



Mainstreaming Conflict Prevention

A Study of EU Action in ACP Countries

Case Study - Sudan

The Quaker Council for European Affairs

Produced by the Quaker Council for European Affairs (QCEA)

This study is based on two years of research through questionnaires to European Commission delegations and NGO staff, through interviews with European Commission staff in Brussels, and through desk-based research. This report forms the main document of the study, and builds on six country case studies which are available to download at: www.quaker.org/qcea

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List of Acronyms

These are the main acronyms used in this report:

ACP	African Caribbean and Pacific (countries)
AMIS	African Union Mission in Sudan
AU	African Union
CPA	Comprehensive Peace Agreement
DDR	Disarmament, Demobilisation and Reintegration
DPA	Darfur Peace Agreement
DRC	Democratic Republic of the Congo
EU	European Union
IGAD	Intergovernmental Authority on Development
JEM	Justice and Equality Movement
NGO	Non-governmental organisation
QCEA	Quaker Council for European Affairs
SAF	Sudanese Armed Force
SALW	Small Arms and Light Weapons
SLA/M	Sudan Liberation Army/Movement
SPLA/M	Sudan People's Liberation Army/Movement
SSR	Security Sector Reform
UN	United Nations
UNDP	United Nations Development Programme
UNSC	United Nations Security Council
UNAMID	the joint African Union/United Nations hybrid operation in Darfur
UNICEF	United Nations Children's Fund
UNMIS	United Nations Mission in Sudan

1 Introduction

The European Union (EU) introduced the approach of ‘mainstreaming’ conflict prevention into all elements of its programming and policy-making through the European Commission Communication on Conflict Prevention of 2001 and the Partnership Agreement between the African, Caribbean and Pacific (ACP) countries and the EU signed in Cotonou, Benin in 2000 (the Cotonou Agreement). This country report is part of a project studying this new approach. The purpose of this project is to serve as an educational tool about ACP-EU conflict prevention rather than to evaluate what the EU is doing with regard to conflict prevention.

The EU is involved in a wide range of areas and this study has identified seven thematic areas on which to focus: disarmament, demobilisation and reintegration including child soldiers; small arms and light weapons; security sector reform; political dialogue, including good governance, elections and civil society consultation; gender; management of natural resources; and transitional justice. The main report of the study describes in detail what each of these areas entail and what the EU does in general in each of them.

A more thorough examination of EU policy and activity in the seven areas listed above was then conducted through six country case studies. The case study countries are:

- Republic of the Fiji Islands (Fiji)
- Republic of Haiti (Haiti)
- The Federal Republic of Nigeria (Nigeria)
- Somali Republic (Somalia)
- Republic of the Sudan (Sudan)
- Republic of Uganda (Uganda).

The main report and the other case studies are available at: www.quaker.org/qcea

This report begins with a short background of the situation in Sudan. This is followed by a more detailed analysis of the seven thematic issues listed above and how the EU is involved in each of them. The report provides the results of a questionnaire conducted within this study, which was carried out with the European Commission Delegation and civil society organisations in Sudan. Finally, recommendations drawn from the results are presented.

2 The Sudanese Conflict

Sudan is the largest country in Africa, with an area nearly five times as big as that of France. It is characterised by multiple religious, ethnic and socio-economic differences: between Muslims and Christians, Arab and African, nomad and farmer. Sudan shares borders with nine other countries: Egypt, Eritrea, Ethiopia, Kenya, Uganda, Democratic Republic of the Congo (DRC), Central African Republic (CAR), Chad and Libya. It also borders the Red Sea. Khartoum, the capital of Sudan, is situated where the White Nile and the Blue Nile come together to form the Nile and flow north to Egypt and into the Mediterranean. The country's name derives from the Arabic *bilad al-sudan*, which means 'land of the blacks'.

The history of conflicts within Sudan is long and complex and comprises a number of factors. The major present conflict can best be discussed in terms of two separate conflicts, although the two and their respective rebel groups are inseparably related. The first conflict can be viewed as the North/South divide in Sudan and the second as the conflicts in the Darfur region in western Sudan.

In addition, there has also been substantial fighting in eastern Sudan, where a rebel grouping, the Eastern Front, claimed that they were disfavoured in the government's distribution of profits made through oil exports. A peace agreement was signed between the Sudanese Government and the Eastern Front in 2006 but the implementation of the agreement is slow. There are also rising tensions in the north of Sudan, where the government plans to build two dams. The dams would provide big parts of Sudan with electrical power but also displace the local population and deprive them of their traditional homelands.

The involvement of neighbouring countries in the conflict must also be taken into account. This report focuses specifically on the north/south conflict and on Darfur.

2.1 The North/South Conflict

Northern and southern Sudan are culturally different, with the north being more influenced by Arabic traditions and predominantly Muslim, whereas people in the south consider themselves as culturally sub-Saharan and are Christian and Animist. The differences were exacerbated through colonial rule, when northern Sudan was governed by the British protectorate Egypt and southern Sudan was administered separately by the British themselves. People were prevented from crossing the north-south divide. Apart from religious and cultural difference, the regions also experience great differences in economic development, with the south being remote and underdeveloped in comparison with the north. Most of Sudan's oil can be found in the south. Oil is widely considered to be one of the main driving forces behind the continued conflict in Sudan both through the displacement of the people who inhabit the oil-rich regions and by the government being able to use the revenues earned through the oil to fund the military. You can read more about this below in section 7: Sudan and resources.

Sudan gained independence in 1956. A civil war had broken out the year before, due to fears of people in the south that the new nation would be dominated by the north. This conflict lasted until 1972, and came to an end with the signing of the Addis Ababa Agreement. In 1983, the government circumvented the agreement and tried to introduce Islamic Sharia law across Sudan, even in areas where the majority of the population was not Muslim. This was controversial even among the Muslim population, and strongly objected to by the predominantly Christian and animist south. This led to the start of another civil war which since 1983 has killed, according to International Crisis Group, at least 2 million people and displaced a further 4 million.¹

¹ International Crisis Group, *Sudan* [on-line], accessed on 27 February 2008, available at <http://www.crisisgroup.org/home/index.cfm?id=1230&l=1>

2.1.1 The Sudan People's Liberation Army/Movement

The Sudan People's Liberation Movement (SPLM) along with its military faction the Sudan People's Liberation Army (SPLA) were formed in the same year, 1983, and led by John Garang. As a response to the government's latest policies, SPLM called for a united, secular and democratic Sudan, which ignited the civil war in the south. President Jaafar Nimeiri ruled the country between 1969 and 1985, when he was ousted through a bloodless coup. Power was handed over to an elected civilian government in 1986, led by Prime Minister Sadiq el Mahdi. A military coup in 1989 again overthrew the government since when the National Congress Party has led the country, headed by President Omar el-Bashir.

Numerous attempts have been made to mediate an end to the conflict since 1989. In 1994 the Intergovernmental Authority on Development (IGAD) launched a mediation process but did not make any major progress until 2001. A first peace agreement and accompanying ceasefire was reached in 2002, leading to the signing of the Comprehensive Peace Agreement in 2005 (explained in further detail in 2.4.1 below). As part of the talks, the SPLM/A agreed that Sharia law could remain in the north but disputed the Sudanese capital, Khartoum, even though it lies in northern Sudan. Other sticking points of the talks included the division of government/civil service jobs and equal distribution of oil revenues throughout the country.

2.2 The Darfur Region

Darfur has been the centre of various conflicts since the mid-1980s when much of the Sahel region was affected by drought, provoking disputes between nomadic Arabs herding livestock and resident agricultural communities. According to a Human Rights Watch Report² the conflicts became progressively bloodier with the introduction of automatic weapons, whereas previous disputes were settled through negotiations by traditional leaders on each side with compensation for lost crops. According to the same report, the beginning of real armed violence in Darfur can be dated back to 1987 when disputes over land and livestock were fuelled by the devastating drought of 1984-1985 (credited by many to climatic change warming the waters of the Indian Ocean, which in turn changed the patterns of seasonal monsoons³) in which many pastoralists lost all or many of their animals.

Arab/African relations in the region continued to worsen throughout the 1980s and 90s. Politically, Arabs from the northern Nile valley had always been in control of the Sudanese central government and the government has been known to fund and arm various Arab militia groups wreaking havoc against parts of the Sudanese population.

The current conflict in Darfur seems to pit the government of Sudan and Arab militia (the Janjaweed) against Sudanese rebels. The two main Sudanese rebel groups are the Sudan Liberation Army/Movement (SLA/M) and the Justice and Equality Movement (JEM). Despite their differences the groups have cooperated in their fight against the government, however, particularly since the signing of the Peace agreement in May, the rebel groups are beginning to break up into more diverse groups making meaningful dialogue in Sudan increasingly difficult. Both groups have received financial, political and material support from Eritrea. Libya and Chad have also supported the groups, but it is unclear whether this is official government policy or rather support from individual government officials.

2.2.1 The Sudan Liberation Army/Movement

Originally known as the Darfur Liberation Front, the SLA was founded in 2001. The Darfur Liberation Front fought government forces for the improvement of social and economic conditions in Darfur and for the right of the inhabitants of Darfur to have more of a say in the decision-making process,

² Human Rights Watch, *Darfur in Flames: Atrocities in Western Sudan* Vol.16, No. 5(A) (HRW: 2004) [on-line], accessed 10 November 2007, available at <http://www.hrw.org/reports/2004/sudan0404/>

³ Ban Ki-Moon, 'A Climate Culprit in Darfur', *Washington Post* (16 June 2007) [newspaper on-line], accessed 10 October 2007, available at <http://globalpolicy.igc.org/secgen/ban/2007/0616climateculprit.htm>

arguing that Darfur had suffered too long as a result of neglect by the government and tried to persuade decision-makers in Khartoum to officially recognise the impoverished region's particular needs. In 2003 the movement changed name to the SLA, and according to a declaration published by the SLA Secretary General, Minni Arkou Minnawi, 'the objective of the SLA is to create a united democratic Sudan'⁴. In 2003 the movement thus changed its objective from wanting to improve the situation in Darfur to instead focus on all of Sudan. The attacks of the SLA have always been targeted against the government rather than against the Darfurian population e.g. government food and arms bases.

2.2.2 The Justice and Equality Movement

Back in 1989, the current President of Sudan Omar al-Bashir overthrew the government of Sadiq el Mahdi, backed by the leader of the National Islamic Front, Hassan al-Turabi. From this platform Mr Turabi offered African Muslims from peripheral regions of Sudan, like Darfur, a means of obtaining a share of power by participating in government. However in 1999, Turabi tried to introduce a bill into Parliament which would effectively reduce the power of the President. President al-Bashir reacted to this by removing all of the African Muslims appointed by Turabi from government. It was these Darfurian Muslims who went on to found JEM. JEM leader Khalil Ibrahim Muhammad published '*The Black Book: Imbalance of Power and Wealth in the Sudan*' which accuses Arabs of having a disproportionate representation at the top levels of government and administration.

2.2.3 The Janjaweed Militia

The term *janjaweed* is often mistaken to describe a certain group or ideology whereas the word *janjaweed*, an Arabic colloquialism, essentially means 'an evil horseman'.⁵ It is generally thought that the Janjaweed are Arab nomads who have migrated south due to drought and desertification but many human rights organisations argue that these men are recruited, armed and financed by the Sudanese government. The government denies these claims but organizations such as Human Rights Watch⁶ claim official evidence to the contrary.

The Janjaweed fighting is concentrated primarily in the Darfur region of western Sudan and is unrelated to the fighting in the south. The insurgency escalated in February 2003 as the Sudanese government utilized the Janjaweed as its main counter-insurgency force against the SLM and JEM. However the Janjaweed campaign involved mass atrocities targeting civilians in the region of Darfur. A large number of world leaders and countries have declared the Janjaweed killings in Darfur to be genocide since, according to the journal *Science*⁷, no fewer than 200,000 people have been killed either as a result of violence or those dying as a result of conflict-related starvation or disease. In 2004, the U.S. State Department and others named leading Janjaweed commanders including Musa Hilal as suspected genocide criminals. The United Nations (UN) Security Council called for the Janjaweed to be disarmed and disarmament became one of the tasks for the Sudanese government following the recent peace agreements.

⁴ Minnawi, Minni Arkou, quoted in Plaut, Martin, BBC Africa analyst, *Who are Sudan's Darfur rebels?* (5 May 2006) [newspaper on-line], accessed 11 March 2008, at: <http://news.bbc.co.uk/2/hi/africa/3702242.stm>

⁵ UNTERM, *Janjaweed militias* [on-line], accessed 10 November 2007, available at <http://unterm.un.org/dgaacs/unterm.nsf/8fa942046ff7601c85256983007ca4d8/83f7444b20fce17985256e6f0069afb8?OpenDocument>

⁶ Human Rights Watch, *Darfur Documents Confirm Government Policy of Militia Support* (HRW: 20 July 2004) [on-line], accessed on 10 November 2007, available at <http://hrw.org/english/docs/2004/07/19/darfur9096.htm>

⁷ John Hagan and Alberto Palloni, *Death in Darfur*, *Science* 15 Vol. 313. no. 5793 (September 2006), pp. 1578 - 1579 [on-line], accessed on 10 November 2007, available at <http://www.sciencemag.org/cgi/content/summary/313/5793/1578?hits=10&RESULTFORMAT=&FIRSTINDEX=0&maxtoshow=&HITS=10&fulltext=darfur&searchid=1&resourcetype=HWCIT>

2.3 Neighbouring Countries

While the Sudanese government, the Janjaweed and the rebel groups mentioned above are the main actors in the conflict, there are various other external actors contributing to the conflict.

