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Sudan's Peace: Associate Parliamentary Group for Sudan, United Kingdom: Written evidence by the European Union Special Representative (EUSR) for Sudan

Summary: Sudan is faced with a multitude of challenges that are interlocked in nature and need to be addressed as such, i.e. holistically, as well as with urgency. The tackling of these challenges are of fundamental importance not only for the future of Sudan but for wider regional stability.

The implementation of the Comprehensive Peace Agreement (CPA), the Eastern Peace Agreement (EPA) and the conflict in Darfur cannot be brought to a peaceful, lasting solution unless as part of a broader process to transform the historical legacy of unequal development and political marginalisation in Sudan. In the interest of peace and stability in Sudan and the wider region, it is long overdue to address not only the immediate concerns, but also the longer term issues looming in the horizon, i.e. post 2011.

To mobilise and strengthen the political commitment by all parties in Sudan to build lasting peace, stability and prosperity, a coherent and strong multilateral approach is of vital importance. The EU seeks to assure such an approach in all aspects of its engagement with Sudan. The EU in the widest sense - with its diversity of instruments – must remain engaged in the efforts to promote a peaceful development in the whole of Sudan.

1. CPA implementation

The Comprehensive Peace Agreement (CPA), signed in January 2005, ended a 20-year long civil war between North and South Sudan. The agreement has generally stood during the past almost five years. However, its provisions have been implemented unevenly and at a slow pace, often missing the intended deadlines, and resulting in a crowding of essential issues to be resolved in the remaining short implementation period with national elections foreseen in April 2010 and the referendum on self-determination in South Sudan in January 2011.

Among the issues to be resolved with urgency are the organisation of elections, the referendum law, the post 2011 referendum dialogue and arrangements, the Three Areas set-up – with special attention to the implementation of the Abyei ruling–, the border demarcation, and the security arrangements. These issues will need more or less international monitoring and, in different measures, international support.

The "Forum for Supporters of the CPA", convened by the United States Washington on 23 June 2009, provided an opportunity to reconfirm the signatories' as well as the broader international community's engagement in the CPA implementation. The international community has accelerated its support and increased its pressure on the parties in the follow-up of the Forum.

The US should be commended for having, through its engagement with the parties, worked to keep the momentum, and resolve provisions not yet fully implemented. The EU and a number of its Member States, witnesses and supporters of the CPA in 2005, have been accompanying the CPA process all along. The EU will show continuous commitment to a concerted international approach in support of the CPA in close coordination and partnership with the US and other international actors.

The EU will also continue to actively support the CPA monitoring Assessment and Evaluation Commission (AEC) and its working groups and advocate the full use of the AEC-structures during the remaining period of CPA implementation. The AEC's role has been strengthened under its current chair (from the UK) as well as through an increased level of activity of the working groups of which two are chaired by EU member states.

2. Elections

The holding of national elections constitutes a crucial provision in the CPA. Free and fair elections –as well as a process leading to them - provide a possibility to enhance a

political transformation of Sudan. Unfortunately the preparations of the elections, scheduled for April 2010, are seriously delayed.

The participation of Darfur presents a major challenge for the election process as elections are stipulated to include all of Sudan. A peace deal for Darfur enabling full access to all parts of the area appears unlikely. The census was only carried out partially in Darfur; a considerable number of IDPs could not or did not want to be registered. An election not (fully) covering Darfur would open a political challenge. Also the Darfur armed movements' rejection of elections remains a critical issue.

The EU is supporting the electoral process and plans to send an exploratory mission to Sudan to assess the conditions for a possible EU Electoral Observation Mission (EUM). An eventual EU EOM could play a positive role in ensuring that elections take place in line with international standards. It would be important to promote a joint donor approach to the elections and coordination with other election observation missions.

3. Pending legislation, democratic transformation

Amendment of legislation on security and media is important for creating a political environment favourable for elections and would in itself be a significant step towards a democratic transformation of Sudan. The necessary legislative changes are also a feature of the CPA, which could encourage other political parties than SPLM and NCP to support the CPA process and eventually take part in a post 2011 discussion. It is essential to encourage inter-political parties' dialogues, north-north, south-south and north-south.

4. Referendum and post 2011 arrangements

The CPA provides for a referendum in 2011 in the South to determine on unity of the country or secession of Southern Sudan. In either of these two eventualities negotiations must be conducted by the parties to prepare the post 2011 period. Also in case of continued unity will there be a need for new negotiated arrangements as the Interim Constitution expires at the end of the CPA interim period, i.e at the time of the referendum. Key political and technical issues must be agreed in advance to avoid post 2011 confrontation and instability.

