

THE GAP BETWEEN NARRATIVES AND PRACTICES

DARFUR: THE RESPONSES FROM THE ARAB WORLD

6. THE EU'S ROLE IN THE DARFUR CRISIS FROM 2003 UNTIL TODAY

Giji Gya

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FRIDE
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A COLLECTION OF PAPERS TO PROMPT AN INTER-ARAB DIALOGUE ON POLICIES TOWARDS THE CONFLICT IN DARFUR

This paper is part of a collection of seven research papers published within the framework of the project '*The Gap between Narratives and Practices. Darfur: Responses from the Arab world*' undertaken by FRIDE from October 2008 to March 2010.

The project aims to develop an understanding of Arab states and society, as well as their attitudes and policies towards massive violations of human rights in their region. The research conducted for this purpose is manifold and aims at facilitating an inter-Arab dialogue; as well as the generation of ideas about how other actors may play a positive role to engage the Arab world in redressing the massive violations of human rights in the particular case of Darfur and beyond.

The project undertaken by FRIDE and funded by the Ford Foundation has gathered together a number of researchers and activists to develop background research, meet in an international conference in Tunis in October 2009 to discuss their findings and draw conclusions and recommendations in different thematic areas, including Arab perceptions of the crisis, Arab policies as individual states and within the framework of regional and international organisations, and other external responses related to or that influence what Arab actors could do regarding the Darfur conflict.

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THE PUBLICATIONS, FOLLOWED BY THE AUTHORS' BIOGRAPHIES, ARE:

1. **DARFUR AND ARAB PUBLIC OPINION: STRATEGIES FOR ENGAGEMENT**
Jacob Høigilt
2. **ARAB OFFICIAL POSITIONS TOWARDS PRESIDENT AL-BASHIR'S INDICTMENT**
Noha Bakr and Essam Abdel Shafi
3. **BRIDGING THE GAP BETWEEN NARRATIVE AND PRACTICES:
THE ROLE OF THE ARAB LEAGUE IN DARFUR**
Annette Weber
4. **THE AFRICAN UNION IN DARFUR: UNDERSTANDING THE AFRO-ARAB RESPONSE TO THE CRISIS**
Sarjoh Bah
5. **THE UN RESPONSE TO THE DARFUR CRISIS**
Joanna Weschler
6. **THE EU'S ROLE TOWARDS THE DARFUR CRISIS FROM 2003 UNTIL TODAY**
Giji Gya
7. **REALIGNING US FOREIGN POLICY WITH REALITY IN DARFUR:
FORMULATING A WHOLE-OF-SUDAN POLICY**
Allison Rohe

Essam Mohamed Abdel Shafi Abdel Wahab holds a PhD in Political Science from the Faculty of Economics and Political Science, Cairo University. He is currently a researcher at the Center of Cultural Studies and Intercultural Dialogue, Faculty of Economics and Political Science, Cairo University.

A. Sarjoh Bah is a Senior Fellow and Program Coordinator of African Security Institutions, at New York University's Center on International Cooperation. Dr. Bah was the Program Coordinator of CIC's Peace Operations Program, and was the Lead Scholar and Volume Editor of CIC's flagship publication, the *Annual Review of Global Peace Operations: 2008 and 2009*. He holds a Ph.D. in International Relations and Comparative Development from Queen's University, Canada. Prior to his current engagement, he worked as a Senior Researcher at the Institute for Security Studies and an international consultant to several organizations including the European Commission, the Intergovernmental Authority on Development and the Center for Humanitarian Dialogue among others. He has conducted extensive research and is widely published, and specializes in regional security cooperation in Africa and international multilateral diplomacy.

Noha Bakr has a PhD in the interdisciplinary field of International Relations and International Organisations and is currently an assistant professor at the American University in Cairo. She has authored and co-authored several publications in the field of international, regional and national security. Dr Bakr has also published numerous political analytical articles in Egyptian newspapers, and has been invited as a guest on national and international TV channels, analysing political topics. She previously worked as a political and communication consultant for foreign donors to Egypt.

Giji Gya has 12 years experience in analysis of peacekeeping and crisis management missions, international security, crisis response, SSR and disarmament and of UN, EU and NGO work in international fora. Ms. Gya also lectures on human security and gender and is the developer of the CSDP Mission Analysis Partnership. She is currently the Executive Director of the International Security Information Service (ISIS Europe) based in Brussels.