2.3.1 Chad

According to a Human Rights Watch report⁸ several Chadian actors are involved in the conflict. These include Chadian civil communities aligned with both sides of the conflict; the Chadian authorities; members of the Chadian armed forces, and armed groups operating across the border (profiting from looting and stealing). It is generally agreed that 'Arab' Chadians form a large part of the Janjaweed militia force. Thousands of refugees from Darfur and western Sudan have fled to Chad to escape the Janjaweed atrocities.

In May 2007, following a series of border clashes between the two countries the previous month, Sudanese President Omar al-Bashir and Chadian President Idriss Déby Itno signed a reconciliation agreement committing each of the parties to refrain from supporting rebels in the other country.⁹

2.3.2 Uganda

The Sudanese government was suspected of supporting the Lord's Resistance Army (LRA) fighting against the Ugandan government in the north of Uganda. Similarly the Ugandan government was suspected of supporting Sudanese rebel groups. When both governments agreed to withdraw their respective support, the LRA began to wreak havoc on South Sudanese villages. For detailed information on the role of Uganda in southern Sudanese conflict, see this study's report on Uganda¹⁰.

2.4 Peace Agreements

2.4.1 Comprehensive Peace Agreement

A peace agreement was signed between the Sudanese government and the SPLM/A rebels in the south in January 2005 which led to a ceasefire agreement. This is commonly known as the 'Comprehensive Peace Agreement' (CPA). Some of the most important points of the agreement are:

- the south will be given autonomy for an interim period of 6 years, followed by a referendum in 2011 with the option of independence from Sudan;
- John Garang, the leader of SPLM/A, shall be First Vice President, and SPLM/A are also given 28 percent of the seats in the National Government;
- Sharia law is to be applied only in the north and only to Muslims;
- the oil revenues in the south are to be shared 50-50 between the north and the south;
- the forces of the National Government and SPLA are to remain separate, but integrated units of 21 000 troops are to be formed;
- the government has two and a half years to withdraw 91 000 troops from the south, and SPLA has eight months to withdraw its troops from the north;
- the north and the south shall have separate banking systems and currencies.¹¹

⁸ Human Rights Watch, *Darfur in Flames: Atrocities in Western Sudan*

⁹ Mail and Guardian Online, *Sudan, Chad sign reconciliation deal* (3 May 2007) [newspaper on-line], accessed 18 May 2007, available at <http://www.mg.co.za/articledirect.aspx?articleid=306549>

¹⁰ Available at: www.quaker.org/qcea

¹¹ Uppsala universitet, Department of Peace and Conflict Research : Conflict Database, *Sudan - Detailed information- whole conflict - 2005* [on-line], accessed on 28 February 2008, available at <http://www.pcr.uu.se/database/conflictInformation.php?years=2005&bclD=233&variables%5B%5D=8&button+=Search+>

According to Sudan Watch¹² there have been violations of this agreement but generally speaking, the CPA has significantly reduced armed conflict between north and south. Former SPLM/A leader, John Garang, was sworn in as Vice President of Sudan and became the second most powerful figure in the country, having signed a power-sharing constitution with President al-Bashir. Following the death of Garang in July 2005 in a helicopter crash, he was succeeded by Salva Kiir Mayardit. Garang's death led to violence since many of his supporters were suspicious as to whether Garang's death really was an accident.

2.4.2 Darfur Peace Agreement

The Darfur Peace Agreement (DPA) agreement between the government and SLA leader Minnie Minawi was signed in May 2006. The DPA has been welcomed as an important first step but is considered to have serious flaws. According to a report by International Crisis Group the fact that the agreement was signed by only one of Sudan's rebel groups is a serious problem and argues that, 'if the DPA is not to leave Darfur more fragmented and conflict-prone than before, the international community must rapidly take practical measures to shore up its security provisions, improve prospects for displaced people to return home, bring in the holdouts and rapidly deploy a robust UN peacekeeping force with Chapter VII authority.'¹³ The Sudanese government has agreed on paper to allow UN troops into the country through a hybrid African Union (AU)/UN mission, UNAMID. By the end of 2007 26,000 troops should have been deployed, but due to resistance from the government only 8,000 were.¹⁴ The successful deployment of the mission has moreover been hindered by unwillingness of other countries to support it through for instance military equipment.

¹² Sudan Watch, *South Sudan ceasefire violation: SAF ambush SPLA forces at Kharasana nr oil-rich Abyei, killing 12, wounding 26 soldiers* (8 March 2006) [on-line], accessed on 10 November 2007, available at <http://sudanwatch.blogspot.com/2006/03/south-sudan-ceasefire-violation-saf.html>

¹³ International Crisis Group, *Darfur's Fragile Peace Agreement*, Africa Briefing No. 39 (20 June 2006) [on-line], accessed on 10 November 2007 available at <http://www.crisisgroup.org/home/index.cfm?id=4179&l=1>

¹⁴ Uppsala universitet, Department of Peace and Conflict Research: Conflict Database, *Africa, Sudan, General Information*

3 Disarmament, Demobilisation and Reintegration

Disarmament, Demobilisation and Reintegration (DDR) in Sudan is very complex and is considered in two sections to make things a little simpler. DDR is already underway in the South of Sudan, as enabled under the Comprehensive Peace Agreement. DDR is comprehensively planned for in the western parts of the country under the Darfur Peace Agreement, but this is not yet being carried out.

3.1 DDR under the Comprehensive Peace Agreement

After two and a half years of negotiations, on 9 January 2005, the IGAD-sponsored peace talks between the government of Sudan and the SPLM/A concluded with the signing of a Comprehensive Peace Agreement. The CPA has three main sections, which outline agreements relating to ceasefire arrangements, the Armed Forces, and the establishment of DDR institutions.

In accordance with the CPA, the DDR institutions in Sudan are the National Council for DDR Coordination (NCDDRC), the North Sudan DDR Commission (NSDDRC), and the South Sudan DDR Commission (SSDDRC). The NCDDRC is a joint body responsible for overall policy formulation, coordination and evaluation of the DDR process. The two Commissions are political bodies with representation of civil society, which are responsible for the design, implementation and management of the DDR process. According to Article 24.4 of the CPA: 'No DDR planning, management, or implementation activity shall take place outside the framework of the recognized interim and permanent DDR institutions.'¹⁵

3.1.1 The Beginnings: Interim DDR Programme

The Interim DDR Programme (IDDRP) in Sudan for the period 1 July 2005 - 30 June 2006, as set out in the CPA, aimed to build capacity for the three DDR institutions as well as implement DDR processes among priority target groups (women and children associated with armed forces and groups and disabled former combatants). The overall objective of the IDDRP was to lay the groundwork for the formal implementation of a multi-year DDR programme in the future. According to the Regional Centre on Small Arms website, the IDDRP also acknowledged the importance of:

- a community driven and gender inclusive approach;
- balancing equity and security (to reinforce the approach that former combatants are target groups, but communities are the ultimate beneficiaries of the results of DDR);
- responsiveness to disparate and changing conditions;
- the mandate to 'Do No Harm' (to avoid negative impacts in communities in relation to potential or current conflict or insecurity).¹⁶

The IDDRP Programme was funded through:

- UN Assessed Budget for DDR through the United Nations Mission in Sudan (UNMIS);
- voluntary Contribution from Donors, including the European Commission, through the United Nations Development Programme (UNDP);
- Government of National Unity through the NSDDRC;
- Government of South Sudan through the SSDDRC.¹⁷

¹⁵ UNICEF, UNDP Sudan and UNMIS, *Disarmament, demobilisation and reintegration (DDR) in Sudan Information Sheet*, p. 1 [on-line], accessed on 10 July 2007, available at http://www.unmis.org/english/2006Docs/ddr_DDRInfoSheet.pdf

¹⁶ Regional Centre on Small Arms, *Achievements by Member States to the Nairobi Declaration: Sudan Ratifies the Nairobi Protocol*, accessed on 10 November 2007, available at <http://www.recsasec.org/sudan.htm>

¹⁷ *ibid.*, p. 5

3.1.2 Next Steps: Phase One of the DDR Programme

According to the December 2006 Sudan UN DDR Newsletter, the transition from the interim to the formal Phase One of the DDR programme was already under way and would continue into early 2007.¹⁸ In November 2006, the UN DDR Unit, the NSDDRC, and the Sudanese Armed Forces (SAF) took part in a workshop in Khartoum to prepare for the transition period to come. As a result of the workshop, it was announced that 22,000 ex-combatants from SAF, 17,000 from the Popular Defence Forces, 5,000 from Other Armed Groups and 5,000 disabled ex-combatants (from all forces and groups) would be put forward as candidates to participate in the DDR process. This was heralded by the UN as the first crucial step which will allow DDR Phase One to move into its operational stage. The next step will be the verification process, beginning with the pre-registration of those candidates which have been put forward. This process began in December 2006, with over twenty registration sites set up in various locations, including SAF barracks and military hospitals. Interestingly, at least one of the data collectors at each site is an SAF officer who can identify each soldier from his battalion who comes to register.

The DDR has not been implemented as planned due to mainly the lack of agreement between the different parties on issues such as the number of beneficiaries and the timeline for operations. The UN DDR Unit anticipates that progress should recommence in September 2008.¹⁹

An important challenge to bear in mind when dealing with DDR in Sudan is the inadequacy of information relating to the number of combatants expecting to benefit from DDR in Sudan. In a recent article, Robert Muggah at the Small Arms Survey, Geneva, comments that 'although peace agreements often include projections for armed forces and the police in newly constituted security forces, they seldom adequately reflect the number of combatants, guerrillas and militia factions on the payroll or under arms.'²⁰ Muggah explains that, although the Sudanese government estimates the northern faction of the Sudanese People's Defence Force (SPDF) at 43,000 with hundreds of thousands more in other factions, and the SPLM puts its numbers at 260,000, these figures could be grossly exaggerated by up to ten fold.

3.1.3 Target Groups that Benefit from DDR Activities under the CPA

According to the UNMIS website, Phase One of the DDR programme will target:²¹

Children

With the signature of the Comprehensive Peace Agreement (CPA), the government of Sudan and the Sudan People's Liberation Movement have agreed to the demobilization of all child ex-combatants within a six month time frame, although the UNMIS website explains that this was perhaps 'overly ambitious...to expect the deadline to be met.'²² The UN DDR programme aims to demobilise all children under the age of 18 and remove them from armed forces and groups in Sudan, to return children associated with armed forces and groups to families, to implement inclusive community-based reintegration for vulnerable children, to carry out monitoring and prevent the recruitment and re-recruitment of children. By August 2006, 213 children in North Sudan and 894 in South Sudan had been demobilized and returned to their families. Child reintegration programmes might include targeted catch up education for children who have been not been able to attend school, as well as relevant and appropriate vocational or skills training for children who cannot return to school.

¹⁸ UNMIS, *Sudan UN DDR Newsletter* (December 2006) [on-line], accessed on 10 July 2007, available at <http://www.unmis.org/English/2006Docs/DDRNewsletter-dec06.pdf>

¹⁹ Personal correspondence with staff at the UN DDR Unit, e-mail received 14 May 2008, and Integrated UN DDR Unit, *DDR Programme Update* (April 2008)

²⁰ Muggah, Robert, *Reflections on disarmament, demobilisation and reintegration in Sudan, Humanitarian Exchange*, no. 33 (March 2006, commissioned and published by the Humanitarian Practice Network at the Overseas Development Institute) [on-line], accessed on 10 July 2007, available at <http://www.odihpn.org/report.asp?id=2795>

²¹ UNMIS, *DDR Achievements: UN DDR Unit Summary of Achievements 2005/2006* [on-line], accessed 10 November 2007, available at <http://www.unmis.org/English/ddr-achievements.htm>

²² UNMIS, *CPA Calendar and the Four Phases* [on-line], accessed on 10 July 2007, available at <http://www.unmis.org/english/ddr-phases.htm>

According to the United Nations Children's Fund (UNICEF), more than 3,500 child soldiers were demobilized in southern Sudan in phase one of the DDR process, which began in February 2001. UNICEF also reports that the Sudan People's Liberation Movement/Army (SPLM/A) began demobilizing its child soldiers, with UNICEF assistance, since October 2001.

Women

A 2005 UNMIS report²³ explains that the relationships between women and armed forces and groups in Sudan are complex because women have taken a wide variety of roles. Some women have fought as combatants or at least have been trained in weaponry in order to defend villages; others have provided direct support as intelligence gatherers, cooks and porters. An SPLA audit indicates that there could be as many as 1800 female combatants in the SPLA alone. Within the community, many women have lost their husbands and male children in the conflict, leading to a large number of female-headed households and war widows. Abuse of women by armed forces and groups through abduction, rape, repeated sexual abuse, forced marriage as well as prostitution as a means to survive has also been significant throughout the conflict.

According to the report, it is estimated that a total of 5,600 Women Associated with Armed Forces and Groups (WAAFG) would be targeted for support under the IDDRP (some 3,500 in the south and some 2,100 in the north). The UN DDR programme aims to identify, screen and register WAAFG, to design strategies for effective support for their reintegration, to address urgent protection cases and the special needs of WAAFG in areas where armed forces are redeploying addressed. It also aims to undertake evaluation of the IDDRP activities to inform special groups and multi year strategies.

Disabled People

The UN DDR programme will focus on screening and registering of disabled former combatants, designing strategies for effective support for reintegration, conducting pilot reintegration activities, and evaluating these activities in order to inform special groups and multi-year strategies. According to the interim report²⁴, the number of war wounded in Sudan, who are physically or mentally challenged and require support services to assist them in their reintegration is currently unknown. However, a particular focus on those who, among the recognized ex-combatants, can be defined as 'disabled' has been included in the CPA. It differentiates between a fully 'physically disabled' ex-combatant and a 'war wounded' ex-combatant with partial disabilities. The difference is that a war-wounded ex-combatant would still be considered to be able to create an independent life for him/herself whereas the social and economic independence of a fully 'physically disabled' person is significantly limited. It also explains the distinction between mental 'disability' and mental health problems. Mental disability might include organic brain damage or schizophrenia whereas mental health problems are mental problems which might arise due to the stresses of war or other life situations such as depression, post-traumatic stress disorder or anxiety.

