idea that resources should be channelled towards the nebulous concept of “national development” is, in the main, not on the agenda of many elites in Africa as wealth generation and survival does not depend on productive development, but is dependent upon control over select areas of the country where the resources are, or the manipulation of the market for personal reasons of power and profit. Elite survival can be based on the capture and control of relatively limited geographic areas, as Sudan attests. Ultimately, ‘enclave economies do not need functioning states or infrastructure to generate revenues for elites’ (Leonard and Straus 2003: 16). And in such circumstances, affluence and underdevelopment can go hand in hand (Joseph 1984). This is a general problem that *all* actors interacting with Africa’s resource-rich states must consider and manage. And in this regard, Western companies have been no better than others in spite of their much longer engagement (see Wright 1997; Chandler 1998; Cesarz et al. 2003; Afeikhen 2005). The

²⁸ Robin Sherborne, editor of *Insight*, Namibian political magazine, Namibia, Windhoek, August 14, 2006.

dirty politics of African oil is something that has been around a long time (Shaxson 2007; Soares de Oliveira 2007).

However, as Dan Zhou, chief analyst at CEB Monitor Group in Beijing, points out, China 'sets virtually no standards for political transparency or economic reform to get deals done. It ignores internal human-rights abuses as an impediment to deal making. And it is a one-stop shop, offering not just investment, trade, skilled workers and military weapons but also diplomatic protection in the form of its United Nations Security Council veto' (quoted in Markman 2006). Problematically, a distinct opaqueness in Chinese NOC dealings in Africa compounds suspicions of Chinese motives, Sudan being but one example. As even a Chinese scholar has noted, 'China shoulders much of the blame, as it has been poor at making its energy transactions with countries such as Iran and Sudan transparent. Lack of transparency fuels speculation that China has a well-coordinated project for countering US influence, particularly when it comes to dealing with what the United States labels 'rogue states' (Zha 2006: 183-4).

Yet, it is important to note that the "China Inc." model of a Beijing advancing centralized strategies around the world is passé. As Downs (2007: 48) has noted with regard to Chinese NOCs in Africa, 'when it comes to choosing where to invest, the companies are almost always in the driver's seat and the Chinese government, while occasionally offering general advice about the direction they should travel (for example, "invest in Morocco"), is often just along for the ride with little idea of the final destination. Sudan's recent omission from the Chinese government's catalogue of countries that Chinese companies are encouraged to invest in is a case in point: this absence has not prevented CNPC from continuing to invest there'. It is important not to over-estimate the Chinese state's capacity to manage broad Chinese engagement with the African continent.

However, China's stance of non-interference means that the values held by Sudan's elites exclusively decide conduct. In short, until and unless the Khartoum elites themselves advance transparency, pro-development policies and equitable growth (and are prepared to and competent enough to put them into force), no such course of action will be taken, despite efforts by Beijing to press them on such issues. Yet the international community, when looking at Chinese activity regarding energy in a country such as Sudan, is generally preoccupied with analyzing how China can match its growing commercial influence with responsibility. In turn, Beijing is increasingly zealous in reassuring the world of its desire to be a responsible power. As one commentator noted, 'The challenge is for China and other leading energy-consuming countries to cooperate in defining and addressing the political and social challenges that arise in many of the oil states of the world' (Zha 2006: 183). Chinese policymakers realize this, although—as with Western policymakers—commercial considerations have a habit of trumping the best intentions.

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Memorandum by Tearfund (SUD 3)

Introduction

1. Tearfund welcomes this opportunity to contribute to the House of Lords inquiry on the role of the EU in Sudan in regard to conflict prevention and peace-building. Tearfund is a Christian relief and development agency working directly in response to disasters and in partnership with organisations in more than 50 countries, working alongside or through networks of local churches.
2. Tearfund has been working in Sudan for over 40 years. Tearfund supports nine locally based partners to work on a number of development and relief projects addressing areas such as HIV and education. We've also been directly working in the south since 1998, undertaking projects to improve water and sanitation, food security and to promote health. In Darfur, in Sudan's west, Tearfund has been operating directly since 2004. We provide water and sanitation facilities, undertake health promotion with vulnerable children, and work to improve food security. We also respond to emergency needs as they arise.
3. The EU is Tearfund's biggest institutional donor and has been for a number of years. Our first humanitarian grant from the Humanitarian Aid department of the European Commission (ECHO) was awarded in 1999 (not for Sudan). In regard to Sudan ECHO grants we are in our 6th and 9th years respectively of receiving money for both North and South programmes. We started two EC development aid projects last year in Food Security. These funds are utilised both by our direct operational team in Sudan and also by one of our partners. We are not funded by the EU to undertake any specific conflict prevention or peace building projects in Sudan but we feel their humanitarian and development work is a key contributor to wider conflict prevention and peace for both North and South. It is in light of this that we have made our recommendations on humanitarian and development related issues.
4. We are very pleased that Sudan, both North and South, remains a top priority for the EU and that the Commission and Member States contribute a large amount of aid to the country. We commend ECHO's continued commitment to what is an ongoing humanitarian situation in many parts of Sudan. We have sought to answer the questions that relate to **Tearfund's** work and experience with the EU in Sudan on humanitarian and development projects and thus our answers are only from our own perspective and that of our partner. We have addressed questions 3, 4 and 6.