Jacob Høigilt is Middle East researcher at Fafo Institute for Applied International Studies in Oslo, Norway. His research has revolved around issues of language, religion and politics in the Arab world. The regions on which he writes include Egypt and the Levant. Høigilt has written a number of articles about Islam, language and politics in international academic journals, and he contributes articles and op-ed pieces in Norwegian journals and papers. He wrote his PhD thesis about Islamic rhetoric in contemporary Egypt, and a book on the same subject is forthcoming on Routledge in 2010/2011.

Allison Rohe is an independent consultant working between New York and Madrid in the field of international relations and social intervention. She has worked at several European and American think-tanks and non-governmental organizations in the field of humanitarian action and armed conflicts, specializing in US foreign policy and whole-of-government policy approaches towards States in crisis. Additionally, Ms. Rohe has also lectured at the University of Madrid in graduate programs on International Development on the subject of humanitarian crises and information management. Ms. Rohe began her career in the area of humanitarian action, working with MSF in Kosovo on a fact-finding field mission focusing on minorities; subsequently, her work centered on policy research, focusing on mitigating the underlying causes of violent conflict through policy and the alignment of post-conflict responses. Her studies have included Political Science at Smith College, Journalism at the Universidad Complutense de Madrid and a Master in Corporate Social Responsibility at the Universidad de Alcalá (Madrid).

Annette Weber is a senior associate with the German Institute for International and Security Studies (SWP) in Berlin. Her regional expertise is on the Horn of Africa; she works mainly on conflict analysis, fragile states, non-state actors and state building. Her current focus is mainly on the situation in Sudan; the Darfur conflict as well as the fragile peace between the north and southern Sudan. Her other current focus is Somalia and the problem of maritime security. She writes extensively and advises the Bundestag and the German administration on these issues. Previously she worked as a coordinator for the Ecumenical Network on Central Africa, mainly on the Democratic Republic of Congo, Rwanda and Burundi. Annette Weber was also a researcher with Amnesty International in London for Sudan and worked as a consultant for Human rights Watch and Amnesty International on Sudan and Uganda. She wrote her PhD dissertation on questions of gender and citizenship in southern Sudan and Eritrea.

Joanna Weschler has been since 2005 director of research at Security Council Report with responsibilities that include: overseeing research as well as providing editorial and production supervision for the organization's work. Was UN representative for Human Rights Watch (1994-2005). Previously, she was the Poland researcher for Helsinki Watch; Brazil researcher for Americas Watch; as well as director of HRW's Prison Project. She has conducted human rights investigations in countries on five continents and written numerous reports and articles on human rights. She has a master's degree in Spanish and Latin American Studies from the University of Warsaw and a master's in journalism from Columbia University. She is a native of Poland, where she was a reporter for the Solidarity Union press agency, in charge of covering most meetings between Union President Lech Walesa and the communist government, and meetings of the executive leadership of the union.

6.

THE EU'S ROLE IN THE DARFUR CRISIS FROM 2003 UNTIL TODAY

Giji Gya¹

¹ Giji Gya has 12 years experience in analysis of peacekeeping and crisis management missions, international security, crisis response, SSR and disarmament, of UN, EU and NGO work in international forums. Ms Gya also lectures on human security and gender and is the developer of the CSDP Mission Analysis Partnership www.csdpmap.eu. She is currently the Executive Director of International Security Information Service (ISIS Europe www.isis-europe.org) based in Brussels.

CONTENTS

Introduction

Overview of actors and structures

- EU engagement with Arab actors
- EU engagement through the Arab League
- EU vs Member States
- EU, NGOs and Civil Society

The EU: 2003-2004

EU short term and long term actions in response to Darfur - beyond 2004

- Short term actions
- Long term actions

The EU Special Representative for Sudan

The EU and the ICC

EU engagement with Sudanese authorities

- The revised Cotonou agreement and Sudan
- The EU on the ground – the EC Delegations

EU and AU – the Africa Peace Facility

EU engagement in peace negotiations/implementation

Conclusions

Recommendations

Whether under EU or UN command, the presence of a peacekeeping force in Chad can have only a limited impact on the resolution of the interconnected crises of Chad and Darfur. It is the diplomatic front, largely neglected until now, that could most effectively launch or re-launch peace processes.”²

INTRODUCTION

The aim of this paper is to analyse the policies of the European Union in relation to Darfur and the ongoing conflict in Sudan. Inevitably, the complexity of the EU comes to the forefront of any such consideration, and this research aims to investigate the structural and political limitations impinging on EU activities on Darfur and Sudan. As part of the project entitled "The gap between narratives and practices. Darfur: Responses from the Arab world", the paper begins with an analysis of the EU's engagement with Arab actors and hence also includes Sudanese responses towards the EU's efforts.