Ex-combatants with severe psycho-social problems might be included in the early demobilization process, for both humanitarian and security reasons. Without adequate support, they are more likely to develop problems with alcohol and/or drug abuse that can lead to family and community violence, suicide, crime, etc. Furthermore, they can be an added burden to their families since they are unable to return to their previous work and may require ongoing medical, rehabilitation and social assistance. They might be stigmatized by their families or communities and rejected due to the commitment that is required to help care for them.

²³ UNMIS, *Interim Disarmament Demobilization and Reintegration Programme for Sudan (IDDRP)* (July 2005), p. 9 [on-line], accessed on 10 November 2007, available at http://www.unmis.org/English/2006Docs/ddr_IDDRP%20Programme-Jul05.pdf

²⁴ *ibid.*, p. 10

People affected by HIV/AIDS

Another significant development of the DDR process in Sudan is the commitment of both North and South Sudanese DDR Commissions to integrate HIV awareness and prevention into their DDR programming. The UN Population Fund will assist in this task. HIV prevention and awareness is a particularly significant yet often neglected issue when addressing the reintegration of ex-combatants. The perception in the local community that ex-combatants are a higher risk group for HIV infection can lead to stigmatisation and hinder social reintegration.

3.1.4 The EU's Contribution to DDR under the CPA

The Country Strategy Paper for Sudan for the period 2005-2007²⁵ states that:

In the framework of the current Country Strategy, direct support for the Peace Process, as well as for peace-building activities will be intensified. In the event of a peace agreement these will include Demobilisation, Disarmament and Reintegration (DDR) operations that could include demining, training of security forces and any other action for which provision is made under Article 11 of the Cotonou Agreement.²⁶

The main way in which the EU contributes to DDR in Sudan is through its support of the UN DDR programme, as outlined above.

3.1.5 UNMIS

As described in the Comprehensive Peace Agreement (CPA) and mandated by UNSC Resolution 1590, the UN Mission in Sudan is 'to assist in the establishment of the disarmament, demobilization and reintegration programme as called for in the Comprehensive Peace Agreement, with particular attention to the special needs of women and child combatants, and its implementation through voluntary disarmament and weapons collection and destruction.'²⁷

In Sudan, the UN has established a UN DDR Unit which is a joint unit, composed of UNMIS, UNDP and UNICEF. The UN DDR Unit provides technical support to the two DDR commissions in the north and south. The support can include general capacity building as well as programme development and coordination on the ground. The UN DDR Unit also provides support for fund raising and management, and donor liaison.

The European Commission has contributed 8 million euros as voluntary contribution towards the Interim DDR Programme in Sudan. A further 4 million Euros have also been pledged, bringing the total to date to twelve million euros.²⁸

3.2 DDR under the Darfur Peace Agreement

Signed in May 2006, the DPA makes very specific plans for DDR in the north of the country once a successful ceasefire agreement has been implemented and maintained and the African Union Mission in Sudan (AMIS) has declared that the Janjaweed militia has been successfully disarmed. Of course, these very challenging preconditions make it unlikely that DDR will begin in the north any time soon but it is certainly positive that the central importance of DDR has been acknowledged in the DPA.

²⁵ A new Country Strategy Paper (2008-2013) is being developed, but has not been agreed upon at the time of writing.

²⁶ Republic of Sudan-European Community, *Country Strategy Paper and National Indicative Programme for the period 2005-2007*, 5.3.1 'Support to the Peace Process and to Peace Building Initiatives', p. 21 [on-line], accessed on 10 November 2007, available at

http://www.delsdn.ec.europa.eu/en/eu_and_sudan/agreement_2.pdf

²⁷ UNMIS, *DDR Unit* [on-line], accessed on 10 November 2007, available at

<http://www.unmis.org/english/ddr.htm>

²⁸ Personal correspondence with UN DDR Unit, email dated 22 February 2007 and with the Commission, e-mail dated 21 May 2007

In accordance with the DPA, the government of Sudan submitted a plan for disarming the Janjaweed on 24 June 2006. According to a report by the UN Peace and Security Council, AMIS has reviewed this plan and discussed its observations with the government, which is expected to submit a revised plan in due course.²⁹ The UN report also outlines that, in the meantime, partial disarmament of Janjaweed elements took place in Kas, south Darfur, on 22 June 2006, during which 130 weapons and ammunitions were collected by the government. These weapons are under the joint custody of the government of Sudan and AMIS. Generally speaking however, reports of the progress of disarming the Janjaweed have been far from positive. Back in November 2006, the UN itself reported that, thus far, the Sudanese government has been unsuccessful in fulfilling its promise to disarm the militias.³⁰

Following the disarmament of the Janjaweed, the DPA allows for ex-combatants to be either demobilised completely or returned into their communities as civilians; or to seek employment within Sudan's security institutions.³¹

To achieve the smooth reintegration of former combatants into the security services, the Transitional Darfur Regional Authority (TDRA) will establish the following bodies:

- A Darfur Security Arrangements Implementation Commission (DSAIC) and various subsidiary bodies as necessary. Its members shall include the Governors of the three Darfur States, a representative of the Chief of Staff of the SAF, a representative of the National Council for DDR Coordination, three representatives nominated by the Movements³², a representative of the Joint Commission, representatives of the AMIS and the Chairperson of the Security Advisory Team referred to below and other persons required to implement integration.
- A Security Advisory Team (SAT) staffed by technical experts from a country or countries acceptable to the Parties, or from an international or regional organization, to support the integration of former combatants and the restructuring of selected security institutions.
- A Technical Integration Committee (TIC) to design, plan, implement, manage, and monitor the integration of former combatants. The TIC shall develop the Integration of Former Combatants Plan (ICP) within 60 days of its establishment. The TIC shall comprise representatives from the Movements, the SAF, the SAT, AMIS, and other technical advisors chosen by the DSAIC. Representatives of the Movements and the SAF shall serve as co-Chairpersons of the TIC.

It is stressed throughout that provision will be made to take into account the special needs of women and children in the DDR process. For example, it is underlined that former combatants and non-combatants under the age of eighteen shall not be accepted into any of the Sudanese national security institutions.

The TIC, as outlined above, will be responsible for generating the 'Integration of Former Combatants Plan' (ICP). It was agreed within the DPA that, in parallel with security sector reforms and subject to eligibility:

- 4000 former combatants from the Movements' forces shall be integrated into the SAF.
- Priority shall be given to the re-absorption of former combatants who previously served in the SAF and who left service or were dismissed as a result of the conflict in Darfur. These former combatants shall enter the SAF at their former rank.
- 1000 former combatants from the Movements shall be integrated into Sudanese National Police Force and other security institutions of Sudan, particularly the Border Guards and the Popular

²⁹ UN Peace and Security Council, *Report of the Chairperson of the Commission on the Situation in Darfur*, PSC/MIN/2(LXIII) (18 September 2006) [on-line], accessed 26 June 2007, available at www.amis-sudan.org

³⁰ Opheera McDoom, *Sudan failed to disarm Arab militias - U.N. report* (Reuters: 2006) [on-line], accessed 26 June 2007, available at <http://www.alertnet.org/thenews/newsdesk/B463778.htm>

³¹ For the full text cf. The Darfur Peace Agreement, Article 29, pp. 69-76, accessed on 27 June 2007, available at http://www.unmis.org/english/2006Docs/DPA_ABUJA-5-05-06-withSignatures.pdf

³² 'Movements' refers to the Sudan Liberation Movement/Army (SLM/A) and the Justice and Equality Movement (JEM).

Defence Forces. In exceptional circumstances, formed units may be integrated into such security institutions.

- An additional 3000 former combatants shall be supported through specific education and training programmes developed in coordination with the Movements.
- Former combatants shall comprise approximately thirty-three per cent of newly integrated battalions. In areas to be agreed, former combatants shall comprise up to half of newly integrated battalions. All former combatants shall be integrated into such battalions in groups of approximately 100-150 former combatants.

Assembly of former combatants will be monitored by AMIS. Under the DPA, AMIS has been granted unhindered access to all Assembly sites. The DDR process will then be executed at these assembly sites under the control of AMIS.

The following principles will apply to the DDR process:

- Awareness orientation, sensitisation and training of commanders and their forces on DDR, the peace process and their respective roles and responsibility
- Before their destruction, storage of weapons shall be in containers at designated locations under dual lock, with the Movements in control of one key and AMIS in control of the other key
- Registration, screening and categorization of Movement Forces shall be conducted prior to demobilization
- Demobilization and reinsertion of disabled combatants shall commence immediately
- The Parties agree that former combatants under the age of 18 shall not be moved to Assembly sites but shall instead be disarmed and demobilized separately and that child disarmament and demobilization shall commence immediately after the signing of this Agreement.

For those ex-combatants who do not wish to serve in the security services, the DPA makes provision for their social and economic reintegration into society. The text specifies that the reintegration programme should encourage the participation and strengthen the capacity of the communities themselves and civil society organisations to assist in the reintegration of these former combatants. Specific programmes for the reintegration of women and children are foreseen, with advice from UNICEF and other international bodies.

3.2.1 The EU's Contribution to DDR Planned under the DPA

The EU supported the African Union Mission in Sudan, AMIS, which operated mainly in the Darfur region. It was founded in 2004, and replaced at the end of 2007 by the joint African Union/United Nations Hybrid operation, UNAMID. You can read more about the EU support to AMIS later in this report, under 'political dialogue in Sudan'.

A UN-led force was originally proposed for September 2006, but because of Sudanese government opposition, it was not implemented at that time. UNAMID was authorized by Security Council resolution 1769 of 31 July 2007. The Council authorized UNAMID to take necessary action to support the implementation of the Darfur Peace Agreement, as well as to protect its personnel and civilians, without 'prejudice to the responsibility of the Government of Sudan'.³³

UNAMID 'has the protection of civilians as its core mandate, as well as contributing to security for humanitarian assistance, monitoring and verifying implementation of agreements, assisting an inclusive political process, contributing to the promotion of human rights and rule of law, and monitoring and reporting on the situation along the borders with Chad and the CAR.'³⁴

³³ UNAMID, *Darfur - UNAMID - Background* [on-line], accessed on 26 February 2008 at: <http://www.un.org/Depts/dpko/missions/unamid/background.html>

³⁴ *ibid.*

4 Small Arms and Light Weapons

A letter from the Permanent Mission of the Republic of Sudan to the UN in 2003 concerning the UN Programme of Action on small arms and light weapons (SALW), explains the two main causes of small arms proliferation in Sudan:

- **The War in South Sudan**
Migration of people fleeing from the war to secure area has led to the proliferation of crimes in which weapons are used. Most of the migrants already possess weapons, and dispose of them by selling them on to others.
- **The Security Situation in Neighbouring Countries**
Sudan is surrounded by nine countries, most of which have experienced, and continue to experience, political, economic and social instability. Due to its geographical location, Sudan has become a focus for legal and illegal migration. Many refugees enter the country with weapons and then sell them to citizens in adjacent areas, thus contributing greatly to the illicit trade in such weapons. The proliferation of weapons in this manner has given rise to armed robbery, tribal conflict and other organized forms of crime.³⁵

According to a 2000 survey, the Sudanese police authorities have collected 9,441 pieces of small arms but believe that for every one piece collected, another 13 are hidden. Their belief is that there are about 132,174 pieces of illicit small arms in Darfur.³⁶

According to the same report, police force records show that, for all crimes committed in a given year, a high proportion are small arms related. In 1999, 93 per cent of all crimes committed were small arms crimes. On average, over the period from 1994-2000, more than half of all crimes involved small arms.

4.1 Work to Combat the Spread of SALW

4.1.1 The CPA and UNMIS

After two and a half years of negotiations, on 9 January 2005, IGAD-sponsored peace talks between the government of Sudan and the SPLM/A concluded with the signing of a CPA. The CPA has three main sections, outlined agreements relating to ceasefire arrangements, the Armed Forces, and the establishment of DDR institutions. The documentation and control of weapons is one of the integral features of the DDR process, as outlined under the CPA.

Under the CPA, UNMIS aims to provide neutral and transparent monitoring, data collection, documentation, technical support and verification to the parties for the purposes of controlling arms and ammunition during the disengagement of forces.³⁷ The Arms Reduction and Control (ARC) aspect of DDR deals specifically with the development of programmes to address the proliferation of SALW amongst the Sudanese civilian population. Target groups for disarmament are:

³⁵ UN, The United Nations First Biennial Meeting of States to consider the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, New York, 7-11 July 2003: Letter dated 7 July 2003 from the Permanent Mission of the Republic of the Sudan to the United Nations addressed to the Department for Disarmament Affairs concerning the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects A/CONF.192/BMS/2003/CRP.87 (8 July 2003) [on-line], accessed on 10 November 2007, available at <http://www.smallarmssurvey.org/index.html>

³⁶ Dr. Hussein El Obeid, *Small Arms Survey in Darfur And Investigation of the Child Soldier, The Year 2000*, (CHARM: 2000), p. 10 [on-line], accessed on 10 November 2007, available at www.nisat.org/publications/Darfur/SA%20Survey-CHARM.doc

³⁷ UNMIS, *Interim Disarmament Demobilization and Reintegration Programme for Sudan (IDDRP)*, p. 59

- SAF and SPLA;
- Popular Defence Forces;
- Other Armed Groups;
- Community self-defence forces, armed 'reserves' and 'volunteers';
- Police and para-military police;
- Armed civilians, including armed nomadic pastoralists;
- Foreign Insurgency Groups (if requested by the government of Sudan and SPLM/A).³⁸

The UN DDR Unit is also actively involved in promoting public awareness of SALW issues in affected communities. According to a recent Sudan UN DDR newsletter, in December 2006, Pact (a UN DDR implementing partner) successfully completed its first round of micro-level community SALW control workshops in South Sudan.³⁹ As part of the workshops, the participants present some of the major problems faced by their community and make suggestions on how their security situation could be improved. Experts, together with the community, then design context-specific SALW action.

