

SUDAN ALERT

The EU's policy options for Sudan

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Colophon

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This policy alert draws on desk research and confidential interviews in April 2016. It is intended to support the reorientation of international approaches towards Sudan towards a more comprehensive peace in the region.

PAX

PAX works together with committed citizens and partners to protect civilians against acts of war, to end armed violence, and to build just peace. PAX operates independently of political interests.

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Executive Summary

After a period of isolation and chronic economic decline, Sudan is now, thanks to its new alliances with Saudi Arabia and other Gulf States, in a stronger position than previously. The EU's refugee and migration crisis and the political pressure on member state and EU officials to stem the flow of refugees and migrants into Europe, along with concerns about regional state failure and radical extremism have enabled the regime to present itself as part of the solution to these issues.

The challenge facing the EU to deal with the refugee and migration crisis shapes EU responses to Sudan. Prior to the crisis, member states differed in their approach to addressing Sudan: engagers with the regime, and opposers of engagement. Sudan is geopolitically important, bilateral relations have never been replaced by an 'EU' position. Domestic pressures to stem migration into Europe reinforce the 'bilateral + EU' approach - member state politicians must be seen to be acting, and member states have clearly determined that the EU must tackle migration as a priority. This has led to a shift in policy, away from the more comprehensive approach of the Horn of Africa regional strategy towards strategies predicated on strengthening African state's abilities to reduce migration.

The importance of stemming migration may provide an entry point for dialogue with the government of Sudan (GoS). However, PAX is concerned that approaches that focus too heavily on building the capacities of an abusive regime and do not adequately address the urgent need to resolve the conflicts in Darfur, South Kordofan, Blue Nile and Eastern Sudan through inclusive political dialogue are likely to do harm, including increase the numbers of irregular migrants from Sudan in the medium to long term.

The sense of *rapprochement* between the EU and the Government of Sudan carries a series of risks that are not adequately addressed in the policy documents and statements that are discussed in this Sudan Alert:

- ◆ Treating Sudan primarily as a transit country for refugees ignores the extensive role of the government in producing refugees and IDPs, not least through its brutal counter-insurgency attacks, through its exacerbation of the catastrophic humanitarian situation of refugees and IDPs, and through its repression of dissent. A genuinely inclusive political process, the resolution of conflicts in Darfur, South Kordofan and Blue Nile, and humanitarian assistance to displaced and refugee populations are the most likely ways of reducing Sudan's production of refugees.
- ◆ Stabilising the regime is not likely to contribute to regional stability, judging by its history as a destabilizing actor, only most recently in Libya and the Central African Republic, as well as in South Sudan.
- ◆ Engaging with the government, even if falling short of fully rehabilitating the regime, assumes that the GoS will abide by its commitments. Yet it has not respected the undertakings made in successive peace processes and the regime has a track record in switching positions, and alliances, radically and without notice: witness the regime's swift reversal of its military and intelligence relationship with Iran to join the Saudi Arabia-led and funded intervention in Yemen.
- ◆ There is evidence that Sudanese security officials collude with people traffickers¹ and the Independent Commission for Aid Impact highlighted the risk that working with the security services in Sudan risks reinforcing repressive and abusive agents and agencies.² Strengthening Sudanese border controls risks therefore strengthening trafficking networks and internal repression, contributing in turn to a greater likelihood that government actions will produce more refugees.
- ◆ Sudan's economy is precarious, even if it receives significant funding from the Gulf. It is subject to financial sanctions and ranks 165 out of 168 in Transparency International's 2015 corruption perception index.³ Aid to the country risks misappropriation and corruption.
- ◆ The EU may be keeping to the letter of its policy on supporting the International Criminal Court (ICC) by not meeting, except in essential circumstances, president Al Bashir and the other indictees. However, while the EU remains silent despite the evidence of widespread ongoing human rights violations, including by state agents, in Darfur and elsewhere, it gives the impression of turning a blind eye to ongoing abuse, suggesting that its stance on human rights and justice is negotiable.

¹ Human Rights Watch "I wanted to Lie Down and Die": Trafficking and Torture of Eritreans in Sudan and Egypt" 11 February 2014

Available at <https://www.hrw.org/report/2014/02/11/i-wanted-lie-down-and-die/trafficking-and-torture-eritreans-sudan-and-egypt>

² Independent Commission for Aid UK Development Assistance for Security and Justice Report 42, March 2015, p.22.