OVERVIEW OF ACTORS AND STRUCTURES

EU ENGAGEMENT WITH ARAB ACTORS

Although the EU's external relations aim to have a global reach, some commentators point to a lack of EU engagement with Arab states when it comes to conflict resolution. This is important background information to take into consideration when considering this analysis; EU member states tend to act bilaterally with Arab states more than through EU mechanisms, a legacy in part of the EU lacking a clear structure for foreign policy. The difficulties in coordinating 27 EU member states means that the EU is more often than not caught in no-man's land between the dialogue of the US and Arab states.

What the EU lacks in political push, it makes up for in vast financial development and humanitarian aid. EU member states donated over 17 trillion US dollars in DAC aid in 2007 to 20 Arab states,³ and EU financial payouts through contracts and commitments amounted to some €1.2 billion in 2007.⁴ However, the EU's partnership focus in this area is largely based on African, Caribbean and Pacific states as well as Overseas Countries & Territories (OCT's),⁵ rather than Arab states. As such, the Commission has provided Sudan with over €500 million in development assistance since 2005, as well as approximately €640 million in humanitarian aid, including close to €110 million for 2009 only.⁶

EU engagement with Arab states as a group tends to be more targeted at trade and environmental concerns. This is particularly so since the onset of the 2008 development of the Union for the Mediterranean or 'Euromed', evolved from the 1995 Barcelona Process; the first of its three key principles {Political and Security Dialogue, Economic and Financial Partnership, Social, Cultural and Human Partnership}, was to enable dialogue related to the fight against terrorism and the European Security and Defence Policy (ESDP), involving issues such as civil protection, good governance, and parliamentary cooperation. But the principal focus has now turned to infrastructure, environment and business.⁷ Even though the Commission claims that it will also provide a forum for regional dialogue for the Middle East Peace Process, and that it 'remains the only multilateral context outside the United Nations where all parties to the conflict can meet and work together on a range of issues', the suitability of this platform to address Arab issues beyond the Mediterranean is yet to be seen.

² Jérôme Tubiana. The Chad–Sudan Proxy War and the 'Darfurization' of Chad. *Small Arms Survey HSBA Working Paper 12*, April 2008. p58.

³ Author's own calculation from DAC database. DAC EU countries as donors, with recipients being: Afghanistan, Algeria, Bahrain, Egypt, Iran, Iraq, Jordan, Kuwait, Lebanon, Libya Morocco, Oman, Palestinian Adm. Areas, Qatar, Saudi Arabia, Syria, Tunisia, United Arab Emirates, Yemen as well as Sudan.

⁴ Information from EuropeAid, European Commission.

⁵ There are 20 overseas countries and territories (OCTs) which are linked to Denmark, France, the Netherlands and the UK and are associated with the EU.

⁶ Information from Commission DG Dev. See FAQ on non-ratification of the revised Cotonou Agreement by Sudan, available at http://ec.europa.eu/development/icenter/repository/sudan_final_non-ratification_faq_200908.pdf

⁷ Stemming from the Barcelona Process, the Union for the Mediterranean (EUROMED)'s main principles of raising "the political level of the strategic relationship between the EU and its southern neighbours" are largely implemented through six projects: de-pollution of the Mediterranean Sea; maritime and land highways; combat natural and man-made disasters; solar energy; Euro-Mediterranean University; and focus on micro, small and medium-sized enterprises. The union consists of all 27 EU Member States together with Algeria, Egypt, Israel, Jordan, Lebanon, Morocco, the occupied Palestinian Territories, Syria, Tunisia and Turkey, as well as the other Mediterranean coastal states (Albania, Croatia, Bosnia-Herzegovina, Montenegro and Monaco) and Mauritania. The Arab League and Libya have observer status. http://ec.europa.eu/external_relations/euromed/index_en.htm

Similarly, the Cooperation Council for the Arab states of the Gulf (GCC) (Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and United Arab Emirates) has a primarily economic and technical focus.⁸ Other areas of EU engagement with Arab states related to conflict is mainly concentrated on the Middle East Quartet (US, EU, Russia and UN) efforts on the peace process between Palestine and Israel.

