



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

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

Written Evidence

Contents

Memorandum by the Associate All Party Group on Sudan (SUD 11)	2
Memorandum by Professor Stephan Chan OBE PhD, School of Oriental and African Studies (SOAS) (SUD 5).....	4
Memorandum by Concordis International (SUD 10)	7
Memorandum by Øystein H. Rolandsen, Peace Research Institute Oslo (PRIO) (SUD 6).....	11
Memorandum by Dr Paul Holtom, Director, SIPRI Arms Transfer Programme and Mr Pieter Wezeman, Senior Researcher, SIPRI Arms Transfer Programme, Stockholm International Peace Research Institute (SIPRI) (SUD 4).....	15
Memorandum by Small Arms Survey. Sudan Human Security Baseline Assessment (HSBA) project (SUD 8).....	20
Memorandum by Professor Ian Taylor, University of St Andrews (SUD 1).....	25
Memorandum by Tearfund (SUD 3).....	43

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

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

Recommendations

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

Role of the international community

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

Conflict resolution

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

Coordination of EU and UK aid

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

Building capacity and skills

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

Improving the business environment

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

Aid and the Cotonou Agreement

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

The UK's contribution

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

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

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

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

DEVELOPMENT IN SOUTH SUDAN

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

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

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

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

THE CHINESE

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

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

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

THE FUTURE

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

Memorandum by Concordis International (SUD 10)

Introduction

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

Background: Lessons from Sudanese Peace Agreements

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

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

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

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

Possible Peacebuilding Contexts

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

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

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

Options for EU Conflict Prevention and Peacebuilding Role in Sudan

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

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

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

⁴ EU Foreign Affairs Council, 13 December 2010.

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

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

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

International engagement with the Sudan in a historical perspective

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

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

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

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

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

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

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

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

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

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

EU's Future Engagement with the Sudan

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

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

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

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

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

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

Arms exports to Sudan

Summary of key points

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

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

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

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

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

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

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

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

Which countries export arms to Sudan?

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

Arms exports to North Sudan

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

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

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

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

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

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

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

Arms exports to South Sudan

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Arms Supplies to the Sudan Arms Forces (SAF)

The Small Arms Survey undertook a detailed survey on arms flows to and within Sudan in mid 2009.⁵ We found that the main exporters of arms to Khartoum are China, Russia, Belarus, and Iran. Russia and Belarus both report their exports of major weapons systems (e.g. fighter aircraft, armoured personnel carriers, infantry fighting vehicles, and attack helicopters), to the UN Register of Conventional Weapons. China and Iran do not, but evidence is available of acquisitions from photographs, parades and other information sources such as reports from the United Nations (UN) Panel monitoring violations of the arms embargo on Darfur.⁶ Examples include Chinese Type 85II main battle tanks, ZSL92 wheeled armoured vehicles, K-8 combat jet trainers, as well as Rakhsh APCs mounted with 12.7 machine guns from Iran.

According to Khartoum's reports to the UN's Commodity Trade Statistics Database (known as COMTRADE) it received most of its small arms from China during the period 2001-2009. Khartoum reported that it has received more than USD 100 million of small arms, light weapons, their parts and accessories, as well as ammunition from China. The next largest provider, according to Khartoum, is Iran, with transfers totaling some USD 20 million. (China and Iran report transfers of military goods to Sudan at substantially smaller levels.) Misreporting is an issue. The Small Arms Survey has learned, for example, that Khartoum accidentally entered CH for China on some transfers with the unintended result of recording Switzerland as a supplier. (The correct code for China is CN.) In 2009, Sudan also recorded that it received small arms parts that it valued at USD 20 million from St Vincent and the Grenadines. St Vincent and the Grenadines makes no such claim in their customs reporting. The Survey will follow this up with Sudanese government officials on 28 March when they visit the Survey in Geneva.⁷

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

⁵ See *Skirting the Law: Sudan's Post-CPA Arms Flows*, by Mike Lewis. HSBA Working Paper 18. Geneva: Small Arms Survey, September. <http://www.smallarmssurveysudan.org/pdfs/HSBA-SWP-18-Sudan-Post-CPA-Arms-Flows.pdf>

⁶ See the panel's reports at <http://www.un.org/sc/committees/1591/annualreports.shtml>.

⁷ Perhaps the official in question may have meant to enter VE (Venezuela) or VN (Vietnam) instead of VG.

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

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

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

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

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

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

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

Notes:

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

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

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

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

The European Union (EU) Arms Embargo on Sudan

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

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

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

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

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

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

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

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

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

Key Related Security Issues for the EU to Consider

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

Key issues are the following:

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

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

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

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

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

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

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

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

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

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

China and Sudan

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

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

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

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

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

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

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

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

Chinese Policy and Darfur

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

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

In response, Chinese diplomats stepped up their efforts to defend China's contribution to conflict resolution.⁸ This was partly because of the worsening situation in Darfur and partly

⁸ Chinese diplomat, Addis Ababa, Ethiopia, May 15, 2007.