Available at <http://ical.independent.gov.uk/report/uk-development-assistance-for-security-and-justice/>

³: Available at <https://www.transparency.org/country/#SDN>

Recommendations

To the EU Member States, the European External Action Service and the European Commission:

1. Convene a strategic dialogue to identify a common strategy for addressing migration that addresses key root causes, including internal conflicts, and accompanied by clear benchmarks for progress and a mechanism for monitoring progress to inform decision-making.

This strategic dialogue, including the member state ministries of the interior and foreign affairs, DG HOME, the EEAS and DG DEVCO, should generate a common strategy for addressing migration that addresses key root causes driving migration, such as the urgent need for inclusive political dialogue and on conflict resolution in Darfur, South Kordofan and Blue Nile, recognizing the well-documented evidence of the role of Khartoum in these.
2. Return its dialogue with the government to working level, and not ministerial status, until such time as there is clear and verifiable proof that Khartoum has ceased targeting civilians in the conflicts in Darfur and the two Transitional Areas.
3. Engage fully with the opposition, despite frustrations with the opposition's internal divisions, as well as with civil society actors as a prerequisite to an inclusive national dialogue.

To the European External Action Service and the European Commission:

4. Publish, as a matter of urgency and in detail, the financing mechanisms of the €155 million in aid packages, including detailed anti-corruption measures and mechanisms to reduce the likelihood that these funds be used to strengthen abusive national and local state authorities in Khartoum, bearing in mind that the Governors of both Khartoum and North Kordofan states are also subject to outstanding ICC warrants.
5. Resume issuing statements in response to widespread human rights violations by the state and militia, including to the dire situation of civic space for civil society, showing the EU is appraised of the situation in Sudan and countering the perception current amongst civil society actors today that the EU is turning a blind eye to atrocities, such as those committed in Jebel Marra in 2016.
6. Strengthen, in close consultation and cooperation with the AU, UN and the Troika (USA, Norway and UK), the AUHIP and improve this process, through technical and financial support, as necessary, and political engagement with the parties.

The current situation is driven by the political necessity, within all EU states, to stem migration into the EU. Much more work is needed within the EU to highlight how conflicts, and Sudan's internal conflicts, drive migration flows. Negotiated, sustainable resolution of the conflicts in Darfur, South Kordofan and Blue Nile and national inclusive political dialogue is not only a

humanitarian imperative, but is also necessary for medium and long-term reduction in migration. To this end, civil society organisations should:

7. Raise awareness in the EU of the causal link between conflict and migration, to generate political pressure within EU domestic constituencies for member states and the EU institutions to support conflict resolution as an integral part of migration policy.
8. Civil society organisations should specifically target ministries of the interior, with responsibility for addressing migration, and not only ministries of foreign affairs.
9. Highlight the risks of attempting to stem migration primarily through increased border controls and strengthening the capacity of repressive regimes, such as that in Sudan, and the trafficking networks associated with them, may lead to short term reductions in migration, ('quick wins' in domestic politics) but are more likely to result in greater humanitarian catastrophe and therefore migration flows in the future. ♦

Context Analysis

The changing context: Sudan

The people of Sudan have known little peace since independence in 1956. Conflicts between the government and rebel movements are rooted in exploitative leadership by the government, and unequal distribution of and access to wealth and power. After decades of civil war, South Sudan became independent in 2011, after a mediation process led by the Inter-Governmental Authority on Development, or IGAD, and supported by intense U.S. diplomacy. In 2003, rebels in the Darfur region attacked government forces and were met by the government in alliance with local militias. The resulting conflict cost about 300 000 lives, displaced 4 million people⁴ and caused president Al Bashir to become the first head of state to be indicted by the International Criminal Court, which issued a warrant for his arrest on charges of war crimes, crimes against humanity and genocide. Conflict erupted in South Kordofan and Blue Nile, while Eastern Sudan is 'waiting to erupt'.⁵

The regime engages in brutal counter-insurgency attacks, most recently in the Jebel Marra region of Darfur that alone displaced nearly 130,000 people by March 2016, according to UN OCHA.⁶ Despite its responsibility to protect them, the government is also indifferent to the fate of people displaced by their own forces and by militia, and denies adequate humanitarian access to them.

Civil society activists, human rights defenders, students, and political opposition members frequently face intimidation, arrest, detention, and torture as the Sudanese government attempts to suppress critical and independent voices⁷ and security forces collude with traffickers.⁸ A genuinely inclusive political process, the resolution of conflicts in Darfur, South Kordofan and Blue Nile, and humanitarian assistance to displaced and refugee populations are necessary, but hampered also by a fragmented opposition.