The Referendum Bill constitutes a crucial piece of legislation to enable the referendum to happen as per CPA provisions. The EU calls on the parties to make all necessary preparations to allow for the 2011 referendum to be held according to the provisions of the CPA.

The EU encourages all Sudanese stakeholders to engage in dialogues with regard to post-referendum arrangements. The EU is committed to facilitate these endeavours, including by providing technical advice and assistance. The EU is expected to continue its support for institutional development in Southern Sudan, also in preparation for 2011 and beyond.

5. The Three Areas

The transitional areas Southern Kordofan, Blue Nile and Abyei enjoy dedicated protocols under CPA, which are of crucial importance for the success of the agreement.

A resolution by the Permanent Court of Arbitration on the Abyei border was announced on 22 July 2009 in a public act involving the parties, as well as the witnesses of the CPA, which include *i.a.* the EU and a number of Member States. The ruling of the Court is final and binding and the parties have committed themselves to respect and fully implement the award. However, the Parties need to be encouraged and supported to fulfil their commitment to fully comply with the Abyei ruling and follow it up.

It is essential to maintain focus on Southern Kordofan and Blue Nile through relevant fora, in particular in relation to the upcoming elections (e.g. international observation). Furthermore, the parties should be assisted in preparing for the CPA stipulated popular consultations in Southern Kordofan and Blue Nile. Efforts to increase security in the Three Areas, inter alia through the Joint Integrated Units (JIUs) and Disarmament Demobilisation and Reintegration (DDR), with emphasis on Reintegration, should be supported.

6. Development and other assistance

After the signature of the CPA, the parties expected international donors to provide significant levels of development assistance, particularly to the South and in the war-affected areas; and that this assistance, disbursed in a timely fashion, would demonstrate – together with the agreed share of the oil revenues - “the dividend of peace” to a people battered by two decades of civil war. As is widely acknowledged, the development in the South has not lived up to the expectations of the population of the people of Southern Sudan.

In order to assist Southern Sudan during the current economic crisis, the international donors the Government of Southern Sudan (GoSS) have recently agreed to conclude a 'Compact' which provides mutual commitments, respectively, in areas of donor assistance and governance. The EU encourages the implementation of the commitments of the Juba Compact.

As widely announced the Sudanese Government did not meet the 30 June 2009 deadline to ratify the revised Cotonou agreement of 2005 because of the reference to the International Criminal Court (ICC). As a result the European Commission will not be in a position to provide funds to Sudan under the 10th EDF. This represents a loss to the country of between €300-350m for the period 2008-2013. The EU regrets the decision of non-ratification and is concerned about the adverse effects this will have on those in need in Sudan.

The EC will not cease all development assistance to Sudan. EC funding disbursements continue to rise over the next year or so on the strength of previous commitments (9th and previous EDFs), these remain unaffected by the legal situation. The EC will continue to fund ongoing projects and programmes: for example, the extensive programmes in the fields of education, health, disarmament, etc. in South Sudan will continue.

The EC is also looking at ways to channel at least some funding to the Sudanese (for instance through the Instrument for Stability or the European Instrument for Democracy and Human Rights) in order to support the implementation of the CPA and to foster development and democratic transformation across Sudan. Humanitarian assistance will also continue as considered necessary.

7. Humanitarian and Security Situation in South Sudan

The humanitarian situation is expected to continue deteriorating with thousands of internally displaced people regularly fleeing violence. Some humanitarian indicators in Southern Sudan are worse than in Darfur. Dialogue with authorities at all levels needs to be continued in order to ensure the facilitation of humanitarian access and assistance, notably in the transitional areas, insisting on their obligation to protect the civilian population in accordance with International Humanitarian Law. As long as humanitarian and early recovery needs persist in a challenging post-conflict context, the international community (including the UN) must mobilise appropriate instruments, human resources and strategies to address those needs.

South Sudan is affected by a massive presence of weapons that fuel fighting and conflict in many areas. Appropriately organised DDR is needed to contribute to better security. The EU calls upon the GoSS to make efforts to uphold the rule of law and to address insecurity. UNMIS' increased presence in potential flashpoints should be encouraged. Observation of and dialogue with GoS and GoSS in areas of protection, human rights and justice must be maintained and be developed further, also in order for the parties to use their influence and authority to engage with local communities on these matters.