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

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

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

Beijing and UN Security Council Resolutions on Darfur

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

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

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

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

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

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

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

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

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

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

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

The "Genocide Olympics"

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

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

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

According to one informant, it was the Senate letter regarding Darfur and the Olympics that was the tipping point in galvanizing the Chinese government to act. China’s foreign policy is still predicated on essentially state-to-state relations and whilst the “Genocide Olympics” campaign remained nongovernmental Chinese decision-makers felt it could be ignored. However, once it drew in legislators and the American state apparatus, Beijing felt compelled to move.⁹

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

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

A Change in China’s Position?

⁹ He Wenping, Chinese Academy of Social Sciences, Beijing, China, September 18, 2007.

It is clear that China began to publicly advise Sudan to be more “flexible” in accepting UN peace support personnel under the “AU/UN hybrid” proposal. And it began to give briefings on how much of a positive role China had been playing in Sudan. It is also quite clear that as 2007 developed, Beijing began to be ever more sensitive of accusations that it had colluded with a tyrannical regime. As a result, behind the scenes Chinese diplomats sought to move Khartoum to a more accommodative stance on Darfur and outside involvement. Yet, China has at all times been hidebound by its intimate economic relationship with Khartoum and the billions of dollars worth of investment it has poured into Sudan. As well, it has continued to hold to the position that ‘China does not support bad governments. What it does is engage with them but does not tell them what to do’.¹⁰

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

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

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

¹⁰ Chinese diplomat, Addis Ababa, Ethiopia, May 15, 2007.

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

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

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

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

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

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

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

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

Explaining China's Behaviour

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

Chinese foreign policy remains committed to the Five Principles of Peaceful Co-existence, formulated in 1954 and setting out the guidelines for Beijing's foreign policy and its relations with other countries.¹¹ These Five Principles are namely, mutual respect for each other's

¹¹ Acting Head, Political Affairs Section, Chinese Embassy, Windhoek, Namibia, August 13, 2006.

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

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

China has customarily emphasized the sovereignty of states in resolving issues amongst themselves also because of Beijing's sensitivity to possible outside involvement in affairs perceived by China as strictly domestic matters, such as the issues of Tibet and Taiwan.¹² As Pang Zhongying (2005: 88) notes, 'Central to Chinese concerns is the changing nature and context of peace operations—with the potential for mission creep and the move to "coalitions of the willing"—and the implications this would have for international involvement in China's key internal affairs relating, for example, to Taiwan, Tibet and Xinjiang'. Preventing international precedents that may be later utilized in attempting to deal with China's "domestic" issues is a policy thus pursued by Beijing, even though it invites cynicism from non-Chinese observers.¹³

However, it needs emphasizing that rhetoric contained in official Chinese pronouncements 'has led many observers to reach the premature conclusion that Beijing opposes all forms of intervention and is wedded to an antiquated approach to sovereignty' (Carlson 2006: 218). In fact, it is possible to discern a subtle shift in China's position regarding state sovereignty.¹⁴ This has been underpinned by an evolving list of four official guidelines on legitimate intervention. For these to be satisfied, intervention must first proceed with respect for the concerned state's sovereignty. Secondly, United Nations' authorization must be gained. Thirdly, the invitation of the concerned state must be secured. Finally, force should only ever be used when all other possible options have been proven ineffective (Carlson 2004). This set of necessary conditions demonstrates that there has been movement in Beijing from a previous uncompromising stand on state sovereignty and noninterference (Taylor 2008b). Darfur is a case in point.

¹² Shu Zhan, Chinese ambassador, Asmara, Eritrea, June 29, 2006.

¹³ Military attaché, Western embassy, Addis Ababa, Ethiopia, May 15, 2007.

¹⁴ He Wenping, CASS, Beijing, China, September 18, 2007.

It is true that China has become quite adept at pursuing a strategy of non-participation and/or abstaining in debates and voting within the Security Council over peace operations issues (Morphet 2000). It can in fact be argued that abstention is an expedient strategy for China for it both avoids criticisms from the West that it is an obstructionist actor if it was to vote in opposition to contentious peace operations *and* it allows China to either disassociate itself from unpopular operations from the developing world's perspective (as mediated at the UN through the G-77) or avoid a divergence between China's broad doctrine of non-interference if and when a particular peace operation is backed by developing nations e.g. when the African Union came out in support of a mission to Sudan.¹⁵ Kim has in fact emphasized that 'China's voting behaviour, particularly its abstention on Chapter VII enforcement resolutions, is neither positive engagement nor destructive obstruction but one of pursuing the maxi-mini strategy in a situation-specific and self-serving way' (Kim 2003: 69). Such a policy has worked to a certain extent for China as it has allowed Beijing to posit that it wishes to play a more significant role within the United Nations whilst often avoiding actual obligations.