This paper is focused primarily on Sudan's internal conflicts, notably in Darfur, South Kordofan and Blue Nile, but Sudan continues to play a role in the crisis in South Sudan. It also intervenes in other regional crises including Yemen and provides support for radical extremist groups, as in Libya. As the paper addresses EU/Sudan relations, it focuses on the role of the government in these conflicts.

EU political context

Even before the EU refugee and migration crisis, it was difficult to detect 'an EU' approach to Sudan. Member states were divided on approach and also had significant bilateral relations, which were often at odds with those of other member states. While Germany engaged with the government, France engaged more with the opposition, the Netherlands and Scandinavian countries did not engage, and the UK formed part of the Troika, with the USA and Norway. Member states did not have a coherent policy with each other, or with the EU institutions.

Sudan is important geopolitically, even before the EU refugee and migration crisis, so bilateral relationships between Sudan and key member states were always important. The EU is generally able to forge a common foreign policy, in which the EU institutions play a prominent or leading role, in countries where member states are broadly in agreement i) that the country is reasonably low priority, geopolitically and ii) member state country-specific policy priorities are similar (note how the EU as EU plays a stronger role in South Sudan, for example, than in Sudan). The EU refugee and migration crisis only heightened Sudan's strategic importance in matters of concern to member state politicians who not only want to reduce the number of refugees and migrants into the EU and specifically into their national constituency, and also need to be seen to be addressing the issue. 'An EU' approach, in which member states take a back seat to a common foreign policy in which EU institutions represent member states, is not likely in the foreseeable future.

Before the current situation, EU member states that were engaged on Sudan fell broadly into two camps: those that supported greater engagement with Khartoum (Germany, Italy, Spain, Austria) and those that took a more principled stand, believing that greater engagement with Khartoum was unlikely to result in a more constructive role for the Government of Sudan in South Sudan, the greater region and in the internal conflicts in the country. This second group included France, the Netherlands and Scandinavian states. The UK, the other active member state in the country, tended to sit somewhere between the two camps.

The two groups were roughly balanced, but the EU's refugee and migration crisis and fear for

⁴ Enough project Available at <http://www.enoughproject.org/conflicts/sudans/conflicts-sudan>

⁵ idem.

⁶ UN OCHA Humanitarian Bulletin Sudan Issue 12 14-20 March 2016

Available at [http://reliefweb.int/sites/reliefweb.int/files/resources/OCHA_Sudan_Weekly_Humanitarian_Bulletin_Issue_12_\(14_-_20_March_2016\).pdf](http://reliefweb.int/sites/reliefweb.int/files/resources/OCHA_Sudan_Weekly_Humanitarian_Bulletin_Issue_12_(14_-_20_March_2016).pdf)

⁷ Defend Defenders <https://www.defenddefenders.org/country-profiles/sudan/>

⁸ Human Rights Watch "I wanted to Lie Down and Die": Trafficking and Torture of Eritreans in Sudan and Egypt" 11 February 2014

Available at <https://www.hrw.org/report/2014/02/11/i-wanted-lie-down-and-die/trafficking-and-torture-eritreans-sudan-and-egypt>

radicalization in the wake of regional state failure and the resulting increased interest in Sudan from member states that had not previously been active on Sudan shifted the balance in favour of the engager group. Member states that have supported isolating the regime in the past are now pushed by the concerns of their domestic constituencies to try to reduce the numbers of refugees and migrants arriving in the EU; they can therefore support EU-level engagement while keeping their distance bilaterally. The current crisis has changed member states' risk assessment; the fear of domestic criticism for not trying to reduce migration by engaging with a repressive regime now outweighs the earlier risk of criticism for engaging with a repressive regime. However, this shared priority should not be understood as unity: member states agree that migration is the most pressing issue, but beyond this there is no consensus as to whether the EU should engage on any other questions, apart from stemming migration, or what these other questions could be. This division is reflected in the lack of Council Conclusions on Sudan since October 2014.

Importantly, Sudan is no longer a purely foreign policy concern, member states' interior ministries are now heavily engaged in Sudan policy, in some cases dominating ministries of foreign affairs, and cracks between ministries of the interior and foreign affairs are clear in several member states.