4.1.2 The Nairobi Protocol

The Nairobi Protocol is a Great Lakes Region and Horn of Africa treaty for the prevention, control and reduction of small arms. The Sudan National Focal Point was officially launched on 12 February 2004 to oversee the implementation of the Nairobi Protocol in Sudan.

4.2 The EU's Involvement in Countering SALW

4.2.1 Support to the UN DDR Programme

According to the UN DDR unit, to date the EC has contributed 8 million Euros as Voluntary Contribution towards the Interim DDR Programme in Sudan. A further 4 million Euros have also been pledged.⁴⁰

4.2.2 Arms Embargos

The European Union and its Member States imposed an arms embargo on Sudan in March 1994.⁴¹ This embargo was modified in January 2004 due to the ongoing civil war in Sudan. The European Union decided to strengthen the arms embargo with Common Position 2004/31/CFSP⁴² and Council Regulation (EC) No 131/2004.⁴³ On 10 June 2004 the Council adopted a Common Position⁴⁴ amendment so as to allow exemptions to the embargo for the African Union-led Ceasefire Commission. In May 2005 the Council adopted a new Common Position⁴⁵ in order to create a new legal instrument in accordance with UNSCR 1591/2005.⁴⁶ After the Common Position had been

³⁸ *ibid.*

³⁹ UNMIS, *Sudan UN DDR Newsletter*

⁴⁰ Personal correspondence with UN DDR Unit, email dated 22 February 2007

⁴¹ Sipri, *Council Decision concerning an arms embargo on Sudan* [on-line], accessed 10 November 2007, available at http://www.sipri.org/contents/expcon/eu_sudan01.html

⁴² Official Journal of the European Union, *Council Common Position 2004/31/CFSP* (9 January 2004) [on-line], accessed on 10 November 2007, available at

http://www.sipri.org/contents/expcon/sudan_embargo_2004_01.pdf

⁴³ Official Journal of the European Union, *Council Regulation (EC) No 131/2004* (26 January 2004) [on-line], accessed on 10 November 2007, available at

http://www.sipri.org/contents/expcon/sudan_embargo_2004_02.pdf

⁴⁴ Official Journal of the European Union, *Council Common Position 2004/510/CFSP* (10 June 2004) [on-line], accessed on 10 November 2007, available at

http://www.sipri.org/contents/expcon/sudan_embargo_2004_05.pdf

⁴⁵ Official Journal of the European Union, *Council Common Position 2005/411/CFSP* (30 May 2005) [on-line], accessed on 10 November 2007, available at

http://www.sipri.org/contents/expcon/sudan_embargo_2005_01.pdf

⁴⁶ Official Journal of the European Union, *Council Regulation (EC) No 838/2005* (30 May 2005) [on-line], accessed on 10 November 2007, available at [http://eur-](http://eur-lex.europa.eu/LexUriServ/site/en/oj/2005/L_139/L_13920050602en00030004.pdf)

[lex.europa.eu/LexUriServ/site/en/oj/2005/L_139/L_13920050602en00030004.pdf](http://eur-lex.europa.eu/LexUriServ/site/en/oj/2005/L_139/L_13920050602en00030004.pdf)

brought in line with the UNSCR, the Council Regulation was also adjusted accordingly.⁴⁷ The embargo prohibits:

- The delivery or supply of arms and related materiel to Sudan, from Member States' territory, by their nationals, or using their flagged vessels and aircraft.
- The provision of technical assistance, brokering services and other services related to military activities and to the provision, manufacture, maintenance and use of arms and related materiel to any person, entity or body in, or for use in, Sudan.
- The provision of financing or financial assistance related to military activities to any person, entity or body, in or for use in, Sudan.
- Council Regulation (EC) 838/2005 further prohibits the grant, sale, supply or transfer of technical assistance related to military activities and to the provision, manufacture, maintenance and use of arms and related materiel to any person, entity or body, in or for use in, Sudan. They ban the provision of financing or provision of financial assistance related to military activities to any person, entity or body, in or for use in, Sudan.⁴⁸

⁴⁷ Council Regulation (EC) No 838/2005 amended Council Regulation (EC) No 131/2004, *ibid*.

⁴⁸ The Department of Trade and Industry, *Sudan, EU and UN Sanctions* (August 2005) [on-line], accessed 30 April 2007, available at <http://www.dti.gov.uk/europeandtrade/strategic-export-control/sanctions-embargoes/by-country/sudan/page9305.html>

5 Security Sector Reform

Sudan has been badly affected by several decades of civil conflict, both in the north and south of the country. Various international reports have concluded that the situation in Darfur has been characterised by attacks on the civilian population by the government military, its militias and other security forces, as well as suffering attacks from other government mobilised forces such as the Janjaweed. Although, some areas of the country are in such a state of conflict that security sector reform (SSR) is hardly the highest priority, there are other less conflict-affected areas where SSR projects are already underway. Under the DPA, an agreement was reached to undertake comprehensive research and plan for SSR in the north of the country. Although these plans have not yet been implemented, they are certainly worthy of discussion in this section.

5.1 International Contribution to SSR

While little is being done nationally, the government of Sudan has given its consent for various international bodies to carry out SSR projects, almost exclusively in the south of the country.

5.1.1 Multi-Donor Trust Fund Project in Southern Sudan

In May 2007, the World Bank-administered Multi-Donor Trust Fund (MDTF) approved a three year project to reform the police and prison service in South Sudan. The European Commission and Germany⁴⁹ in particular, have been keen supporters of this work, with the Commission (and ECHO) committing over twenty-eight million US dollars⁵⁰ (approximately twenty-one million euros).⁵¹

5.1.2 The UNMIS Project in Southern Sudan

UNMIS has been carrying out several Quick Impact Projects to bring about police reform in south Sudan. Its aim is 'to help create a modern, effective and efficient Sudanese police service which operates fairly and impartially and in observance of the rule of law, with respect for human rights and in accordance with internationally accepted standards of conduct.'⁵² The full UNMIS Police team consists of over seven hundred police officers and experts. Some of the projects include the construction of an office for Women and Children Unit in Juba; and the renovation of various police stations and training academies.

UN Police are attached to a local police station with the aim of bringing local police standards in line with international standards, by providing training and working to improve relationships between local police and the communities in which they work.

The European Commission has not contributed to any UNMIS Police Reform and Restructuring Projects, though certain Member States have.⁵³

⁴⁹ Delegation of the European Commission to Sudan, *MDTF South Sudan Oversight Committee, November 7th 2006 Consolidated Comments of European Commission & Germany*, 'FPP Police and Prisons', p. 1 [on-line], accessed 25 June 2007, available at

http://siteresources.worldbank.org/INTAFRMDTF/Resources/IOC_Minutes_SS_nov_7_annex7.pdf

⁵⁰ 28,200,000 US dollars, cf. United Nations Sudan Information Gateway, *Sudan Assistance 2005 - Contributions included since 21 Sep update* [on-line], accessed 25 June 2007, available at

http://www.unsudanig.org/workplan/rts/2005/docs/2_0_3b%20New%20contributions%20recorded%20since%20ast%20update.pdf

⁵¹ World Bank, *Sudan Multi-Donor Trust Funds (MDTFs)*, 'MDTF- Southern Sudan Portfolio (as of May 31st, 2007)' [on-line], accessed 25 June 2007, available at

<http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/AFRICAEXT/SUDANEXTN/EXTAFRMDTF/0,,contentMDK:20884870-menuPK:2317424-pagePK:64168445-piPK:64168309-theSitePK:2193668,00.html#portfolio>

⁵² UNMIS, *Police Reform and Restructuring* [on-line], accessed 25 June 2007, available at

<http://www.unmis.org/English/police-RR.htm>

⁵³ Personal correspondence with UNMIS, email dated 15 October 2007

5.2 The EU's Contribution to SSR

The EU's main contribution to SSR projects in South Sudan is through the UN and the World Bank programmes outlined above. However, individual Member States also provide a large amount of bilateral support and carry out their own SSR projects. This could be an area where Member States and the Commission could better coordinate their efforts.

For example, the British Council and Scottish Police College have recently gained a contract with the UK Department for International Development (DFID) to 'provide training and build capacity within the Police Force in Sudan.'⁵⁴ The contract consists of two projects:

- to manage and deliver 'police training and standard setting in Northern Sudan';
- to introduce 'preliminary training for the embryonic police force in southern Sudan together with the establishment of a Training Unit, through a Training of Trainers initiative'.⁵⁵

5.3 Provision for Future SSR under the Darfur Peace Agreement

Signed in May 2006, the DPA makes very specific plans for security sector reform in the north of the country to be implemented in parallel with planned DDR programmes.⁵⁶ SSR is not planned to take place any time soon, however, until a successful ceasefire agreement has been implemented and maintained, and the AMIS has declared that the Janjaweed militia has been successfully disarmed. Although SSR as foreseen under the DPA is not currently in place, it is positive that the central importance of SSR has been acknowledged.

According to the DPA text, SSR shall include but not be limited to the following:

- the Popular Defence Forces;
- the Border Intelligence Units;
- the State Police and its subsidiary departments including but not restricted to:
 - the Popular Police;
 - the Nomadic Police;
- Sudan Armed Forces.

Within the reform, the security institutions shall be subject to the following:

- their size, capability and mandate shall be commensurate with the tasks to be performed by them and shall give special consideration to the needs of Darfur;
- they shall be administered on the basis of impartiality and professionalism;
- their membership shall be based on merit and fitness without regard to ethnicity or political leanings, with fair representation from all groups;
- they shall be subject to civil oversight and legal accountability;
- they shall include women in all ranks and shall have specific sections to address the particular needs of women and children with respect to personal security and law enforcement;
- their members shall perform their duties in a manner designed to gain the confidence of all the communities that they serve and the people of Darfur.

The Darfur Security Arrangements Implementation Council (DSAIC) shall review and make recommendations to the Transitional Darfur Regional Authority (TDRA) for each security institution.

⁵⁴ International Civilian Police (CIVPOL), *Sudan Police Training* [on-line], accessed 25 June 2007, available at <http://www.civpol.org/portal/html/modules.php?name=News&file=article&sid=937>

⁵⁵ *ibid.*

⁵⁶ For the full text cf. The Darfur Peace Agreement, Article 29, pp. 76-78

The government, in coordination with the Movements, shall implement those recommendations approved by the TDRA.⁵⁷

Within sixty days of the signing of the DPA, the DSAIC was supposed to undertake a review of policing in Darfur to make specific recommendations for reform to the TDRA. The review should address 'police organizational structures, management, command and control, selection, recruitment, training, professional development, human rights issues, accountability and the relationship between police and communities.'

However, it should be noted that, due to the ongoing security situation on the ground in Darfur, many of the bodies foreseen under the DPA have not yet been formed, including the DSAIC. As a report from the UN Peace and Security Council comments, the timelines specified in the DPA have become 'obsolete' and should be re-evaluated.⁵⁸ As such, the aforementioned police review has not yet been completed.

⁵⁷ 'Movements' refers to the Sudan Liberation Movement/Army (SLM/A) and the Justice and Equality Movement (JEM).

⁵⁸ UN Peace and Security Council, *Report of the Chairperson of the Commission on the Situation in Darfur*

6 Political Dialogue

6.1 The EU's Role in Political Dialogue

6.1.1 Recommencing Political Dialogue: the 1999 Talks

Recent political dialogue between the EU and Sudan began with a meeting in November 1999. The EU suspended relations and dialogue with the country under the Lomé Agreement in 1990. The November 1999 talks were intended to reinitiate those relations through political dialogue by the end of 2002. As a first step to normalising EU-Sudan relations, EU Ambassadors in Khartoum and government officials met to discuss the EU proposal to initiate an economic assistance programme called 'humanitarian plus,' focusing on water, food security, health, and education. The EU also took an active role in drafting human rights resolutions at the UN Commission on Human Rights and a Joint Parliamentary Assembly mission to Sudan in 2001 also reported its concerns over the country's human rights record. According to a Human Rights Watch report, the main issues discussed in the 1999 talks were 'human rights; democracy, the rule of law and good governance; the peace process; terrorism; and cooperation between Sudan and neighbouring countries'.⁵⁹

In December 2001, the EU sent representatives from the EU 'troika' to Sudan through whom the EU announced its intention to progressively normalise relations under Article 8 of Cotonou. In 2003, the two parties met to review progress on the targets for peace, democracy, and human rights agreed on in 1999. In a Joint Communiqué, the EU expressed its commitment to supporting the CPA in Sudan, adding that, once the CPA is signed, the EU would resume full relations with the country in terms of both development and dialogue. However, the EU also took this opportunity to express 'deep concern' about the humanitarian crisis in Darfur and urged all parties concerned to implement the Chadian Tripartite Agreement and strive to bring about peace in the region.⁶⁰ Despite the ongoing Darfur crisis, relations were normalised with Sudan and a Country Strategy Paper was finally agreed between the two parties in 2005.