EU ENGAGEMENT VIA THE ARAB LEAGUE

The Arab League (AL), based in Cairo, receives regular visits from the EU Special Representative (EUSR) for Sudan, and the EU maintains relations with the AL itself, particularly through the Gulf Cooperation Council. However, the AL does not see Darfur as an “Arab” issue; it holds the view that Sudan is more of an African concern. As one commentator put it, ‘Arab countries do their utmost to draw a political line between “underdeveloped” Sub-Saharan Africa, and “modern” Maghreb countries’.⁹ Another noted that the Arab League has many priorities concerning Arab states and conflicts, and that Sudan is not one of them.¹⁰ Notwithstanding this, the AL does often see eye-to-eye with the Government of National Unity (GoNU), and the relationship between the GoNU and the AL is ongoing.¹¹ Furthermore, in 2006 the Arab League pledged US\$150 million to the African Union Mission in Sudan (AMIS) in response to criticism, even if the EU ultimately picked up most of the tab (more than US\$520 million during 2004-2007) after Arab contributions failed to materialise as promised.¹²

As previously noted, the EU maintains relations with many Arab states through the Euromed (formerly the Barcelona Process). However, even though one of the stated aims is to provide a platform for political dialogue, Darfur has always been outside the remit of the forum, which almost exclusively addresses the Middle East peace process. Darfur has often been on the agenda of bilateral meetings with different Arab countries and organisations, inter alia, the InterGovernmental Authority on Development (IGAD – organisation regrouping Horn of Africa countries), Libya, Egypt in the framework of the Association agreement and trilateral cooperation, or the European Neighbourhood Policy (ENP) action plan and subsequent sub-committees.¹³

The EU focus on its foreign security policy does tend to lean towards Africa rather than Arab states, with particular focus on strengthening the African Union so that it can respond to crises and offer support through the Africa Peace Facility (APF). Mechanisms like the APF, extensive development assistance and humanitarian aid (with Sudan representing the biggest humanitarian operation of the European Commission); peacekeeping through the former EU civilian-military action to support the AMIS mission; the brief EUFOR Tchad/RCA mission, as well as the EU Special Representative (EUSR) for Sudan all amount to ways in which the EU has engaged on the issue of Darfur, rather than doing so with individual Arab states.

EU VS. MEMBER STATES

Throughout the tragedy, many EU member states have acted either bilaterally or along with others on the issue of Darfur, in particular, the UK, Italy, the Netherlands and France. The EU sees this as complementary to its own work. One of the tasks of the rotating 6 month presidency of the EU has been to coordinate the EU countries bringing pressure to bear on Sudan, such as Austria, Bulgaria, Denmark, France, Germany, Greece, the Netherlands, Romania, Spain and the UK, on both short-term and long-term issues.

⁸ http://ec.europa.eu/external_relations/gulf_cooperation/index_en.htm

⁹ Communication with Commission official, August 2009

¹⁰ Communication with Council official, July 2009.

¹¹ The government of Khartoum is officially the Government of National Unity, which encompasses Ministers from the South and to show that it also incorporates the People’s Liberation Movement (SPLM). The government of the southern region is distinguished as Government of Southern Sudan (GoSS).

¹² Nadim Hasbani “About The Arab Stance Vis-à-vis Darfur”, Al-Hayat, 21 March 2007.

¹³ Communication with Commission official, August 2009.

¹⁴ Minister for Foreign Affairs Carl Bildt met with Egyptian Minister of Foreign Affairs Ahmed Aboul-Gheit on Friday 28 August. No details of discussion. www.fride.org

In a crisis response capacity (a short-term matter and part of the remit of the inter-governmental capacity of the EU) the EU's EUFOR Tchad/RCA mission was pushed by the French, and the mission begun under the Slovenian EU Presidency, then coincided with the subsequent French EU Presidency. With development assistance/humanitarian aid, the current situation is that the Commission won't be able to cover all of the costs of development assistance which were formerly provided by the EU, including the upcoming elections (due to Sudan's failure to ratify the revised Cotonou Agreement). Hence EU member states are now considering what they can do bilaterally to plug funding gaps. It should also be noted that the European Parliament (EP) has probably played the strongest role of EU institutions, calling for action on Darfur on repeated occasions.