This pattern is replicated at the EU level: migration policy is driven by European Commission's Directorate-General for Migration and Home Affairs (DG HOME), rather than the European External Action Service (EEAS) or Directorate-General for Development & Cooperation (DG DEVCO), which are only marginally involved. The EEAS and DG DEVCO's approach to Sudan is summed up in the Regional Action Plan – that internal conflicts in Sudan are integral components of the other challenges in the region, including migration.

EU/Sudan relations are also influenced by the crisis in South Sudan, state failure and the rise of ISIS and other extremist groups across the region. These elements all attract more attention than Sudan's internal conflicts, even though they are related: the Government of Sudan is an actor in the South Sudan crisis and has good knowledge of regional radical extremist groups as it supports them, including by violating the UN arms embargo on Libya.⁹

Overview of EU policies toward Sudan

The Treaty on the European Union frames the objectives of EU external action as promoting peace, security and the protection of human rights, amongst other values in its relations with the wider world.¹⁰ 'Preventing conflicts and relapses into conflict, in accordance with international law, is therefore a primary objective of the EU's external action.'¹¹ The EU's strategic framework for the Horn of Africa (2011) identified the EU's objectives in the region as supporting greater peace, stability, security, prosperity and accountability, and committed to 'work with the countries of the region and with international organisations (...) to resolve current conflicts, particularly in Somalia and Sudan, and avoid future potential conflicts between or within countries.'¹² The EU has

9 UN Security Council 9 March 2016 Letter dated 4 March 2016 from the Panel of Experts on Libya established pursuant to resolution 1973 (2011) addressed to the President of the Security Council doc. S/2016/209 available at http://www.un.org/ga/search/view_doc.asp?symbol=S/2016/209

10 European Union (2008) Consolidated version of the Treaty on European Union, 2008, Article 3.5

11 Council of the EU (2011) 'Council conclusions on conflict prevention'.

supported the African Union High Level Implementation Panel on Sudan (AUHIP) since 2010, although it has had little influence on the process.¹³ This was followed by the EU Horn of Africa Regional Action Plan 2015-2020 which underscored the objectives of the Horn of Africa strategy and added new priority areas of the broader geopolitical framework, migration and radicalisation, specifically identifying conflicts in Sudan as 'lead[ing] to substantial numbers of refugees and Internally Displaced Persons (IDPs)'.¹⁴

These new priority areas reflect the changing political context in Europe and in the Horn/North Africa. So in addition to – and, at times intertwined with – the EU's policies for addressing the Horn, a set of measures aimed at stemming migration from Africa have emerged that shape EU/Sudan relations. In November 2014, a ministerial conference in Rome announced the launch of the EU-Horn of Africa Migration Route Initiative (the "Khartoum process") in response to the EU's refugee and migration crisis (an initiative of DG HOME and Italy). The emphasis of the initiative is to support national measures to reduce migration, particularly through targeting trafficking and smuggling.¹⁵ The Valletta summit on migration, comprising European and African heads of state in November 2015, produced an Action Plan that identified five priority areas, including the development benefits of migration and addressing root causes of irregular migration. Within this priority area, the Action Plan committed to take action with regard to conflicts, human rights violations and abuses, and prevent new conflicts.¹⁶ Regarding existing conflicts, the action plan focuses on support to diplomatic initiatives and crisis settlement processes, 'in terms of peace agreements and reconciliation by the international community.'

This heavy focus on official level peace processes overlooks both the important roles to be played by civil society organisations in peacebuilding (civil society is only mentioned in relation to 'efforts to foster community cohesion' to prevent new conflicts) and also the role of state actors in existing conflicts, such as Sudan's agency not only in its internal conflicts, but also those in South Sudan and Libya. The Action Plan reflects a summit of European and African heads of state, therefore one may expect diplomatic and state-focused language. It also covers a broad range of countries and contexts and so must be reasonably general. Nonetheless, the recognition of the importance of resolving ongoing conflict and preventing future conflict as drivers of irregular migration is somewhat undermined by the apparent assumption that only state actors – national or international – can or will contribute to this process.

The Valletta summit agreed that the EU, its member states and associated countries will use their relevant financial instruments to support implementation of the Valletta Action plan and will 'step up efforts to mainstream migration into their development cooperation'¹⁷ and established the EU Emergency Trust Fund for stability and addressing root causes of irregular migration

12 Council of the European Union Strategic Framework for the Horn of Africa November 2011.

13 European Parliament Directorate-General for External Policies Policy Department Implementing the EU Concept on Mediation: Learning from the cases of Sudan and the Great Lakes (2011) p.18

14 EU Horn of Africa Regional Action Plan 2015-2020, p.9

15 Declaration of the Ministerial Conference of the Khartoum Process (EU-Horn of Africa Migration Route Initiative), Rome, 28th November 2014.