Question 3:

What development and humanitarian aid does the EU provide to Sudan, North and South?

Humanitarian

5. In the north of Sudan the largest part of the European Commission's humanitarian assistance goes to food aid, but primary health-care, water and sanitation, shelter and the distribution of other essential items are also covered. Tearfund grants from ECHO reflect this.

6. In the south the focus of the Commission's humanitarian support is on assisting returning refugees and internally displaced people to reintegrate, as well as on emergency preparedness and response. Commission funds are used to provide basic health care, water and sanitation, nutrition and food security programmes. Due to the general insecurity and logistical and/or infrastructural problems, ECHO also provides support to common services such as security coordination and humanitarian airlift services²⁹.
7. ECHO's Humanitarian Implementation Plan (HIP) for 2011 states that the allocation available for this year is EUR 100 million. Of this, EUR 45 million is stated to be for food assistance. Sudan has, for sometime now, received the biggest ECHO contribution of any country. It is allocated a budget of €100m annually which equates to roughly ten per cent of ECHO's funds last year and was approximately €30million more than the next nearest recipient, Pakistan. Individual ECHO grants are for one year only and their focus is predominantly on life saving emergency relief.
8. Some ECHO grants do have development related components but these are never the project's primary focus. However it is interesting to note that prior to the signing of the Comprehensive Peace Agreement in 2004 the EU creatively set a "Humanitarian Plus" programme from which Tearfund, along with other NGOs, benefitted. This programme enabled humanitarian grants to be given for longer periods of time and for them to include a development component. This was disbanded however with the signing of the CPA and the anticipation of a Sudan Country Strategy with accompanying development money. At present with the lack of a Sudan Country Strategy we would recommend that the EU considers bringing back such a programme to bridge the gap between the work ECHO is willing to fund (predominantly life saving only) and that which EU development aid is willing to take on.

Development

9. The EU is unable to disburse any funds through its current main development instrument for the 2008-13 period programme cycle, the 10th European Development Fund (EDF), because at present there is not a Sudan Country Strategy Paper. Therefore funds for development in Sudan are currently channelled through other means such as:
 - a. Thematic programmes accessed by NGOs, such as *Non-state actors and local authorities in development*, the *Instrument for Stability* and the *Food Security* development programme. Tearfund accesses the *Food Security* programme. These funds are drawn from the central EU budget and do not come under the EDF. The budget lines of such programmes are small compared with the overall EDF.
 - b. EU and Member States have been able to draw on de-commissioned EDF funds (left over from the 9th EDF) to finance additional development projects in Sudan. It is stated that this amount, EUR 150 million, will be used for the most vulnerable groups affected by conflict in North and South Sudan. These funds are currently being programmed and will be divided 40%/60% between the North and the South. It is believed this will focus on 3 areas; agricultural development and food security, basic services (health and education) and democratic governance in the South. It is expected that there will be a call for proposals in the summer with implementation beginning in the autumn of 2011.

²⁹ http://ec.europa.eu/echo/aid/sub_saharian/sudan_en.htm

10. When funds did flow through the 9th EDF they were predominantly delivered through trust funds, led by UNDP. These took a long time to get up and running and ultimately stopped when EDF was suspended in 2009. It is not clear why this mechanism was used but the idea is being raised again in discussions about the EU's Multi Annual Financial Framework, due to start in January 2014. This is of some concern to Tearfund and we would urge that a review of previous experience/lessons learnt with trust funds be considered before any action is taken.

How effective is the EU's aid in contributing to the avoidance of conflict and maximising the opportunities for peace-building?