6.1.2 The Ongoing Sanctions Debate

The EU has come under heavy criticism in recent months over its lack of punitive action against the Sudanese regime for the continuing human rights abuses in the Darfur region of the country. Chris Patten, former European Commissioner for External Relations drew attention to the fact that, since 2004, the EU has expressed concern over the situation in Darfur fifty-three times but has yet to take any concrete action. 'If official European expressions of unease were effective, Sudan's ethnic cleansing would have been halted long ago,' Patten commented.⁶¹ Among several recommendations to the EU, Patten argued that 'instead of a 54th expression of concern, European foreign ministers should use their next monthly meeting in April 2007 to heed the European Parliament's call for sanctions on Khartoum.' Dick Oosting, Director of Amnesty International's EU Office agrees that 'In this context, if the Council [of the EU] once again limits itself to issuing yet another declaration of concern, it will be condemning itself to a position of irrelevance'.⁶²

In March, President of the European Council Angela Merkel stressed that the EU might need to 'consider stronger sanctions' on Sudan. Stricter action against Khartoum, including sanctions and the application of a no-fly zone by Member States, has been supported by the European

⁵⁹ Human Rights Watch, *Sudan, Oil, and Human Rights*, 'European Union', (HRW: September 2003) [on-line], accessed 30 April 2007, available at <http://www.hrw.org/reports/2003/sudan1103/index.htm>

⁶⁰ Council of the European Union, *EU-Sudan Political Dialogue: Joint Communiqué 18 December 2003*, 16357/03 (Presse 380) (22 December 2003) [on-line], accessed 1 May 2007, available at http://ue.eu.int/ueDocs/cms_Data/docs/pressData/en/er/78519.pdf

⁶¹ Chris Patten, *Sudan's Crimes against Humanity Need Real EU Action, Not Empty Words*, The Irish Times [on-line], accessed 30 April 2007, available at <http://www.crisisgroup.org/home/index.cfm?id=4744>

⁶² Amnesty International, *EU-SUDAN: One more statement of concern is not good enough*, AI Index: AFR 54/015/2007 (Public) (April 2007) [on-line], accessed 30 April 2007, available at <http://www.amnestyusa.org/document.php?lang=e&id=ENGAFR540152007>

Parliament.⁶³ Glenys Kinnock MEP has stated that “the EU position is weak and untenable...if Darfur was, for example, Lebanon, then real sanctions would be getting more discussion time at Council level...Khartoum knows that Europe is all bark and no bite and that is why today we call for strong new economic, legal and military measures.”⁶⁴ For more information on EU Arms Embargo, see above section on SALW.

6.2 The Role of the Intergovernmental Authority on Development

From as early as 1994, the IGAD (then known as the Intergovernmental Authority on Drought and Development (IGADD)) has been involved in peace negotiations between the Sudanese government and various rebel factions. Since becoming IGAD in April 1996, a department for conflict management has been established and member states have pledged to act collectively to preserve peace, security and stability under Article 18 of IGAD membership. IGAD has also established a permanent secretariat for Sudan Peace Process, based in Nairobi and appointed a special envoy to Sudan. Djibouti, Eritrea, Ethiopia, Kenya Somalia, Sudan and Uganda are members of IGAD.

The first round of IGAD peace talks began in February 2000 which led to the signing of the Machakos Protocol by the Sudanese government and the Sudanese People’s Liberation Army. The protocol committed the parties to a six month cessation of hostilities until a formal ceasefire agreement could be negotiated. It was further agreed that Sharia law should not be applied in the South for a six year ‘interim period’ after which a referendum on formal southern independence would be held.⁶⁵ Talks to negotiate a formal ceasefire were initiated in August 2002 but were suspended due an SPLA attack on the town of Torit. Talks recommenced in October 2002 and a Memorandum of Understanding was signed which committed both parties to a ceasefire agreement for the duration of the talks. With pressure from both the EU and IGAD, the two parties also agreed to grant full access to civilians by international humanitarian organisations.⁶⁶

Under the mediation of IGAD, six other agreements were slowly worked out between the government and the SPLM/A between 2003 and 2004. These were:

- the Protocol on security arrangements;
- the Protocol on wealth-sharing;
- the Protocol on Power-sharing;
- the Protocol on the resolution of conflict in southern Kordofan/Nuba Mountains and the Blue Nile States;
- the Protocol on the resolution of conflict in Abyie.

The UN Mission in Sudan explains that, ‘under sustained pressure from the international community, the UN Security Council, the UN Secretary-General and his Special Representative for Sudan, the African Union and the IGAD’, peace talks were resumed in October 2004 between First Vice-President Ali Osman Taha and the Chairman of the SPLM/A, John Garang.⁶⁷ The Comprehensive Peace Agreement was signed by both parties in January 2005.⁶⁸

⁶³ European Parliament, Adopted Text: *Situation in Darfur* (Strasbourg, February 2007), P6_TA-PROV(2007)0052 [on-line], accessed 1 May 2007, available at

<http://www.europarl.europa.eu/sides/getDoc.do?Type=TA&Reference=P6-TA-2007-0052&language=EN>

⁶⁴ Glenys Kinnock, MEP, as quoted in the Sudan Tribune, *E.U. demands action against Sudan over Darfur* (February 2007) [on-line], accessed 1 May 2007, available at

<http://www.sudantribune.com/spip.php?article20310>

⁶⁵ For the full text of the Machakos Protocol, see

http://www.iss.co.za/Af/RegOrg/unity_to_union/pdfs/igad/MachakosProt.pdf

⁶⁶ Intergovernmental Authority on Development (IGAD), *Profile: Intergovernmental Authority on Development* [on-line], accessed 1 May 2007, available at http://www.africa-union.org/Recs/IGAD_Profile.pdf

⁶⁷ UNMIS, ‘The background to Sudan’s CPA’, *Comprehensive Peace Agreement* [on-line], accessed 1 May 2007, available at <http://www.unmis.org/English/cpa.htm>

⁶⁸ For the full text of the Comprehensive Peace Agreement, see <http://www.unmis.org/English/documents/cpa-en.pdf>

6.2.1 The EU's Support of IGAD in Its Political Dialogue with Sudan

The EU can claim some credit for the important diplomatic work achieved by IGAD because it offered both political and financial support to the peace process. According to an EU press statement, the EC gave 1.5 million euros to support the Naivasha Sudan Peace Process.⁶⁹ This money went towards directly financing the peace talks themselves and 950,000 euros also went towards supporting the international Joint Verification and Monitoring Team (VMT) which was charged with monitoring the cessation of hostilities agreement in southern Sudan from July 2004. In terms of political support, the EU strongly spoke out in support of the IGAD-led peace process, pledging support to any resulting peace agreement.⁷⁰ The EU statement was much stronger than those from other international actors, such as the US.⁷¹

6.3 The Role of the AU

The AU facilitated peace talks leading up to the signing of the DPA by the government of Sudan and the Sudan Liberation Army led by Minni Arkou Minawi in May 2006. In November 2006 the AU Commissioner for Peace and Security launched the Darfur-Darfur Dialogue and Consultation (DDDC), as envisaged in the DPA, chapter 4. The process aims 'to bring the grass-roots population together, to deal with those issues not directly dealt with under the DPA, including the root causes of the conflict. The process is intended to lead to peace and reconciliation in Darfur'.⁷²

To support the peace process the AU and the UN set up a Joint Mediation Support Team (JMST) in Khartoum and appointed Dr. Salim Ahmed Salim and Mr. Jan Eliasson respectively as representatives 'to engage in a process of exploration, consultation and mediation between the parties and all stakeholders in the peace process'.⁷³

In April 2004, the Sudanese government, the SLA and the JEM signed the N'djamena Ceasefire Agreement and acknowledged the AU as the lead international body in Darfur, responsible for the implementation and monitoring of the ceasefire agreement. The AMIS was the main monitoring body resulting from these negotiations.

6.3.1 The EU's Support of the AU in Sudan

The AU/EU relationship is both political and financial. As one report from the International Crisis Group observes,

'Whatever difficulties the AU/EU relationship may have experienced to date, the two organisations will continue to cooperate out of mutual recognition of their need for each other and the complementarity of their political agendas.'⁷⁴

In terms of finance, the EU has directly funded the AU-led African Mission in Sudan (AMIS). The EU has committed 242 million euros in funding for AMIS under the African Peace Facility since its

⁶⁹ European Union, *Support to peacebuilding: examples of EU action*, MEMO/05/313, (September 2005) [on-line], accessed 1 May 2007, available at <http://europa.eu/rapid/pressReleasesAction.do?reference=MEMO/05/313&format=HTML&aged=1&language=EN&guiLanguage=en>

⁷⁰ European Union, *EU Presidency declaration on the peace process in Sudan* (August 2003) [on-line], accessed 1 May 2007, available at http://europa.eu-un.org/articles/en/article_2633_en.htm

⁷¹ US Department of State, *Sudan: Talks Resume -- Time for Agreement is Now* (August 2003) [on-line], accessed 1 May 2007, available at <http://www.state.gov/r/pa/prs/ps/2003/23123.htm>

⁷² African Union Mission in Sudan (AMIS), *Darfur Peace Agreement Implementation Team (DPAIT)* [on-line], accessed 12 March 2008, at: <http://www.amis-sudan.org/DarfurPeace.html>

⁷³ Joint Mediation Support Team, *Mission Statement* [on-line], accessed 12 March 2008 at: <http://www.unmis.org/JMST/index.htm>

⁷⁴ International Crisis Group, *Crisis Group Africa Report No.99*, 'The EU/AU Partnership in Darfur: Not yet a Winning Combination' (October 2005), p. 14 [on-line], accessed 1 May 2007, available at http://www.conflictprevention.net/library/documents/africa/crisisgroup_eu_au_partnership_darfur.pdf

establishment⁷⁵. Together with additional bilateral contributions from Member States, this brings total EU support to AMIS to over €400m since the establishment of the Force. AMIS was replaced by UNAMID, an AU/UN hybrid force, at the end of 2007. EU's support to the African Peace Facility is controversial, mainly because it has proved to be a way for the EU to use development money to fund military operations, and money is thus diverted away from actual development efforts. The African Peace Facility is an African initiative and it is used to fund activities undertaken by Africans, which are both very positive aspects. It does, however, focus on peacekeeping as a more or less exclusively military concept and there is little or no room in the Facility for the deployment or training of civilians to undertake either peacekeeping or peacebuilding work.⁷⁶

Together with Member States the EU has given a total of four million euros to peace talks in Abuja.⁷⁷ In September 2007 the AU together with the UN established a trust fund to support the peace process in Darfur. The EC has made a €3m contribution to the fund, through the Instrument for Stability.

In terms of resources, the EU has deployed field staff to assist AMIS, as well as civilian police advisors, and has funded civil society organisations to facilitate in the negotiation process. Following the establishment of the Ceasefire Commission (CFC) in April 2004, the EU, along with the US and UN, deployed observers to help staff the CFC and monitor the implementation of the N'djamena agreement. The EU also selected and appointed the Deputy Chairperson to the CFC.⁷⁸ The EU Special Representative to Sudan (formally acting-EUSR Sten Rylander, followed by Pekka Haavisto and currently Torben Brylle) was also deployed in order to represent the European position in negotiations in Sudan. EU representatives also took part in an AU-led Joint Assessment Mission (JAM) to identify the strengths and weaknesses of AMIS.

Politically, the EU has issued various statements in support of the work of the AU and AMIS in Sudan. The May 2006 Council Conclusions praised the work of the AU thus far, urged all parties concerned to respect their commitments under the DPA and pledged its future support for the peace process and the AU.⁷⁹ High Commissioner Javier Solana has also spoken out in support of the DPA and AU activity:

“The European Union's support to the African Union will not waver over the coming months, which will be fundamental to the implementation of the peace agreement and therefore to the return to stability.”⁸⁰

⁷⁵ Council of the European Union, *Communication from the Council of the European Union to the Permanent Representatives Committee*, 27 February 2007, ref: 678/07, Subject: Financing of AMIS, p. 1

⁷⁶ For more information on QCEA's opinion about the Facility, please see an article in *Around Europe* No. 268 January 2005, *The African Peace Facility - What issues does it raise?*, available on-line at: <http://www.quaker.org/qcea/aroundeurope/2005/268.htm#Second>

⁷⁷ Council of the European Union, *Communication from the Council of the European Union to the Permanent Representatives Committee*, p. 9

⁷⁸ *ibid.*, p. 3

⁷⁹ Council of the European Union, *Council Conclusions on Sudan*, 2727th General Affairs Council meeting (May 2006) [on-line], accessed 2 May 2007, available at http://www.iccnw.org/documents/EU_CouncilConclusionsonSudan_15May06.pdf

⁸⁰ European Union, Javier Solana, EU High Representative for the CFSP, welcomes signing of peace agreement in Abuja, appeals those rejecting it to reconsider their position, S127/06 (May 2006) [on-line], accessed 2 May 2007, available at http://ue.eu.int/ueDocs/cms_Data/docs/pressdata/EN/declarations/89482.pdf

7 Gender

7.1 The Changing Role of Women in the Context of the Conflict

With the number of men caught up in or dying as a result of the conflict in Sudan, more and more women are having to adapt to new, often traditionally-male roles in the absence of male family members. They have to assume a role as the head of household and as providers. In 2003, UNDP reports that women made up forty-two per cent of the labour force in Sudan. In order to compete for these jobs and to provide for their families, increased numbers of women and their families are migrating towards the city areas. Among the displaced population, UNDP reports that many women in refugee camps are turning to prostitution and to brewing alcohol illegally in order to earn enough money to survive. A UN report found that eighty per cent of those in Omdurman Women's Prison in Khartoum were there for prostitution or the production of alcohol.⁸¹

However, in addition to their changing role in the family, women and girls are also directly affected by the conflict. Violence, the risk of rape, displacement and slavery are constant fears for many Sudanese women.