8. Eastern Sudan

Eastern Sudan still suffers from a marked lack of international attention and monitoring. The implementation of the Eastern Sudan Peace Agreement (ESPA) has moved only slowly forward. Further attention to the situation in Eastern Sudan should be made in the coming period to be able to gauge possible grievances early, including through political and – as appropriate – financial support for the implementation of the Eastern Peace Agreement.

9. Darfur

The conflict in Darfur remains unresolved. The central role of the political process is considered as the *conditio sine qua non* to end the violence, violations and misery in Darfur. The Government of Sudan has a particular responsibility, but the armed movements must also accept their responsibility vis-à-vis the people of Darfur, including by entering into serious political negotiations.

The complexity of the conflict and its ramifications requires a continuous, concerted and coherent engagement by the international community, including the African Union, the UN Security Council and regional players. Since the beginning of the conflict, the EU has engaged strongly politically, diplomatically, as well as by contributing massively to the largest humanitarian operation in the world. The EU has also contributed to the improvement of the security situation through a substantial support to the AU Mission in Sudan (AMIS) later transformed into the Joint AU/UN Mission in Darfur (UNAMID). The EU underlines that the GoS has a responsibility to protect the civilian population and to facilitate the full and effective deployment of the AU/UN Mission in Darfur (UNAMID).

The EU has consistently supported the mediation led by the Joint AU and UN Chief Mediator, Djibrill Bassolé, and facilitated by the Government of Qatar. It is vital for a successful political resolution of the Darfur conflict that the international community remains united behind the Mediator. The mediator must be provided with the authority, space and flexibility to be able to carry out his mandate effectively. The EU supports has all along supported an inclusive approach in order to ensure that the EU, together with other international actors, in particular the AU/UN, acts consistently and coherently. The EU has been a strong advocate for the efforts to ensure that the interests of the broader segments of the population in Darfur, including civil society, are brought into the peace process; inter alia through a direct, dedicated engagement in the Darfur/Darfur Dialogue on the ground (DDDC).

The humanitarian situation in Darfur remains critical with 4.5 million affected people including 2.7 million IDPs, according to UN figures. After the Sudanese Government's expulsion of a number of major NGOs, the humanitarian aid gaps have been addressed to avoid major setbacks although affecting the quality of services. The EU continues to

insist vis-a-vis the the GoS, local authorities, and, also, rebel movements in Darfur that they have the responsibility to facilitate humanitarian access and to respect international humanitarian law and humanitarian principles. The EU strongly condemns the continued violence against civilians and humanitarian actors, including the abduction of aid workers in Darfur.

Sudan-Chad relations continue to influence security in Darfur. Improvement of these relations remains an essential condition for a peaceful settlement of the conflict in Darfur and international efforts to this effect continue to be made. The EU constantly calls on the two parties to implement existing agreements, including the so called Dakar Agreement which the conclusion of which was witnessed by the EU.

The UN mission, MINURCAT, replaced the EU peacekeeping mission in Chad and the Central African Republic (EUFOR) the UN. The EU supports MINURCAT; a number of Member States and third countries contribute to this UN operation.

The EU has continuously emphasized the importance of a regional approach, notably but not only as regards Chad/Sudan, as essential in order to comprehensively and coherently address the issues in and around Sudan. It remains important to continue to support international efforts to stabilise the sub-region.

The AU Peace and Security Council launched an African Union's Panel on Darfur (AUPD), chaired by former President Mbeki, with a mandate to look into the questions of peace, justice and reconciliation. On 29 October 2009 the AU Peace and Security Council (PSC) met in Abuja and endorsed the report of the AUPD. The propositions from the AUPD, including on an intensified collaboration with UNAMID, the DDDC and relevant international actors, should be applied in order to further strengthen the AU/UN Chief Mediator.

The EU is continuously ready to support the search for peace in Darfur, as well as peace and stability in the rest of Sudan and the region. The EU hopes the proposals put forward by the Mbeki Panel can contribute in this direction and expects all parties in Sudan take the opportunity to respond constructively.

Issues of both domestic and international justice need to be addressed. Impunity can never be claimed. The EU continues to insist on the Sudanese Government's obligation to cooperate with the International Criminal Court (ICC).

10. The E6 format

The Special Envoys for Sudan of China, the European Union, France, Russia, the United Kingdom, and the United States (the E6) have since their first meeting in Doha in May 2009 exchanged views on the situation in Sudan, and on how they could work

together and with others to support the parties to build peace. The E6 have confirmed their readiness to support such efforts and have called on all regional and international partners to do the same.