<http://italia2014.eu/media/3785/declaration-of-the-ministerial-conference-of-the-khartoum-process.pdf>

16 Valletta Summit on Migration 2015 Valletta Summit 11-12 November 2015 Action Plan available at <http://www.consilium.europa.eu/en/meetings/international-summit/2015/11/11-12/> p. 5

17 idem, p.1

and displaced persons in Africa. The Emergency Trust Fund is described as an 'innovative mechanism (...) to pool large resources (...) to enable a swift, common, complementary and flexible response'. It is governed by a strategic board, chaired by the European Commission and comprising EU member states, and other key donors, notably Norway and Switzerland, and partner countries and relevant regional organisations are invited to participate in all levels of governance, and will be consulted on priorities as well as project identification and formulation. Indeed, a stated aim of the Trust Fund is 'to engage in political dialogue with African partners in order to design strategic and efficient interventions.'¹⁸ Local ownership – by the states and regional organisations concerned - is emphasized, as is the focus on addressing root causes.

Projects that would be eligible for funding include 'conflict prevention and enforcing the rule of law through capacity building in support of security and development as well as law enforcement, including border management and migration-related aspects.'¹⁹ The implications for this approach in the case of Sudan are discussed below. The fact sheet on the Emergency Trust Fund does not give particulars on the funding mechanisms, but in the case of Sudan it would appear that projects will be financed through international organisations, member states and their agencies and NGOs, and mostly through recycled money.

The Valletta summit also expanded the remit of the Khartoum process (and the Rabat process and Joint EU-Africa Strategy) beyond its original remit, which was focused on tackling trafficking and smuggling, to monitor implementation of the Action Plan.

These policies reveal distinct strands in EU policy towards Sudan. On the one hand, the Action Plan recognizes that the internal conflicts in Sudan, in which the government is a major actor, create refugees and IDPs; and that Sudan, and its government, therefore *produce* migrants. The EU-Horn of Africa Migration Route Initiative however, identifies the government of Sudan as a partner in stemming migration, even naming it the "Khartoum process".²⁰ This approach risks favouring, or appearing to favour, the government of Sudan's own position that *transit*, particularly of Eritreans, is the primary concern, to be addressed through improved 'national capacities', overlooking the government of Sudan's role in *producing* migrants, through its counter-insurgency tactics, its part in creating and maintaining a catastrophic humanitarian situation, and its repression of rights activists and dissenters more broadly.

The EU's policy on supporting the International Criminal Court is also relevant to its relations with the government of Sudan as the Court has outstanding warrants for the arrests of president Al Bashir for crimes against humanity, war crimes, and genocide and senior politicians Abdel Raheem Muhammad Hussein and Ahmad Harun, the Governors of Khartoum state and North Kordofan state, respectively, on charges of crimes against humanity and war crimes.²¹ EU

18 European Commission A European Agenda on Migration 2015 Valletta Summit on Migration 'A European Union Emergency Trust Fund for Africa' p. 2

Available at <http://www.consilium.europa.eu/en/meetings/international-summit/2015/11/11-12/>

19 idem. Emphasis original.

20 Some respondents to this research believed that this was a coup for the government of Sudan and gave it respectability, while others observed that the government of Sudan is only one player amongst many, and did not carry particular weight in the process. Still, diplomats might consider the implications of naming processes after specific locations that are associated with regimes, particularly regimes with poor track records on human rights, in the future.

21 A fourth indictee, Ali Kushayb, is also still at large. https://www.icc-cpi.int/en_menus/icc/situations%20and%20cases/situations/situation%20icc%200205/Pages/situation%20icc-0205.aspx

policies, including its Action Plan 2011, require the EU and its Member States to encourage full cooperation with the Court, including the prompt execution of arrest warrants; to avoid non-essential contacts with individuals subject to an arrest warrant issued by the ICC, and to provide political and diplomatic support to the ICC.²² The Government of Sudan's refusal to sign the revised Cotonou Agreement – which includes a clause on cooperating with the ICC²³ - means that the government cannot receive European Development Funds (EDF).