In 2002 Human Rights Watch released a report outlining the extent of slavery within Sudan. 'Government-backed and armed militia of the Baggara tribes' capture women and children and force them to work in homes and fields. Refusal to cooperate, the report explains, can result in physical and/or sexual abuse.⁸² The Sudan Criminal Code 1991 does not outlaw slavery although Sudan is party to various international treaties that do, including the Slavery Convention, and the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery. Rape and sexual violence is another danger facing Sudanese women. Médecins Sans Frontières reported that they had treated over 500 women and girls following rape between October 2004 and February 2005, and that the number of rape victims is certainly not decreasing. Amnesty International reports that rape in the Darfur region of Sudan is 'systematic' and often used as a method of humiliation, as women are raped in front of their husbands and families.⁸³ Women have reported rapes within IDP camps, during their daily activities, as well as in direct conflict situations.⁸⁴ Of course, with the heightened risk of rape, women also face the increased danger of contracting HIV/AIDS. A 2004 UNICEF report found that 3.1 per cent of Sudanese females suffer from HIV in comparison with 1.1 per cent of males.⁸⁵

7.1.1 Education

UNDP reports that in 2002 adult female illiteracy was 50.9 per cent, while youth female illiteracy (ages fifteen to twenty-four) was 25.6 per cent, with figures being considerably worse in the south. At primary level, UNDP estimates that thirty per cent of boys and only ten per cent of girls are enrolled. Women make up sixty per cent of the university student body, but this could be in part due to the number of men enrolled in military service.⁸⁶

⁸¹ United Nations Development Programme, *Gender Country Profiles* [on-line], accessed 11 April 2007, available at <http://www.undp-pogar.org/countries/gender.asp?cid=18>

⁸² Human Rights Watch, *Slavery and Slave Redemption in the Sudan* [on-line], accessed 11 April 2007, available at <http://www.hrw.org/backgrounder/africa/sudanupdate.htm>

⁸³ Amnesty International, *Sudan, Darfur Rape as a weapon of war: Sexual violence and its consequences* (Amnesty International: July 2004) [on-line], accessed 12 April 2007, available at [http://web.amnesty.org/aidoc/aidoc_pdf.nsf/Index/AFR540762004ENGLISH/\\$File/AFR5407604.pdf](http://web.amnesty.org/aidoc/aidoc_pdf.nsf/Index/AFR540762004ENGLISH/$File/AFR5407604.pdf)

⁸⁴ Médecins Sans Frontières, *The Crushing Burden of Rape: Sexual Violence in Darfur* (MSF: March 2005) [on-line], accessed 12 April 2007, available at <http://www.doctorswithoutborders.org/publications/reports/2005/sudan03.pdf>

⁸⁵ New Sudan Centre for Statistics and Evaluation and UNICEF, Table 1: 'Social And Development Indicators For Sosis, Sudan And Peer Group', *Towards A Baseline: Best Estimates Of Social Indicators For Southern Sudan*, p. 9 [on-line], accessed 12 April 2007, available at <http://www.womenwarpeace.org/sudan/docs/baseline.pdf>

⁸⁶ United Nations Development Programme, *Gender Country Profiles*

7.1.2 Legislation: Women as Decision-Makers

After opening the judiciary to women in 1964, five women now sit on the High Court. Following the 1998 Constitution, women are allocated twenty-five per cent of the seats in the National Assembly and at least ten per cent of the seats in every state council. The government has also appointed female ambassadors and an advisor on women's affairs within the cabinet.⁸⁷ Furthermore, according to Article 21 of the Constitution, all Sudanese are equal before the laws as regards to rights and duties, males and females and no discrimination regarding sex, religion or wealth is allowed.⁸⁸ Despite this, however, Sudan is not a party to the Convention on the Elimination of All Forms of Discrimination against Women. The Interim 2005 Constitution of southern Sudan also affords women equal rights, as well as pledging to 'enact laws to combat harmful customs and traditions which undermine the dignity and status of women'.⁸⁹

7.1.3 Status of Women

There have been reports of non-Muslim women being beaten, fined or imprisoned under Islamic law for wearing 'improper dress'. Furthermore, throughout Sudan among Christians as well as Muslims, there is great international concern over the number of women and girls who are forced to undergo Female Genital Mutilation - 90% of women surveyed in northern Sudan, according to a UNICEF report..⁹⁰ 'This practice violates girls' and women's basic human rights, denying them of their physical and mental integrity, their right to freedom from violence and discrimination, and in the most extreme case, of their life,' the report says.

According to a statement by the Sudanese Minister of Social Planning, the government of Sudan 'sees the participation of women in peace making as an essential tool for raising women's issues'.⁹¹ As such, the government has formulated several programmes aiming to train women in income-generating activities, to encourage the participation of women in decision-making, peace negotiations and inter-tribal dialogue.

7.2 Civil Society

There are various women's groups operating in both northern and southern Sudan. The Sudanese Women General Union is the umbrella organisation for all of Sudan's women's organisations.⁹² Sudan is also part of a United Nations Development Fund for Women (UNIFEM) project aiming at 'strengthening the capacity of civil society organisations in the peace process and responding to African women's demands for gender-parity in political dialogue'.⁹³ The project establishes a Peace Advisory Committee in the country encouraging the participation of women in conflict resolution and provides training on gender-sensitivity in this area.

⁸⁷ *ibid.*

⁸⁸ Constitution Of The Republic Of Sudan, for full text see

<http://www.sudan.net/government/constitution/english.html>

⁸⁹ The Interim Constitution of Southern Sudan 2005, for full text see

<http://www.cushcommunity.org/constitution.pdf> accessed on 12 April 2007

⁹⁰ UNICEF Innocenti Research Centre, 'Changing A Harmful Social Convention: Female Genital Mutilation/Cutting', Chapter 2 'Magnitude, Assessment and Measurement', in *Innocenti Digest* (UNICEF: 2005), p. 4 [on-line], accessed 11 April 2007, available at

<http://www.unicef-icdc.org/publications/pdf/fgm-gb-2005.pdf>

⁹¹ Dr Gutbi El-Mahadi, Minister of Social Planning, Sudan Embassy in South Africa, *Status of Women in Sudan* [on-line], accessed 12 April 2007, available at http://www.sudani.co.za/official_woman.htm

⁹² For more information on the Sudanese Women General Union, visit

<http://www.sudanembassy.org/contemporarylooks/women.htm>

⁹³ UNIFEM Women War and Peace, *Country Profiles: Reports and Fact Sheets on Sudan* [on-line], accessed 12 April 2007, available at <http://www.womenwarpeace.org/sudan/sudan.htm>

8 Natural Resources

8.1 Water

Egypt and Sudan hold absolute rights to use 100 per cent of the river Nile's water under agreements reached in 1929 between Egypt and Britain (which was then the colonial power in Kenya, Sudan, Tanzania, and Uganda) and in 1959 between Egypt and Sudan. Since Egypt must consent to other nations' use of the Nile's water, most of the other basin countries have not developed projects that use it extensively. Not surprisingly, over the years other basin countries have contested the validity of these treaties and demanded their revocation to make way for a more equitable system of management.

The conflict in Darfur has emerged as a clear example of conflict over scarce resources. Arabs and Africans co-existed peacefully in Darfur for hundreds of years until severe drought began in the 1980s. Tensions began to rise as competing uses strained water supplies, contributing to the eventual violent conflict in the region.⁹⁴

8.2 Oil

According to the Special Rapporteur on the Situation of Human Rights in Sudan, 'Oil is exacerbating the conflict, insofar as the war is the result of a fight for the control of power and resources.'⁹⁵

Oil is widely considered to be one of the main driving forces behind the continued conflict in Sudan. One report notes that with the first crude oil export from the country in August 1999 oil became 'the main objective and a principal cause of the war.'⁹⁶ It is reported that the government, along with oil companies, have led a campaign of forced displacement of Sudanese families from oil-rich areas to make way for drilling programmes. The oil revenue that is gained from drilling in these areas has then been used by the government to obtain weapons and ammunition, further enabling it to intensify the conflict as well as expand oil development

Displacement campaigns along the North-South border of Sudan began back in the early 1980s, resulting in the destruction of villages and serious human rights abuses. A Human Rights Watch report estimates the following cumulative statistics of oil-field related displacements in the Western Upper Nile/Unity State of Sudan:⁹⁷

Time frame	Number of people displaced
1998-9	70,500
2000- Feb 2001	134,000
Feb 2001- March 2002	174,200

Most of the oil in Sudan is located towards the south and, at the time when the civil war between the SPLA/M and the government was raging over inequalities of economic and political power in the country, unfair management of resources only further compounded the dispute. Although the SPLA/M-government conflict was not based solely on oil, it was a significant issue raised during peace talks. In 2001, Christian Aid reported that 'without oil, the civil war...is at a stalemate, with

⁹⁴ Megan Rowling, *Darfur peace must address climate - economist*, AlertNet [on-line], accessed 27 November 2007, available at <http://www.alertnet.org/thefacts/reliefresources/115314453062.htm>

⁹⁵ Gerhart Baum, *Statement by the Special Rapporteur on the Situation of Human Rights in the Sudan*, Third Committee (6 November 2002) [on-line], accessed 29 May 2007, available at <http://www.unhchr.ch/Hurricane/Hurricane.nsf/94ec9fed71c04647802566100031b4bd/652e156a69836cf8c1256c6f0059db8c?OpenDocument>

⁹⁶ Human Rights Watch, *Sudan, Oil, and Human Rights*

⁹⁷ *ibid.*, p. 39

oil, it can only escalate.’⁹⁸ Indeed, multiple SPLA/M attacks had been targeted against oil fields in South Sudan, causing Chevron to suspend its operations there between 1984 and 1988, and finally abandoning its drilling there in 1990.

As the government is using oil revenues to fund the military and the weapons used in the conflict, it is often said that oil is helping to directly fuel the Darfur conflict, as well as escalating the conflict in the south. Divisions of oil revenue and oil contracts were a significant sticking point during peace talks. As part of the CPA, Sudan established the National Petroleum Commission in October 2005 to allocate new oil contracts and to ensure an equal division of oil revenues between the national government in Khartoum and the new interim government of South Sudan.

8.3 The EU’s Involvement in Natural Resource Management

8.3.1 Oil

The EU has taken the following actions regarding the management of natural resources in Sudan:

- The EU suspended development aid to the government of Sudan as far back as 1990 due to concerns with regard to human rights, democracy, the rule of law and peace talks. However, there were no restrictions on Member State investments in Sudanese oil.⁹⁹
- A September 2001 ACP-EU Delegation noted that there was a lack of transparency in the use of oil revenue in the country and reported that in the previous May, at the EU-Sudan political dialogue meeting, the Minister of Justice had promised to provide information on revenue expenditure.
- In a November 2001 resolution on Sudan, the ACP-EU Joint Parliamentary Assembly stated that it was aware of both the positive and negative effects that oil was having on the country and that it:
 - i. Believes that oil production has increased the stakes in the war.
 - ii. Calls on the government of Sudan to publish a clear statement of all its revenues and expenditures which would show the purposes to which oil money was being put.
 - iii. Believes that the government of Sudan would improve its own position and increase the chances of a durable peace within the whole country, were it to ensure that oil revenues were used to a greater extent to alleviate hardship and strengthen the economy.
 - iv. Feels it is important that those oil companies operating in Sudan should increase their employment of people from the oil fields region and expand their involvement in providing health services and basic education, as well as developing in-house training programmes.¹⁰⁰
- In 1999, at the UN Commission on Human Rights, the EU drafted a resolution on Sudan in order to continue the mandate of the Special Rapporteur on Human Rights in the country. Although it did not mention oil specifically, it did refer to the human rights abuses and abductions of Sudanese civilians living in oil-rich areas and the 2000 Special Rapporteur on Human Rights report drew direct attention to the issue. A subsequent Special Rapporteur similarly underlined the links between oil and the human rights abuses in Sudan in his remarks to the Commission in 2001.

⁹⁸ Christian Aid, *The scorched earth: oil and war in Sudan* (Christian Aid: 2001) [on-line], accessed 29 May 2007, available at <http://www.christian-aid.org.uk/indepth/0103suda/sudanoil.htm>

⁹⁹ According to the Human Rights Watch report, *Sudan, Oil, and Human Rights*, the EU Member States of Sweden, Austria, France, Germany, and the United Kingdom all host headquarters of oil companies that operate in Sudan.

¹⁰⁰ ACP-EU Joint Parliamentary Assembly, ‘Resolution on the situation in Sudan’ (2001), as referenced in Human Rights Watch, *Sudan, Oil, and Human Rights*, (Human Rights Watch: September 2003), p. 511, accessed on 29 May 2007, available at <http://www.hrw.org/reports/2003/sudan1103/>

- In 2000, the European Parliament called on oil companies working in Sudan, such as Talisman Energy to halt their operations in the country ‘as long as abductions of children and slavery continue and a peaceful solution has not been found to the [Sudan] conflict’. The Parliament also called on EU companies to not invest in the Sudanese oil industry and urged EU Member States to support this.¹⁰¹

Civil Society

In April 2002 a group of European NGOs came together to form the European Coalition on Oil in Sudan to lobby the EU, Member States and European businesses involved in the oil industry in Sudan.

¹⁰¹ Eric Reeves, *European Union calls on Talisman Energy to suspend operations in Sudan* (11 July 2000) [on-line], accessed 25 June 2007, available at <http://www.sudanreeves.org/Sections-req-viewarticle-artid-85-allpages-1-theme-Printer.html>

9 Justice

In January 2005, the International Commission of Inquiry on Darfur, which was appointed by the United Nations, found that both government forces and Janjaweed militias have committed serious war crimes and crimes against humanity in Darfur. On the basis of this report the UN Security Council referred the situation in Darfur to the International Criminal Court (ICC) in March 2005 to investigate and hold accountable those responsible for such crimes. The involvement of the ICC has been most controversial and has been rejected by the government of Sudan.