11. The Stability Instrument has a peace building component which is funded from the EU budget. Its resources are relatively small and it is called the "*Peace building partnership programme*" and it aims to mobilise and consolidate civilian expertise for peace-building. A call for proposals was made in 2008 and there has been no other call since then.
12. As ECHO focuses on life saving and emergency relief they do not, as far as we know, include peace building as an actual sector. However in the guidelines for submitting an ECHO proposal, the following sectors are listed; disaster risk reduction, protection, child protection and mine action. These areas can all be seen to contribute to the avoidance of conflict in Sudan. We would recommend that, as ECHO has included these sectors in their guidelines, money for these sectors should be consistently available for all regions of Sudan, according to need. Tearfund has been aware of certain ECHO projects that have had peace building components integrated within them which, whilst not the main objective of the work, clearly contribute to peace.
13. On the ground there wasn't any awareness by our staff or partners of any specific EU work on peace-building in Sudan.

Is the aid reaching the people, and serving the purpose for which it is intended?

Humanitarian

14. Tearfund feels that ECHO is proactive in making sure the grants it disburses reach the people and serve the purpose for which it is intended. We see this in the following ways:
- a. ECHO annually presents its strategy to relevant stakeholders and then awards grants in line with this in a clear manner. In principal this presentation opens up a discussion for stakeholders to influence ECHO's thinking on the areas of focus they have chosen, in terms of whether they are the most appropriate. However on some occasions we have felt that priorities have already been decided in advance and we would urge ECHO to remain flexible and open to change as a result of feedback when it is presented in this forum.
 - b. Competitive processes following calls for proposals.
 - c. Rigorous scrutiny of proposals submitted. We are aware that ECHO's various technical experts across Sudan (i.e. the delegation in Khartoum, which has an ECHO office, the office in Juba, the Nairobi hub, and the satellite office in Nyala) are utilised to analysis NGO proposals.
 - d. Strong monitoring and evaluation components are required in NGO proposals and then followed up during implementation. For example in our projects ECHO ask for

expatriate staff to visit projects on the ground regularly in order to be assured of the quality of the work. They also request that ECHO staff are able to visit projects.

- e. Internally they are trying to speed up processes in terms of paying out grants, turning grant agreements around and making grant decisions.
- f. ECHO does all the above despite having a small team based in Brussels, and yet having to deal with larger number of disasters over the years but without a corresponding increase in budget. Our staff and associates have found them helpful and professional to work with.

15. We wish to highlight the fact that although the above processes to measure effectiveness are commendable, ECHO still needs to retain some degree of flexibility depending on where projects are implemented. A strong focus on monitoring and evaluation and the need for expatriates to do this, may result in some areas being left out due to inaccessibility, despite their real need for funding.

Development

16. Our staff who work on our EC development aid projects (in Food Security) have noted there is a proactive effort to make sure these grants reach the people and serve their correct purpose. They have noted several differences in Sudan EC development aid processes compared to other countries, in areas such as disbursement times, monitoring and evaluation. Such a tailored and flexible approach, according to the needs of the country, is commendable and Tearfund would encourage EC development aid to continue in this way. Specifically we have found the following:

- a. For the most recent Food Security grants we were pleased that EC development aid began to fund work in an insecure environment like Darfur. We commend ECHO for initiating this conversation.
- b. The EC has taken steps to speed up its various processes relating to development aid. Normally development grants take a year from the signing to the grant being disbursed. This has now been compressed to 4-6 months and it does allow NGOs to be more responsive and agile in responding to needs as they arise.
- c. The EC has got more involved in development aid projects in terms of monitoring, reporting and evaluation. For example a normal development contract requires annual reporting but in Sudan the EC has asked for quarterly reports for its development projects. Tearfund welcomes this kind of scrutiny of project progress.

17. We acknowledge that due to a lack of a geographic development programme in Sudan overall effectiveness is harder to measure.

Question 4:

How is the EU engaging with Member States and other aid donors to ensure maximum efficiency?

18. EU Member States operate in Sudan with different viewpoints on a range of issues. For example some support recovery and return, whilst some others don't. The different EU Member States do not appear to get together often and therefore this lack of discussion no doubt impacts on the EC delegation's decision making process when trying to engage on behalf of all the members. Individual countries value their independence vis a vis the

EU even though the EU is the bigger donor. But in pursuing their own agendas this can result in EU funding being less influential than bilateral funding.