Analysis of EU statements on Sudan shows that the number of statements on Sudan in general and on the conflict in Southern Kordofan and Blue Nile in particular has decreased significantly since January 2012. This decline coincides with the end of the mandate of the EU Special Representative (EUSR) for the Sudans, and the extension of the mandate of the EUSR Horn of Africa to include Sudan, as well as with a more general reduction in the number of statements issued by the EEAS since High Representative Mogherini took office. In April 2015, the High Representative reiterates the call for 'a comprehensive solution to Sudan's conflicts', that should lead to 'an inclusive political process that would provide peace and prosperity for Sudan.'²⁴ This would appear to be the last robust statement issued by the EU, and the EU Ambassador appeared to scramble quickly to limit the damage that the statement might have caused in EU-Sudan (read: government) relations.²⁵

EU policy developments in 2016

In January 2016, the government launched a counter-insurgency offensive in Jebel Marra, which included aerial bombardments and ground attacks.²⁶ By 26 March 2016, the offensive displaced 129,000 people according to UNOCHA.²⁷ The EU did not issue a statement. While the value of EU statements can be criticized as little more than words unsupported by action, they are also an important signal to Sudanese stakeholders as to the level of interest the EU holds in what is happening on the ground. Civil society actors look to EU statements as recognition of the state of affairs, and the EU Ambassador's reported efforts at 'damage limitation' in 2015 would suggest that the government does not dismiss statements as empty words.

The Khartoum process also marks a shift in EU engagement from the working level to the ministerial level, which means that the government – part of the problem – is treated as part of the solution. High-level engagements, by the EU High Representative, the Commissioner for International Cooperation and Development and by member state officials reinforce this trend.²⁸

22 Action Plan to follow-up on the Decision on the International Criminal Court 2011

23 Article 10.6, revised Cotonou Agreement 2005

24 Declaration by the High Representative on behalf of the European Union on the lack of a conducive environment for the upcoming elections in Sudan available at <http://www.consilium.europa.eu/en/press/press-releases/2015/04/04-declaration-hr-upcoming-elections-sudan/>

25 EU Delegation to the Republic of Sudan The EU Ambassador says EU position on elections and dialogue will not significantly impact relations with Sudan undated, http://eeas.europa.eu/delegations/sudan/documents/press_corner/2015/20150421_1_en.pdf

26 <https://www.dabangasudan.org/en/all-news/article/un-expert-urges-protection-of-darfuris-in-jebel-marra>

27 <https://www.dabangasudan.org/en/all-news/article/un-expert-urges-protection-of-darfuris-in-jebel-marra>

28 Foreign Minister Ghandour has recently held high-level bilateral talks with Germany,

<http://mininfo.gov.sd/en/ghandour-german-fm-discuss-progress-of-bilateral-relations-and-regional-and-international-issues/>. The UK has recently completed a 'strategic dialogue' with Khartoum <https://www.gov.uk/government/news/completion-of-uk-sudan-strategic-dialogue-20-21-march>

EU response to the AUHIP roadmap of March 2016

The government and the mediator Thabo Mbeki have signed the AUHIP's roadmap of March 2016; the opposition has refused, calling it 'biased'.²⁹ Commentators express reservations, based on previous agreements, about the government's intention to abide by its terms.³⁰ Although the roadmap contains elements of the opposition's demands, the rebels and opposition were largely excluded from the process that arrived at the roadmap, according to respondents for this research.

Yet the EU Commissioner for International Cooperation and Development, Neven Mimica writing in the Sudan Tribune under the headline 'EU and Sudan to strengthen dialogue and cooperation', 'stressed the need for the national dialogue process to be inclusive (...) The latest initiative by President Mbeki [the roadmap] is an important opportunity that should not be neglected.'³¹ Given that the rebel movements and opposition have not signed and seem unlikely to sign the roadmap, this call for inclusivity reads rather more like pressure on the opposition to sign than a commitment to an inclusive process. It may, however, also signal frustration amongst international actors with the divisions within the opposition, and several sources noted the similarities between the opposition's current stance on the roadmap with earlier government positions. Senior EU and member states officials are engaged with the opposition behind the scenes to 'encourage progress'. Other sources however believe that attempts to make the opposition sign the roadmap would do harm, making the situation in Sudan more, not less, complicated.