Most recently, the Swedish EU Presidency has viewed Sudan as somewhat more of a priority. The Swedish Minister for Foreign Affairs Carl Bildt met with Egyptian Minister of Foreign Affairs Ahmed Aboul-Gheit in August, and even if the focus was on the Middle East, Sudan was on the agenda and was discussed.¹⁴ There are also indications that following the elections and referendum, the EU will focus even more on the situation, in particular with a view to providing assistance for the creation of stable governance in the south should an agreement dividing north and south be reached.¹⁵

Regarding Arab engagement, it seems that some EU member states like Spain are more likely to concentrate pressure through the EU, either directly via Sudan or China, with a recommendation to continue to address the situation through bi-lateral relations with Libya (current head of the AU) and Egypt.¹⁶

Despite attention across the EU on Sudan, engagement by NGO and civil society groups in EU member states has been a lot less vocal and public than other international campaigns, as is outlined in the next section.

THE EU, NGOS AND CIVIL SOCIETY

The main campaign groups active on Darfur are concentrated in the US, such as Save Darfur and the Enough Project, and Protect Darfur in the UK. The Save Darfur campaign claims that EU direct support of their campaign is far from optimum, even though the EU Special Representative for Sudan has spoken several times with their campaigners, and is approachable. However, Human Rights Watch, another leading voice on Darfur, has offices in the EU and is in ongoing dialogue with actors such as the EU Special Representative. Other NGOs, such as Oxfam and International Crisis Group, both with Brussels offices as well - and many humanitarian organisations based in Geneva - also hold regular dialogue with EU institutional actors.

The EU supports local groups in Sudan through financial instruments (see below). It also encourages initiatives and gives them political support, though without perhaps doing all it could when groups encounter barriers from the GoNU, such as the cancellation of the Mo Ibrahim Foundation peace conference for Darfur.¹⁷

The above represents a brief overview of EU actors and structures in relation to Darfur. We will now go on to look in greater depth at long term actions and engagement dating back from 2003 up until November 2009, giving details of the EU responses and the challenges faced in crisis response.

sion on Sudan available. http://www.se2009.eu/en/meetings_news/2009/9/1/peace_is_possible_according_to_carl_bildt

¹⁵ Personal dialogue, October 2009.

¹⁶ Borja Lasheras, Darfur: *Peacemaking, Peacekeeping and Recommendations for Spain*, Memorando OPEX no. 74/2008. Observatorio de Política Exterior Española.

¹⁷ The Mo Ibrahim Foundation planned to organise a peace conference for Darfur with representatives from all geographic, ethnic, religious and political backgrounds of Darfur, including traditional and young leaders, as well as Darfuri women. The conference was supported by the AU, the UN, the Arab League, the EU and a wide spectrum of former African leaders. However, in early 2009, Khartoum refused to grant exit visas to the delegates, making it impossible for the conference to proceed. The EU's response was that the Commissioner for Development, Louis Michel, released a statement regretting the cancellation of the conference.

¹⁸ Rory Carroll, "Sudan massacres are not genocide," *The Guardian*, 10 August 2004. www.guardian.co.uk/world/2004/aug/10/eu.sudan

THE EU: 2003-2004

In the early 1990s, the EU did not engage much with Sudan, as development cooperation (the EU's main instrument in Sudan) had been suspended due to the military coup carried out by al-Bashir. This meant that financial engagement in the region was not strong when the 2003 crisis erupted. In addition, there were only some NGOs and international agencies scattered in small areas across the country at the time, meaning that early warning ability was lessened. Hence the EU radar showed few signs that disaster was impending.

It was only when the refugee influx into Chad became obvious that the EU began to react with financial aid through the UNHCR. This was not part of a large policy shift in the EU at the time as, given the gradual way the disaster gathered pace, there was no 'CNN-effect', or Darfur NGO pressure groups to make the EU react boldly. A proper reaction took time and it wasn't until February 2004 that the European Commission began to mobilise funding. From March-April 2004, the EU had begun to mobilise politically, as well as through other EU instruments, including strong support for the AU mission and technical support of the AU.

While the US described the situation in Darfur as genocide, the EU did not go as far in its assertion and merely issued statements, such as the advisor to the EU High Representative in August 2004, who after completing fact-finding mission stated that while there was no "situation of genocide", considerable doubts existed as to the willingness of the Sudanese government to assume its duty to protect its civilian population from attacks.¹⁸ By the end of the year, the Washington Post was reporting that '... [the] European Parliament declared that the actions of the Sudanese government in Darfur were "tantamount to genocide," and EU ministers threatened sanctions "if no tangible progress is achieved" in meeting U.N. demands to halt the killing.'¹⁹ However, a stinging critique of EU structures came from Bock (a former legal adviser to the United Nations Economic Commission for Europe) and Miller, arguing that EU member states 'voice their concerns — and then excuse their inaction as bowing to the judgment of the whole (of the EU). In effect the European Union has fashioned a foreign policy mechanism by which inaction is virtually automatic — even in the face of genocide.'²⁰