This has been an important tool for Chinese diplomacy given the changing nature of UNPKOs in recent years. Under Chapter VII, the Security Council is allowed to take coercive action against states, which may (Article 42) necessitate military force, if the Council concludes that there is 'any threat to the peace, breach of the peace, or act of aggression' (Article 39). The Westphalian notion of state sovereignty, which China has long promoted in its foreign policy, 'shall not prejudice the application of enforcement measures under Chapter VII' (Article 2 IV). This is a problem for Beijing, as Darfur exemplifies. And in the post-Brahimi Report era, Chinese foreign policy vis-à-vis peace operations has had to face a number of other thorny issues, particularly as the peace support aspect of peace operations is a quite novel type of peacekeeping (Bellamy and Williams, 2004). What the Brahimi Report effectively did was to codify changes in practices that had been occurring since the end of the Cold War. Importantly, UN principles were understood as giving a clearer authorization for the deployment of military force in peace operations to help pressurize warring sides to abide by established peace agreements, although UN peace operations (blue helmet operations) still only deploy with host government consent.¹⁶ Whilst the Brahimi Report did not legitimize intervention and indeed confined itself to talking about peace operations, what it *did* say was that when blue helmet troops are deployed in peace operations, they cannot stand by while civilian massacres are going on. But even this position raised the ire of Chinese commentators, with a Chinese scholar's concerns over future intervention allegedly in line with the implications of the Brahimi Report capturing some of this concern:

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

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

¹⁵ Western diplomat, Asmara, Eritrea, June 29, 2006.

¹⁶ Military attaché, Western embassy, Addis Ababa, Ethiopia, May 15, 2007.

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

Concluding Remarks

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

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

Paradoxically, keeping good relationships with major Western powers is a key foreign policy concern for Chinese policymakers. The events surrounding aspects of Chinese activities in Sudan arguably threaten this, or at least play into the hands of critics of China and those who like to speak of the "China threat". Chinese diplomats seem aware of this, asserting that 'China's policy of non-interference is appropriate for Beijing's diplomacy, but China has not been very successful in explaining this to the world. Consequently, we are concerned that people are "misinterpreting" our diplomacy'.¹⁷ Features of Chinese involvement in Sudan's oil industry unquestionably fit with ongoing external interactions with Africa. After all, French policy towards the oil-rich parts of the continent—such as Gabon—has never been guided by liberty, equality and fraternity and other Western actors in Africa do not possess exemplary records. Washington's relations with oil-rich nations such as Saudi Arabia are not guided by concerns over democracy or human rights. Business, as far as many actors are concerned, is business and in this sense criticism of China's oil diplomacy in Africa is

¹⁷ Chinese diplomat, Addis Ababa, Ethiopia, May 15, 2007.

somewhat hypocritical.¹⁸ Equally, as Jakobson and Zha (2006: 62) assert, given the lack of a global policy structure for oil trade, there remains ‘ample space for both exporting and importing countries to manoeuvre by mixing economics with politics when it comes to oil trade’. Those features of Chinese NOC activities which are routinely criticized can in fact be linked to this broader structural absence of any overarching global oil architecture, which has, it must be said, served Western oil corporations’ interests for a very long time—until China arrived on the scene.

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

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

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

¹⁸ Robin Sherborne, editor of *Insight*, Namibian political magazine, Namibia, Windhoek, August 14, 2006.

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

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

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

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

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Memorandum by Tearfund (SUD 3)

Introduction

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

Question 3:

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

Humanitarian

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

6. In the south the focus of the Commission's humanitarian support is on assisting returning refugees and internally displaced people to reintegrate, as well as on emergency preparedness and response. Commission funds are used to provide basic health care, water and sanitation, nutrition and food security programmes. Due to the general insecurity and logistical and/or infrastructural problems, ECHO also provides support to common services such as security coordination and humanitarian airlift services¹⁹.
7. ECHO's Humanitarian Implementation Plan (HIP) for 2011 states that the allocation available for this year is EUR 100 million. Of this, EUR 45 million is stated to be for food assistance. Sudan has, for sometime now, received the biggest ECHO contribution of any country. It is allocated a budget of €100m annually which equates to roughly ten per cent of ECHO's funds last year and was approximately €30million more than the next nearest recipient, Pakistan. Individual ECHO grants are for one year only and their focus is predominantly on life saving emergency relief.
8. Some ECHO grants do have development related components but these are never the project's primary focus. However it is interesting to note that prior to the signing of the Comprehensive Peace Agreement in 2004 the EU creatively set a "Humanitarian Plus" programme from which Tearfund, along with other NGOs, benefitted. This programme enabled humanitarian grants to be given for longer periods of time and for them to include a development component. This was disbanded however with the signing of the CPA and the anticipation of a Sudan Country Strategy with accompanying development money. At present with the lack of a Sudan Country Strategy we would recommend that the EU considers bringing back such a programme to bridge the gap between the work ECHO is willing to fund (predominantly life saving only) and that which EU development aid is willing to take on.

Development

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

¹⁹ http://ec.europa.eu/echo/aid/sub_saharian/sudan_en.htm

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

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

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

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

Humanitarian

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

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

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

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

Development

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

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

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

Question 4:

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

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

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

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

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

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

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

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

Question 6:

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

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

30. Key recommendations:

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