19. Tearfund would wish to make the point that whilst it is crucial that the EU engage with other donors in regard to Sudan, it also needs to make sure that different EU bodies also coordinate amongst themselves. There have been many recent changes in the EU management structures and roles with new bodies such as European External Action Service (EEAS) and DG DEVCO coming into existence. We understand that EEAS manages political relations, relates to the Council, and is responsible for Country Strategy papers and that it is not responsible for programming. When the EEAS was created, NGOs expressed concerns about the integration of development with the EU's Common Foreign and Security policy. We would ask that EEAS responsibilities are clearly identified and adhered to.
20. It is crucial in regard to Sudan that all EU departments are on the same page and we are pleased that they are being pushed internally to work more closely together. For example we have heard that for funding strategy meetings, ECHO often invites development colleagues to participate. But we have noticed that in the past different Directorate Generals work to their own strategies even if, in principle, they are aiming for coherence.
21. ECHO funds a lot of WFP and bilateral grants, as does DG DEVCO, and another part of the EC funds UNAMID. We would query if this is all as joined up as it could be. We would like to see concrete examples of collaboration and coordination as we are aware that this issue has been 'prioritised' for many years but often without clear progress. We again cite previous programmes such as Humanitarian Plus which acted as a useful bridge between different EU bodies (see Point 8).
22. One thing that could be improved is for the EU to clearly distinguish where ECHO's remit (humanitarian) finishes and the EC's development aid starts. It has not always been clear that development programmes would start directly after an ECHO project is completed or whether a vacuum would be left. ECHO very clearly seem to be focusing more on their core mandate of emergency, life saving, relief. From our own experience in previous years they had allowed components of development in some of our projects. For example in Ed Daein in North Sudan last year ECHO allowed a food security component in one of the projects. However this was not allowed this year. In this specific case our EC Food security grant came in directly after this ECHO component concluded and so there wasn't a gap but we are concerned that this doesn't always happen.
23. Progressing from ECHO funding to EC development funding entails observing some different rules and regulations. All EU funding is governed by their Financial Regulation. However ECHO has been granted some derogations to enable its swift responses to crisis's. Tearfund highly commends such derogations as they make ECHO an agile, swift and responsive donor.
24. However when transitioning from one EU donor to another in programming, Tearfund would recommend that ECHO and development aid staff work closely together to make sure no vacuum occurs between projects. When there is transition, support should be

provided to minimise any disruption on the ground and to help with any adaptation is that needed.

25. We acknowledge that the EU has a specific approach called 'Linking Relief, Rehabilitation and Development' (LRRD) to assess the measures designed to fill the gap that exists between relief (short-term) and development aid (long-term) and we would hope that this approach would contribute to the debate around where development starts and relief finishes and how to bridge the gap when moving from one to the other.
26. We warmly welcome the new commitment to LRRD between ECHO and the EU's Food Security Thematic programme. The thematic programme management will consult with ECHO as soon as it starts a food aid activity in any country to assess whether a follow up Food Security programme is needed, and to start preparations if so.

What, if any, problems are created by the absence of a new EU Country Strategy Paper and the way in which resources are allocated to Sudan under the European Development Funds?

27. Tearfund would highlight the following issue resulting from a lack of a current EU Country Strategy Paper:
 - a. As stated in Point 9a the size of the thematic programmes for Sudan are extremely small compared to funds that could potentially be released from the EDF, which could potentially have a very large impact in helping to address the many development challenges that the country faces.

Question 6:

How does the EU coordinate its activity with that of the UN and other major players, (the AU and other regional organisations, Sudan's neighbours, the international troika (UK, Norway and US), members of the UN Security Council)?

28. Tearfund does not have any specific examples to cite of the EU dealings with the UN although reports from our staff members do state that they appear to be in constant communication as key players. The ECHO strategy mentions its work with the UN.
29. Tearfund feels the EU does not take advantage of its key role as supporter and funder of UNAMID. It could have significant influence to get it to fulfil its mandate regarding protection of civilians.

30. Key recommendations:

- a. Tearfund would urge the EU to make available more de-commissioned EDF funds to finance development projects in Sudan. We would also encourage the EU to use its thematic programmes in Sudan as fully and as flexibly as possible.
- b. Tearfund would want to see the EU demonstrate clear examples of coordination and close joined up working between its different bodies working in Sudan. It should provide clear guidance for projects transitioning from humanitarian to development funding so that there are no gaps in-between. Tearfund would highlight previous programmes such as 'Humanitarian Plus', which have worked well in addressing this issue.
- c. In light of the many recent changes in the EU management structures and roles, Tearfund would specifically like to see the European External Action Service (EEAS) responsibilities clearly identified and adhered to.
- d. Tearfund feels the EU does not take advantage of its key role as supporter and funder of UNAMID. It could have significant influence to get it to fulfil its mandate regarding protection of civilians.
- e. Tearfund would recommend a review of previous experience with trust funds (which was led by UNDP), to inform discussions about the EU's Multi Annual Financial Framework, due to start in January 2014.