Even so, the EU it must be remembered, only started getting involved in 'crisis management' operations (ESDP missions) 10 years ago.²¹ Financial responses to crises too are recent, beginning in 2001.²² It would be fair to say that both mechanism are still in their nascent stages.²³ Also, the EU looks to the UN as the mainstay for decisions on international intervention in conflicts, and the UN had not described the situation in Darfur as genocide either. Furthermore, the EU has been limited politically by the Sudanese administration's resistance to personnel and actors from Europe. The EU strongly supported UN-led efforts to bring peace to Sudan, but for various political reasons, would not or could not act alone. In any case, as we have seen, the EU seeks to influence above all in providing long-term humanitarian and development assistance.

The remainder of the paper will look at the EU's responses up to the events of October 2009 and outline challenges and recommendations in line with the changes of the EU which should follow the implementation of the Lisbon Treaty, which was finally ratified in November 2009.

¹⁹ Christian W.D. Bock and Leland R. Miller, "Darfur: Where Is Europe?" *The Washington Post*, pA33, 9 December, 2004 www.washingtonpost.com/wp-dyn/articles/A49825-2004Dec8.html

²⁰ *ibid*

²¹ <http://www.iss.europa.eu/nc/actualites/analysisbooks/news/back/article/european-security-and-defence-policybrthe-first-10-years-1999-2009/> See also ESDP Mission Analysis Partnership www.esdpmap.org

²² February 2001 saw the creation of the Rapid Response Mechanism, which was succeeded by the Instrument for Stability (IFS) in 2007. The IFS gives support to mediation, confidence building, interim administrations, strengthening Rule of Law, Transitional Justice or the role of natural resources in conflict when other financial sources cannot provide support in a timely manner. More information http://ec.europa.eu/external_relations/ifs/index_en.htm

²³ See ESDP Mission Analysis Partnership www.esdpmap.org

²⁴ Waging Peace press release, 15 February 2007 <http://www.wagingpeace.info> www.sudantribune.com/spip.php?article20310

EU SHORT AND LONG TERM ACTIONS IN RESPONSE TO THE CRISIS IN DARFUR BEYOND 2004

Political responses from the EU on sub-Saharan African states are formulated in the Working Party on Africa, Caribbean and Pacific (ACP) states and the Africa Working Party (COAFR), the former working on aspects of the Cotonou Agreement, the latter receiving briefings from the EU Special Representatives to the relevant areas. Responses are then discussed in the Political and Security Committee (PSC), the Permanent Representatives Committee (Coreper) and the General Affairs and External Relations Council (GAERC). On the ground in conflict situations, the 'voice and face' of the EU comes in the form of the appointment by the Council (on recommendation of the EU High Representative) of an EU Special Representative (EUSR) to the region or country, in this case, the EUSR for Sudan. However, the broad range of issues, and the sensitivities inevitable with the different views of 27 member states, has meant that a more strident EU public voice is more likely to come from the European Parliament, or from individual member states. For example, even though the EU was involved in discussions of the Comprehensive Peace Agreement (CPA), the UK had a large part to play, along with the US and Norway, the three being key parties in brokering the CPA. Again in 2007, a similar pattern to 2004 emerged, with the European Parliament making the strongest statement, issuing a resolution invoking the 'Responsibility to Protect' (or R2P) and calling for action in Darfur, while member states expressed their 'readiness to consider further measures.'²⁴

However, some point to a need to understand the way the EU works politically in its various ways – for example, as a more discreet platform or 'club' of states coordinating what EU member states do bilaterally. There is an internal recognition of the EU's voice through the EUSR, but also that a large part of co-operation goes bilaterally through EU states engaged in the region, whilst at the same time EU member states unite in supporting one interlocutor, currently AU-UN mediator Djibril Bassolé.