Sources agree that the AUHIP is a flawed process and has had significant challenges, yet there appear to be few credible alternatives at present. The EU and the UN are committed to African solutions for African problems. The EU could not replace the AUHIP, and this is not mooted. International actors, including the EU, should therefore consider how to strengthen the process, or find an alternative, which to be credible would have to be African led and have, at the very least, the support and confidence of the AU.

€100 million aid package under EU Emergency Trust Fund for Africa

Commissioner Mimica also announced aid totaling €155 million (€15 million under the Regional Development and Protection Programme, RDPP, to improve the living conditions of refugees and host communities in East Sudan and Khartoum, €40 million through a regional Better Migration Management package that supports the Khartoum process and €100 million to tackle the root causes of instability, irregular migration and displacement in East Sudan, Darfur, Southern Kordofan and Blue Nile). He notes that 'the real challenge in the coming months will be the implementation of this package' and that he had received a firm commitment from the GoS to remove

obstacles and facilitate access.³² The package will also support enhanced border controls.³³

The risks of the EU's current position

The EU's current policies and positions towards Sudan are largely driven by political pressure within the EU to address the EU's refugee and migration crisis, the problems of state failure and radical extremism in the region, and the crisis in South Sudan. This has led to a sense of *rapprochement* between the EU and the Government of Sudan, which carries a series of risks that are not adequately addressed in the policy documents and statements discussed above.

1. Treating Sudan primarily as a transit country for refugees ignores the extensive role of the government in producing refugees and IDPs, not least through its brutal counter-insurgency attacks, through its exacerbation of the catastrophic humanitarian situation of refugees and IDPs, and through its repression of dissent. A genuinely inclusive political process, the resolution of conflicts in Darfur, South Kordofan and Blue Nile, and humanitarian assistance to displaced and refugee populations are the most likely ways of reducing Sudan's production of refugees.
2. Stabilising the regime is not likely to contribute to regional stability, judging by its history as a destabilizing actor, only most recently in Libya and the Central African Republic, as well as in South Sudan.
3. Engaging with the government, even if falling short of fully rehabilitating the regime, assumes that the GoS will abide by its commitments. Yet it has not respected the undertakings made in successive peace processes and the regime has a track record in switching positions, and alliances, radically and without notice: witness the regime's swift reversal of its military and intelligence relationship with Iran to join the Saudi Arabia-led and funded intervention in Yemen.
4. There is evidence that Sudanese security officials collude with people traffickers³⁴ and the Independent Commission for Aid Impact highlighted the risk that working with the security services in Sudan risks reinforcing repressive and abusive agents and agencies.³⁵ Strengthening Sudanese border controls risks therefore strengthening trafficking networks and internal repression, contributing in turn to a greater likelihood that government actions will produce more refugees.
5. Sudan's economy is precarious, even if it receives significant funding from the Gulf. It is subject to financial sanctions and ranks 165 out of 168 in Transparency

29 Radio Tamazuj Sudanese opposition say Mbeki's 'roadmap' biased toward govmt 24 March 2016

<https://radiotamazuj.org/en/article/sudanese-opposition-say-mbekis-roadmap-biased-toward-govt>

30 Sudan Tribune SRF's rejection of Mbeki roadmap is inevitable, Eric Reeves, 24 March 2016 <http://www.sudantribune.com/spip.php?article58409>

This analysis was shared by key informants to this research.

31 Sudan Tribune EU and Sudan to strengthen dialogue and cooperation Neven Mimica, 6 April 2016,

<http://www.sudantribune.com/spip.php?article58546>

32 idem.

33 European Commission - Press release EU to announce €100 million development package for Sudan to address root causes of irregular migration and forced displacement Brussels, 5 April 2016. Available at http://europa.eu/rapid/press-release_IP-16-1206_en.htm

34 Human Rights Watch "I wanted to Lie Down and Die": Trafficking and Torture of Eritreans in Sudan and Egypt" 11 February 2014

Available at <https://www.hrw.org/report/2014/02/11/i-wanted-lie-down-and-die/trafficking-and-torture-eritreans-sudan-and-egypt>

35 Independent Commission for Aid UK Development Assistance for Security and Justice Report 42, March 2015, p.22.

Available at <http://icai.independent.gov.uk/report/uk-development-assistance-for-security-and-justice/>

International's 2015 corruption perception index.³⁶ Aid to the country risks misappropriation and corruption.