9.1 The International Commission of Inquiry on Darfur

In September 2004, the United Nations Security Council (UNSCR) adopted resolution 1564 requesting that the Secretary General

‘rapidly establish an international commission of inquiry in order immediately to investigate reports of violations of international humanitarian law and human rights law in Darfur by all parties, to determine also whether or not acts of genocide have occurred, and to identify the perpetrators of such violations with a view to ensuring that those responsible are held accountable’.¹⁰²

The International Commission had four ‘key tasks’:

- to investigate reports of violations of international humanitarian law and human rights law in Darfur by all parties;
- to determine whether or not acts of genocide have occurred;
- to identify the perpetrators of violations of international humanitarian law and human rights law in Darfur;
- to suggest means of ensuring that those responsible for such violations are held accountable.¹⁰³

Focusing in particular on incidents that occurred between February 2003 and mid-January 2005, the International Commission concluded that:¹⁰⁴

- The government of Sudan and the Janjaweed are responsible for serious violations of international human rights and humanitarian law amounting to crimes under international law... These acts were conducted on a widespread and systematic basis, and therefore may amount to crimes against humanity.’ In most cases, the Commission concluded that attacks were ‘deliberately and indiscriminately directed against civilians.’ Even if rebels were present in the villages attacked, the government did not take adequate precautions to protect the civilian population there and the impact of the attacks on civilians was rarely in proportion to any threat posed by the rebels.
- The government of Sudan has not pursued a policy of genocide, although it acknowledged that some individuals, including government officials, have committed acts ‘with genocidal intent’. It was concluded that whether or not certain acts committed in Darfur amount to genocide would need to be made on a case by case basis.
- There is reliable information to indicate the responsibility of certain individuals for committing war crimes and crimes against humanity in Darfur. The Commission has made an assessment of likely suspects and referred this to the UN Secretary General and recommended that, in turn, the Secretary General refers any investigation over to the International Criminal Court (ICC).

¹⁰² United Nations Security Council (UNSC), *Resolution 1564 (2004)* (18 September 2004) [on-line], accessed 21 May 2007, available at http://www.un.org/Docs/sc/unsc_resolutions04.html

¹⁰³ International Commission of Inquiry on Darfur, *Report of the International Commission of Inquiry on Darfur to the United Nations Secretary-General* (25 January 2005) [on-line], accessed 21 May 2007, available at http://www.un.org/News/dh/sudan/com_inq_darfur.pdf

¹⁰⁴ *ibid.*

- The Commission strongly recommends that the Security Council immediately refer the situation of Darfur to the International Criminal Court, pursuant to article 13(b) of the ICC Statute. As repeatedly stated by the Security Council, the situation constitutes a threat to international peace and security. Moreover, as the Commission has confirmed, serious violations of international human rights law and humanitarian law by all parties are continuing. The prosecution by the ICC of persons allegedly responsible for the most serious crimes in Darfur would contribute to the restoration of peace in the region.

In its report, the International Commission explains that the Sudanese justice system is 'unable and unwilling' to address the situation in Darfur. Indeed many victims reported to the Commission that they had 'little confidence' in the impartiality of the national justice system and said that they feared reprisals for reporting crimes to the national authorities. It is for these reasons that the Commission recommends that any investigation be referred to an ICC Prosecutor. Whereas Sudanese criminal laws do not adequately proscribe war crimes and crimes against humanity, the Criminal Procedure Code does contain sufficient provisions to prosecute offenders for such acts.

The International Commission stated that the Sudanese government's past efforts to address the crisis have been 'grossly inadequate and ineffective, which has contributed to a climate of almost total impunity for human rights violations in Darfur.' Out of a lack of confidence in the national judicial system, few official complaints have been submitted and, of those which have been submitted, very few have been properly pursued. Despite the magnitude of the crisis and the number of effected civilians, the government reportedly informed the Commission of very few prosecutions made or disciplinary action taken against individuals.

The International Commission recommended that the Security Council act not only against the perpetrators but in support of the victims by establishing a Compensation Commission. This Commission would be 'designed to grant reparation to the victims of the crimes, whether or not the perpetrators of such crimes have been identified.' Once peace has been established in Darfur, the Commission further recommends that a Truth and Reconciliation Commission be established. It further recommends that the government of Sudan:

- strengthens the independence, impartiality and capacity of the Sudanese judiciary;
- ensures the protection of all victims and witnesses to human rights violations;
- fully cooperates with the relevant human rights bodies of the UN and the AU, granting full access to human rights monitors.

In terms of what the international community can do to help bring about justice in Darfur, the International Commission recommends that the Commission on Human Rights re-establishes the mandate of the Special Rapporteur on Human Rights in Sudan and that the High Commissioner for Human Rights releases period public reports on the human rights situation in the country.

9.2 The International Criminal Court (ICC)

Based on the recommendations of the International Commission of Inquiry on Darfur (outlined above), the UNSC referred further investigation regarding the prosecution of individuals to the ICC. On 27 February 2007, the ICC Chief Prosecutor Louis Moreno Ocampo publicly stated that summons would be issued against two Sudanese nationals, accused of war crimes and crimes against humanity in Darfur. The two summons have since been issued against Former Deputy Interior Minister and Minister of Humanitarian Affairs, Ahmed Haroun and 'Ali Khoseib' (also known as Ali Mohammed Ali), the leader of the Janjaweed militias in the Wadi Saleh area of West Darfur. One report observes that, as the principle of 'Command Responsibility' allows the ICC to punish superiors and

commanders for crimes committed by their subordinates, these two court summons alleges that there is an 'intimate link' between the Sudanese State authorities and perpetrators of serious crimes in Darfur.¹⁰⁵

On 3 May 2007, ICC judges ruled that there was sufficient evidence to believe that Ahmed Haroun and Ali Khoseib were responsible for war crimes and crimes against humanity. However, as Sudan has signed but not ratified the Rome Statute which created the ICC, the government of Sudan has argued that it is not bound by ICC decisions. Khartoum has argued that it has found no evidence to support the ICC charges and will not cooperate with handing over the two men.¹⁰⁶

9.2.1 Limitations of the ICC

Essentially, the government of Sudan and critics of the ICC are arguing that the ICC is preventing Khartoum from agreeing to a much needed peace keeping force on the ground in Darfur for fear that UN peacekeepers might arrest them. A report by the International Crisis Group explains the reasons why such reasoning is false:¹⁰⁷

- Khartoum has been objecting to a UN peacekeeping force in Darfur since at least eighteen months prior to the ICC referral;
- even if peacekeepers were deployed in Darfur, their mandate would be very limited and would not allow them to arrest government officials on behalf of the ICC;
- the government of Sudan has escalated its campaign of atrocities in Darfur since the ICC referral which hardly reflects a genuine fear of its authority.

This report suggests that Khartoum is trying to paint the ICC as an obstacle to peace so as to make it a bargaining chip in eventual peace talks. The report recommends that the international community should implement the punitive measures it has repeatedly threatened in order to force Khartoum to change its policies. If Khartoum is allowed to continue undermining the authority of the ICC, this will allow the Sudanese authorities to 'haggle over whether or not it will answer for its conscience-shocking atrocities.'

Although the ICC has as yet been unsuccessful in arresting the two men, many have argued that action needs to be taken in Darfur as an important and long awaited show of international consensus. No one is pretending that once these men have been arrested immediate peace and stability in Darfur will follow but the link between accountability, justice and peace is clear.

¹⁰⁵ Mariam Bibi Jooma, *The International Criminal Court and Sudan - Opening a Pandora's Box* (Institute for Security Studies: 6 March 2007) [on-line], accessed 21 May 2007, available at http://www.iss.co.za/index.php?link_id=5&slink_id=4176&link_type=12&slink_type=12&tmpl_id=3

¹⁰⁶ Mithre J. Sandrasagra, 'Rights: Sudan Rejects ICC Warrants on Darfur', *Inter Press Service News Agency* (3 May 2007) [newspaper on-line], accessed 27 May 2007, available at <http://www.ipsnews.net/africa/nota.asp?idnews=37599>

¹⁰⁷ Nick Grono and Davis Mozersky, *Sudan and the ICC: A Question of Accountability* (International Crisis Group: January 2007) [on-line], accessed 20 May 2007, available at www.crisisgroup.org/home/index.cfm?id=4640&t=1

9.2.2 The EU's Involvement with the ICC in Sudan

In 2004, the EU supported calls for the creation of the Commission of Inquiry on Darfur and has always been a strong supporter of the ICC.¹⁰⁸ The Council of the EU's 2003 Common Position on the ICC stated that the ICC is:

‘an essential means of promoting respect for international humanitarian law and human rights, thus contributing to freedom, security, justice and the rule of law as well as contributing to the preservation of peace and the strengthening of international security’.¹⁰⁹

Its support did not waiver when the ICC commenced its investigation in Sudan. The Presidency of the EU recalled this Common Position when publicly pledging its continued support to the ICC during its investigation into war crimes and crimes against humanity in Darfur.¹¹⁰ The EU believes that ‘putting an end to impunity for the perpetrators of such crimes contributes to the prevention of such crimes.’ Javier Solana, EU High Representative for Common Foreign and Security Policy (CFSP), also welcomed the ICC decision to investigate the two individuals. Solana was clear that this decision by the ICC will ‘further the cause of peace’. He called for the Sudanese authorities to cooperate with the ICC,¹¹¹ as did the EU Presidency, the External Relations Council, and the ACP-EU Joint Parliamentary Assembly.¹¹² Of course, the EU has often been criticised for being all bark and no bite. The government of Sudan has not responded to the EU's encouragement to cooperate with the ICC and shows no signs of doing so in the near future.¹¹³

Some critics have argued that the EU should be using its political weight to generate support from the US for the ICC. The US is not a signatory to the ICC and has been very critical of it in the past. Washington has put forward a slower and far more costly alternative to the ICC investigation. It has proposed a new ‘Sudan Tribunal’ to be based in Tanzania similar to the Rwanda trials which are currently in process. Human Rights Watch reports that the US system would cost some thirty million US dollars in the first six to eight months, which would rise to one hundred million dollars annually. This is in stark comparison to the total budget of the ICC investigation which amounts to around eighty-eight million dollars. Of course, the cost is not the only difference which has been criticised. The US system would take time to set up and get under way which would lead to further delays on an already long-overdue quest for justice in Darfur. Human Rights Watch explained in no uncertain terms that ‘if the EU is serious about justice for Darfur, it must stand firm on the ICC.’¹¹⁴ Javier Solana has responded to such calls for EU action by saying that he does not believe that the US will ever accept the ICC and that the EU should ‘probably give up trying to change Washington's mind.’¹¹⁵

¹⁰⁸ European Commission, ‘European Union response to the Darfur crisis’, *European Union Factsheet* (17 July 2006) [on-line], accessed 23 May 2007, available at

http://ec.europa.eu/commission_barroso/michel/speeches/docs/060714darfur_en.pdf

¹⁰⁹ Council of the European Union, *Council Common Position 2003/444/CFSP on the International Criminal Court*, Article 1 (16 June 2003), p.1 [on-line], accessed 23 May 2007, available at

http://www.consilium.europa.eu/uedocs/cmsUpload/L_15020030618en00670069.pdf

¹¹⁰ European Union, *EU Presidency Declaration on International Criminal Court's investigation into Darfur* (1 March 2007) [on-line], accessed 23 May 2007, available at

http://www.eu-un.europa.eu/articles/mt/article_6812_mt.htm

¹¹¹ European Union, *EUHR Solana welcomes International Criminal Court's initiative to present evidence on alleged crimes in Sudan/Darfur*, CL07-055EN (27 February 2007) [on-line], accessed 23 May 2007, available at

http://www.eu-un.europa.eu/articles/mt/article_6803_mt.htm

¹¹² Council of the European Union, *Conclusions on Sudan* (Brussels: 23 May 2005) [on-line], accessed 10 November 2007, available at

http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/gena/84921.pdf

¹¹³ Patten, *Sudan's Crimes against Humanity Need Real EU Action, Not Empty Words*

¹¹⁴ Human Rights Watch, *EU Should Push for ICC Referral of Darfur During Rice Visit* (9 February 2005)

[on-line], accessed 23 May 2007, available at <http://hrw.org/english/docs/2005/02/09/sudan10155.htm>

¹¹⁵ International Herald Tribune Europe, *Solana smoothes way for Bush visit* (17 February 2005) [newspaper on-line], accessed 21 May 2007, available at <http://www.iht.com/articles/2005/02/16/news/union.php>

9.3 Punitive International Justice Compared to Traditional Justice

The government of Sudan has rejected the judicial methods on which the ICC is based and has promoted so-called 'traditional' justice methods instead. An adviser to the Vice President in the Sudanese Foreign Ministry commented:

'We [the Sudanese] have traditional ways of solving problems on the ground... In Africa, we believe in reconciliation not punishment. We can kiss and make up. This court [the ICC] is punitive and will only hurt and harass us.'¹¹⁶

However, critics of this position argue that while traditional styles of justice have been shown to work and continue to work in many parts of Africa, it is the involvement of the government in the atrocities in Darfur that renders traditional (government-mediated) justice impossible in this case.