This 'need-for-understanding', say some commentators, is also true of the EU's reactions (or absence thereof) to US policy announcements. In October 2009, the US claimed a new overall approach to Sudan.²⁵ For some commentators, say this was merely a 'clarification of the sometimes contradictory US policy towards Sudan and its conflicts' with the US administration renewing sanctions on the regime, but being more open to dialogue, which was welcomed by the Sudanese administration.²⁶ Again, the EU took note, and recognises US efforts to help mitigate discussion of difficulties, but the EU doesn't see the need to make public announcements to reaffirm its action like the US. Thus, even though the new-fangled US policy is now looking beyond the 2011 referendum and the CPA, the change from isolation to engagement by the US government did not produce any major reaction from the EU, although the EU stance internally now places even greater urgency on implementing the CPA. So, the EU remains publicly low-key when it comes to announcements, preferring to continue its policy of outlining concerns in the usual forums, such as at the October 2009 UN General Assembly on the human rights situations. The EU took advantage to urge the Government of Sudan to put an end to impunity, bring to justice those responsible for abuses, cooperate fully with the ICC (despite the AU's call for the deferral); protect its population; and to continue working to establish a conducive environment in the run up to the general elections in April 2010.²⁷ The regular meetings of the EU's Africa Working Group also see Sudan feature regularly on the agenda. Internal EU experts²⁸ hope that member states will come up with a more solid approach for the EU towards Sudan however. The EU is still waiting for member states to make up the funding shortfall brought about by the inability of the Commission to implement funding due to Sudan's rejection of the Cotonou Agreement. There is also a slight difference between the New York EC office and headquarters in Brussels, the former placing more emphasis on the gravity of the situation.

²⁵ "Sudan: A Critical Moment, A Comprehensive Approach", Office of the Spokesman, Washington, DC, October 19, 2009

<http://www.state.gov/r/pa/prs/ps/2009/oct/130672.htm>

²⁶ <http://www.fride.org/publication/672/darfur-review-viii>

²⁷ EU Statement on behalf of the European Union in the third committee of the General Assembly on Item 69 c: Human rights situations and reports of special rapporteurs and representatives. H.E. Per Örnéus, Deputy Permanent Representative with the Permanent Mission of Sweden to the United Nations. 27 October 2009 http://www.se2009.eu/en/meetings_news/2009/10/27/eu_statement_in_the_un_general_assembly_on_human_rights_situations_and_reports_of_special_rapporteurs_and_representatives

²⁸ Personal dialogue, October 2009, Brussels.

²⁹ DCAF, *Parliamentary Oversight of Civilian and Military ESDP Missions: The European and National Levels*, Prepared for the Sub-Committee on

The strength of the EU reaction is also dependent on the harmony of its short term and long term actions (instruments) when it comes to responding to conflicts, a coordination which up to now has been conspicuous by its absence. This is something that the EU is striving to correct, with mechanisms due to be streamlined under the Lisbon Treaty and the creation of the External Action Service (EAS) aiming to combine short and long term reactions. In other words, one hopes that the EU will find a 'medium-term' harmony. This next section details the two EU short term responses to Darfur via missions first of all, before subsequently looking at the EU's long term actions in the region.

SHORT TERM ACTIONS

Short term military and civilian crisis response instruments come under the 2nd pillar of the EU, which take political direction from EU member state governments (hence the inter-governmental mechanism) in the form of missions under European Security and Defence Policy (ESDP). These fall under the remit of the Council General Secretariat of the EU, and follow guidance from the Political and Security Committee (PSC), the Committee for Civilian Aspects of Crisis Management (CIVCOM) and the Politico-Military Group (PMG) – all made up of representatives from each of the 27 EU member states and advised by the relevant geographic region working group (also formed with representatives of the EU 27). The European Parliament oversees European Security and Defence Policy (ESDP) in terms of the budget for external operations. However, as a recent report notes, parliamentary scrutiny of the ESDP is at present deficient.²⁹ Hence it is member states' governments that drive the direction of the EU's short term military and civilian crisis response reactions. The missions related to Darfur include EU support to AMIS II (July 2005 – December 2007) as well as the ESDP mission – EUFOR Tchad/RCA.³⁰

Initial EU discussions on Darfur considered a major military operation with some discussion over size and mandate. However, a lack of will and capacity meant that the initial ideas were downsized to a supporting mission. It is important to highlight that outsiders make a distinction between the EU's attention to different conflicts. One commentary noted that the deployment of EU personnel in Sudan/Chad was vastly different to the rapidity of the deployment in Lebanon, which is the EU's own backyard.³¹ Indeed, it is recognised within the EU that member states tend to prioritise their neighbourhood, where they see conflict as directly threatening their interests and territory, rather than "far-away" countries. Hence, at the request of the AU, the EU agreed to a supporting action for AMIS II.