6. The EU may be keeping to the letter of its policy on supporting the International Criminal Court by not meeting, except in essential circumstances, president Al Bashir and the other indictees. However, while the EU remains silent despite the evidence of widespread ongoing human rights violations, including by state agents, in Darfur and elsewhere, it gives the impression of turning a blind eye to ongoing abuse, suggesting that its stance on human rights and justice is negotiable. ♦

³⁶ Available at <https://www.transparency.org/country/#SDN>

Conclusions and Recommendations

PAX is concerned that the EU's current policies towards Sudan carry too high a risk of exacerbating the conflicts in Darfur, South Kordofan and Blue Nile. Attempts to reduce migration from Sudan by strengthening the position of the regime and state authorities will likely lead to greater humanitarian crises, strengthen the power of traffickers and increase Sudan's production of refugees and migrants in the medium to long term. The evidence suggests that Sudan is more likely to continue to be a destabilizing factor in the region and in South Sudan than to be a genuine partner for stability and the reduction of radical extremism. Current EU policies therefore carry too high a risk of harming civilian populations in Sudan and beyond.

The AUHIP process has largely lost the confidence of the opposition, rebels and civil society. The EU and its international partners should seek to strengthen the process, unless an alternative, more inclusive and more credible process emerges.

The political pressure within the EU to address migration means that more resources are now at the disposal of the EU institutions than before the EU refugee and migration crisis. While this provides member states and EU institutions with more resources, the EU refugee and migration crisis has strengthened the regime's position as it can present itself as a necessary partner in addressing one of the EU's top domestic priorities.

So that the EU does not do harm, and to contribute to the peaceful resolutions to the conflicts in Sudan for their own sake, and as a way to reduce migration and refugees and radical extremism, PAX recommends :

To the EU Member States, the European External Action Service and the European Commission:

1. Convene a strategic dialogue to identify a common strategy for addressing migration that addresses key root causes, including internal conflicts, and accompanied by clear benchmarks for progress and a mechanism for monitoring progress to inform decision-making.

This strategic dialogue, including the member state ministries of the interior and foreign affairs, DG HOME, the EEAS and DG DEVCO, should generate a common strategy for addressing migration that addresses key root causes driving migration, such as the urgent need for inclusive political dialogue and on conflict resolution in Darfur, South Kordofan and Blue Nile, recognizing the well-documented evidence of the role of Khartoum in these.

2. Return its dialogue with the government to working level, and not ministerial status, until such time as there is clear and verifiable proof that Khartoum has ceased targeting civilians in the conflicts in Darfur and the two Transitional Areas.
3. Engage fully with the opposition, despite frustrations with the opposition's internal divisions, as well as with civil society actors as a prerequisite to an inclusive national dialogue.

To the European External Action Service and the European Commission:

4. Publish, as a matter of urgency and in detail, the financing mechanisms of the €155 million in aid packages, including detailed anti-corruption measures and mechanisms to reduce the likelihood that these funds be used to strengthen abusive national and local state authorities in Khartoum, bearing in mind that the Governors of both Khartoum and North Kordofan states are also subject to outstanding ICC warrants.
5. Resume issuing statements in response to widespread human rights violations by the state and militia, including to the dire situation of civic space for civil society, showing the EU is appraised of the situation in Sudan and countering the perception current amongst civil society actors today that the EU is turning a blind eye to atrocities, such as those committed in Jebel Marra in 2016.
6. Strengthen, in close consultation and cooperation with the AU, UN and the Troika (USA, Norway and UK), the AUHIP and improve this process, through technical and financial support, as necessary, and political engagement with the parties.

The current situation is driven by the political necessity, within all EU states, to stem migration into the EU. Much more work is needed within the EU to highlight how conflicts, and Sudan's internal conflicts, drive migration flows. Negotiated, sustainable resolution of the conflicts in Darfur, South Kordofan and Blue Nile and national inclusive political dialogue is not only a humanitarian imperative, but is also necessary for medium and long-term reduction in migration.

To this end, civil society organisations should:

7. Raise awareness in the EU of the causal link between conflict and migration, to generate political pressure within EU domestic constituencies for member states and the EU institutions to support conflict resolution as an integral part of migration policy.
8. Civil society organisations should specifically target ministries of the interior, with responsibility for addressing migration, and not only ministries of foreign affairs.
9. Highlight the risks of attempting to stem migration primarily through increased border controls and strengthening the capacity of repressive regimes, such as that in Sudan, and the trafficking networks associated with them, may lead to short term reductions in migration, ('quick wins' in domestic politics) but are more likely to result in greater humanitarian catastrophe and therefore migration flows in the future. ♦



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