'The problem in Sudan is that the government has lost its role as umpire in Darfur... Now they are no longer neutral. We need someone to step in for the really big crimes.'¹¹⁷

Traditional justice mechanisms in Sudan usually involve a combination of customary mediation between tribal elders or religious persons, accompanied by some form of compensation and restitution. For example, for the Dinka and Nuer tribes in southern Sudan, most crimes require a payment to the parents of the victim. In Pãri society, the Kings of Kor and Wiatuo are responsible for administering justice. Following a court trial, in which the parents and clansmen of those involved are able to participate, compensation is agreed upon usually in the form of a girl or heads of cattle. In addition, the clansmen of the wrongdoer must provide a number of goats for ritual slaughter but also to be divided among the panel of judges and the King.¹¹⁸

However, according to one report from the Berghof Foundation, these traditional mechanisms of conflict resolution have been irreparably damaged because of the war.¹¹⁹ Although such traditional methods will still be applicable to a certain extent, they will never take back their original status and role in society. This is argued to be true for a variety of reasons:

- The result of the war was the militarisation of Sudanese society, which relied and continues to rely heavily on the use of force to settle disputes.
- There is no codification to traditional conflict resolution and mechanisms tend to vary between clans and tribes. Due to the amount of displacement during the civil war, many Sudanese were forced to relocate to areas where they acquired new governance and social values which are not necessarily compatible with the traditional ways of their own clan.
- There are many new influences in the area of conflict prevention, including local government, NGOs and civil society organisations. The report gives the example of the New Sudan Council of Churches which combined both traditional and modern conflict resolution mechanisms to try to build peace during the war in the Upper Nile and Bahr el Ghaza areas of the country.
- Traditional conflict resolution mechanisms would now be constrained by many other factors such as the CPA, the Interim National Constitution and international human rights legislation. Many past practices would now be considered an abuse of human rights. Giving a young girl to another family as a form of compensation would likely be considered inhumane and a form of neo-slavery. Passing judgement on someone based on evidence such as magic or sorcery would similarly not be permitted under the watch of the wider international society.

¹¹⁶ Ibrahim Ibrahim, as quoted in Emily Wax, 'In Exploring a Solution for Darfur, Sudan Opts for Local Justice Government Rejects International Criminal Court as Arbiter', *Washington Post Foreign Service* (2 April 2005) [newspaper on-line], accessed 23 May 2007, available at

<http://www.washingtonpost.com/wp-dyn/articles/A18632-2005Apr1.html>

¹¹⁷ Mahjoub Mohamed Saleh, Editor of Al Ayam Newspaper in Khartoum, as quoted in *ibid.*

¹¹⁸ Dr. Samson S. Wassara, *Traditional Mechanisms of Conflict Resolution in Southern Sudan* (Berghof Foundation for Peace Support: March 2007), pp. 8-9 [on-line], accessed 24 May 2007, available at <http://www.berghof-peacesupport.org/sudan.htm>

¹¹⁹ *ibid.*, p. 10

- New sources of authority have emerged during the war which would now be at odds with tribal elders and traditional leadership. Indeed, future clashes over authority in certain areas are anticipated.¹²⁰

In its conclusions, the report states that there is still a clear need for traditional justice:

‘Traditional conflict resolution is still very relevant in southern Sudan because there is a vacuum in the system of justice and the rule of law, especially in the rural areas. It is logical to maintain an existing system that has survived for centuries while building alternatives such as functional judiciary that would gradually address weaknesses in the traditional system.’¹²¹

However, the report is also clear that traditional methods would need to be re-examined and harmonised to conform to human rights standards. It envisions an important role for traditional mediation and conflict resolution processes particularly in reintegrating internally displaced persons and promoting dialogue between local governance institutions and local leaders.

¹²⁰ *ibid.*, pp. 11-12

¹²¹ *ibid.*, p. 12

10 Results from Questionnaires

Part of the methodology for this QCEA project involved sending questionnaires to the European Union's Delegation in Sudan and to various civil society organisations operating there. The questionnaires were divided into nine units. This section is similarly divided.

10.1 Organisation Information

The information below represents the views of five civil society organisations who responded to our questionnaire, out of twenty-four sent out. The groups represented work in Bor, Akobo, Alali, Pochalla, Juba, and Khartoum, as well as other regions. Their main areas of activity are:

- peacebuilding;
- conflict transformation;
- violence against women;
- HIV/AIDS;
- gender mainstreaming;
- women's empowerment;
- good governance;
- DDR;
- youth;
- water;
- elections and justice;
- service provision;
- human rights education and monitoring;
- education on the Comprehensive Peace Agreement.

All are members of structured NGO networks, principally the Sudanese Indigenous NGO Network, but also the Pontifical Council on Justice and Peace. Additionally, according to one respondent, because 'much of the normal infrastructure for civil society has been oppressed or destroyed ... many contacts are informally maintained in the current post-conflict period.' This has led to informal partnerships between NGOs and at times with the Sudanese government, international organizations or the private sector. Some examples of partners to the NGOs represented here are African Medical and Research Foundation, UNIFEM, UNDP, Ministry of Health, Ministry of Gender and Social Welfare, Ministry of Youth and Sports, AIDS Commission, the Pharmaceutical Society of Sudan and the Institute for Security Studies. Additionally several groups participate in a civil society forum under the auspices of the government, which most who participated described as useful.

The Delegation is active in South and North Sudan with Development Cooperation Programmes, and in Darfur mainly with Humanitarian Assistance. They described their presence in east Sudan as 'less substantial.' They are aware of several civil society fora such as the Darfur Forum for Dialogue and the Sudan Consortium, but say that there is no common recognised platform. These fora are unofficial and are established by the local NGOs. They mentioned the new NGOs Act as an impediment to the establishment of a national platform. The Organisation of Humanitarian Voluntary Work Act was enacted in 2006. According to Front Line, the International Foundation for the Protection of Human Rights Defenders, this 'legislation places stringent registration requirements on non-governmental organisations (NGOs) and effectively gives the authorities the power arbitrarily to deny or cancel an NGO's registration. Under the Act, the authorities may review any NGO documents, suspend NGO activities, dissolve their executive committees, dismiss NGO members, expel international NGO members from the country and seize NGO assets where registration is cancelled.'¹²²

¹²² Front Line, *Sudan*, [on-line] accessed 15 April 2008, available at <http://www.frontlinedefenders.org/sudan>

The Delegation recognised that they tend to have contact with the same civil society groups, and they have tried to widen the range by advertising yearly workshops and seminars open to all NGOs.

The Delegation is in weekly, if not daily, contact with European Commission headquarters, and occasionally with the Council of the European Union and the European Parliament. They communicate via email, notes, fax, telephone and missions. They described the effectiveness of this communication as good and suggested that more informal exchange of views could sometimes help with information sharing.

10.2 Civil Society Consultation

Four out of the five civil society respondents have had contact with the Delegation at some point. Despite the fact that most described the time frame as 'not often', three of the four have had contact within the last six months, with the most recent having been under four weeks. One group, which has never been in contact with the Delegation, said that they did not know how to contact them.

The organisations are evenly divided between those who had approached the Delegation, either in response to a Call for Proposals, for funding, or to raise concerns, and those whom the Delegation had approached, mainly for consultation and project development. In January 2007 the Delegation held a workshop, to which they invited indigenous NGOs to brief them on the possibilities for funding and to discuss project proposals.

Of those civil society organisations that had had contact with the Delegation, all said that they feel there is enough dialogue between civil society and the Delegation, though not all felt their input was listened to. For one group the dialogue was productive because it resulted in a project proposal from them, for which they feel they are starting to see results. They also went on to describe feeling empowered by the support and funding that they, as an indigenous NGO, are receiving from the EU Delegation.

The Delegation reported having contact with civil society every day, sometimes several times a day. They said that each had approached the other: civil society mainly for funding or to raise concerns, the Delegation for consultation and for information the political and social situation in the country.

According to the Delegation there is enough dialogue between civil society and the Delegation, and they went on to say that their excellent cooperation with both European and Sudanese civil society organisations is beneficial to all the diplomatic representations in the country because the Commission coordinates meetings and round tables on a range of issues which are attended by a variety of participants. The Delegation stated that their dialogue with civil society is without a doubt productive, adding that the European Commission has coordinated along with the EU presidencies several political demarches that came out of their consultations with civil society. The Delegation also feels that their contact with civil society has made it possible for NGOs, and in particular Sudanese organisations, to learn about European Commission development programmes and to participate in selection procedures such as Calls for Proposals.

10.3 Calls for Proposals

Information on Calls for Proposals is received either through the Delegation, online or via the New Sudanese Indigenous NGOs Network, and word of mouth. Of those organisations who have had contact with the Delegation, all had at some point responded to a Call for Proposals. One organisation recounted their difficulties with the distance and time constraints:

‘I was late by half a day and I tried to talk to them and plead with them, but the lady in the office left me in a trauma until today. I had come from Yei just to submit the application after a hard work done. Then a young lady saw me crying and she said I’m not promising, but I will send your proposal to the Khartoum office through the email and she did, but no reply up to today.’

Another organisation that applied in March 2007 was selected for a grant in August 2007 and expects to receive it in November 2007.

The Delegation reported that Calls for Proposals are released through the Delegation, online, in the press, in conferences organised in different areas of the country, via email, word of mouth, posters, brochures and requesting partner organisations such as the UN to disseminate the information. The Delegation feels that information on EU projects is disseminated adequately to civil society.

10.4 African Union

Only one civil society organisation reported having a relationship with the AU, and that is through the organisation’s participation in the Credential Committee of the Economic, Social and Cultural Council (ECOSOC) of the AU at a national level. No respondents were sure whether the AU is involved in informal dialogue with the Delegation nor whether they are involved in more formal dialogue. They were unsure of AU involvement in EU funding decisions, or any other areas.

The Delegation referred to the AU as a ‘very important player in Sudan’ and said that the Commission funds the AU for several activities. They said that the AU is only involved with informal dialogue between the Delegation and civil society in some contexts, but that they are trying to broaden this. They went on to say that all dialogue they engage in with civil society is informal, as it is very difficult to have formal dialogue with civil society in Sudan.

The Delegation stated that they are not involved with funding through the African Peace Facility for Sudan.

10.5 National Government

Three out of five respondents reported having a relationship with the national government. This manifested itself in different ways, such as one civil society organisation being registered with the government of South Sudan, which works with the organisation to monitor the activities and needs of their people, another is registered with Sudan relief and Rehabilitation Commission, and yet another works with the Ministry of Humanitarian Affairs. One civil society organisation told us that they did not have a relationship with the national government because ‘the national government is not sympathetic towards the Churches.’

No respondents were aware of the national government being involved in either formal or informal dialogue between the Delegation and civil society, nor did they know about the national government’s involvement in EU funding decisions or any other areas.

The Delegation reported that while they do have a relationship with the national government, this principally takes the form of informal and unstructured dialogue in the context of the European Development Fund (EDF) and occasionally informal political consultation or debate. The national government does not participate in the Delegation’s dialogue with civil society, though they are involved with funding decisions on the EDF.

10.6 Conflict Prevention, Management and Resolution Programmes

No respondent was aware of any EU funded projects for conflict prevention, though one civil society organisation said they thought the EU may contribute to the peacekeeping mission in Darfur. Of respondents who felt they were able to rate the EU's approach to conflict prevention, all described it as helpful. Some reasons listed were funding, skills and facilitation.

The Delegation listed DDR, SALW, good governance, elections, justice, management of natural resources, gender, political dialogue and civil society participation as areas for which there are EU funded projects. The DDR work comes under a contribution to the UN DDR programming, mainly for children and other vulnerable groups. The Delegation also went on to list two programmes which have recently been launched to support the AU Darfur Peace Agreement Implementation Team and the Darfur-Darfur Dialogue and Consultation Secretariat and to implement activities aimed at building confidence among Darfur stakeholders. These last two programmes have a budget of about 500,000 euros each, and are intended to run from January 2007 though June 2007.

10.7 Economic Partnership Agreements

While one organisation expected Economic Partnership Agreements (EPAs) to positively impact their work, most respondents were unaware of the negotiations or possible consequences; the Delegation has not participated in the EPA negotiations at all.

10.8 Mainstreaming

Two of the organisations consulted had noticed increased conflict sensitivity, citing examples such as providing teachers in areas where there was conflict between two communities involving the schools. Only one organisation replied that mainstreaming had led to more conflict sensitivity in EU programming and opinions were divided on whether conflict prevention had become a forgotten issue because of mainstreaming. Some felt that mainstreaming allows people to focus on necessary issues, while others were of the opinion that shifting the focus to other areas could lead to managing conflicts less effectively. It seems that there are certainly areas for increased conflict sensitivity, especially regarding geographical considerations for EU funding. One organisation described the following situation:

‘Some areas are still very much marginalised to date, e.g. the Anyuak Kingdom, a distance of seven day walk to go to the nearest hospital, this [is] a very serious issue, for instance [in] Alali, the nearest referral hospital is in Pinyudo Ethiopia. This creates a lot of conflict in areas.’

The Delegation stated that they ensure mainstreaming of conflict prevention in non-conflict specific programming through tools such as confidence building, especially in educational contexts. The Delegation feels that there has been an increase in conflict prevention within EU activity since 2000, but that this is principally due to crucial political events such as the signature of the CPA and the beginning of the Darfur war.

11 Conclusions and Recommendations

The five organisations that responded to our questionnaire recommended the following as ways for the EU to improve its conflict prevention:

- engage in capacity building for civil society;
- arrange peace negotiations that include all parties;
- implement targeted development projects at the heart of conflicts (such as water access and agriculture);
- train community advisors present in local communities with skills in mediation and empowerment;
- support NGOs in reconciliation and conflict resolutions;
- support community-based organisations and NGOs running projects for peace dividends;
- provide funds and equipment (communication equipment e.g. radios, phones, vehicles) for monitoring;
- train local people;
- support income generation;
- work against the abduction of children;
- work against cattle raiding in Jonglei;
- provide funds for conferences and workshops to prevent conflict between traditional leaders, local authority church leaders, youth and women's groups.

The Delegation recommends that the EU should:

- support the Darfur-Darfur Dialogue and Consultation Secretariat;
- support the capacity of the government of South Sudan;
- support civil society and intertribal reconciliation.

Further conclusions are presented in the main report of this project, which can be found at: www.quaker.org/qcea

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