The aim of the AU mission was to uphold the principle of African ownership and back the AU and its political, military and police efforts aimed at addressing the situation in Darfur. However, there was resistance from both the AU and the Sudanese Government of National Unity (GoNU) (supported by some Arab states) for deployment of international personnel to Darfur. Tellingly, one commentator has pointed out that the GoNU had no problem at all in accepting international troops in Southern Sudan.³² There was also opposition from some EU member states themselves, such as the UK, which did not want the ESDP to set a military precedent. However, obviously resistant member states eventually agreed as the support mission went ahead. The EU financed the bulk of the AMIS mission through the Commission-managed African Peace Facility from June 2004, with a total contribution of over €305 million, including €38.5 million via voluntary contributions from eight EU member states. With this financial contribution, AMIS represents the biggest African-led peace operation financed by the APF so far. The support continued until 31 December 2007 when AMIS handed over to the African Union / United Nations

Security and Defence of the European Parliament, October 2007.

http://www.europarl.europa.eu/meetdocs/2004_2009/documents/dv/pe348610_/PE348610_en.pdf

³⁰ The mandate of EUFOR was to contribute to protecting civilians in danger, particularly refugees and displaced persons; to facilitate the delivery of humanitarian aid and the free movement of humanitarian personnel by helping to improve security in the area of operations; and to contribute to protecting UN personnel, facilities installations and equipment and to ensuring the security and freedom of movement of its own staff, UN staff and associated personnel. <http://www.consilium.europa.eu/eufor-tchad-rca> EU Member State personnel contributors included France (1200), Ireland and Poland (400 troops each), Austria (250) and Sweden (200).

³¹ Interview with Omer Ismail, Enough Project, 28 August 2009.

³² Nadim Hasbani "About The Arab Stance Vis-à-vis Darfur", *Al-Hayat*, 21 March 2007.

³³ EU Member State contributions to UNAMID as at 30 September 2009 - Finland 3 police; France 1 police; Germany 7 troops, 5 police; Italy 1 troop;

hybrid operation in Darfur (UNAMID). Current support from EU member states to UNAMID is low, with only 19 personnel out of 18,775.³³ As previously noted, regional, political constraints in the form of the Sudanese insisting on African and non-western personnel explains this to a large extent. One important aspect for the EU is that it did identify that lessons learned reporting for AMIS did not go directly to the EU Special Representative, creating a potential weakness in the EU's engagement in the mission.

Pressure from public opinion on parliaments, including the European Parliament, increased for the EU to act on Darfur. Despite the AMIS support operation, further direct intervention by the EU in Darfur was always going to be difficult, due to both GoNU objections, which rendered any additional intervention illegal, but also from a lack of will of EU member states. The EU also had to consider the risk of jeopardising the UN mission and the need to coordinate international efforts, as well as a lack of capacity and resources like basic equipment and water. Many EU member states were also not keen on a long term commitment, preferring a 'bridging' operation which would see the mission pass to the UN eventually. Pushed by France, which underlined the connection between Sudan and Chad, the EU turned its attention in October 2007 to a collateral issue thrown up by the Darfur conflict, namely the 170,000 internally displaced people (IDP) in Chad, and 230,000 refugees from Sudan.³⁴

To deal with the instability of IDPs on the border of Sudan and Chad and the possibility of the problem spilling into Chad and RCA, French President Sarkozy and the EU High Representative, Javier Solana, met and discussed a possible EU mission to Chad. The President of Chad, Idriss Déby, would not accept a UN force, but was persuaded to allow an EU mission as long as it didn't deploy on the border. Despite little enthusiasm amongst EU member states for the mission, with resources stretched by several ESDP and other operations already, EUFOR Tchad/RCA was established on the 28th of January 2008, acting in accordance with United Nations Security Council Resolution 1778 (2007), and mandated to uphold security and protect aid corridors for the refugees (and UN). The mission was led by an Irish Operations Commander and a French Force Commander and eventually handed over to the UN operation MINURCAT on 15 March 2009.

EUFOR was criticised at the outset, such as in a 2008 FRIDE report in which the mission was described as 'another French initiative to strengthen its influence in the region, and above all in Chad'³⁵. This was also the opinion of various rebel groups who '...strongly condemn[ed] French government initiatives aiming to transform the French troops in Chad into a European force under the pretext of protecting Sudanese refugees from Darfur...'³⁶. In addition, some commentators, such as Tubiana, argued that the situation placed international personnel 'at serious risk' and further quoted the Enough Projects' Omer Ismail and John Prendergast, stating that 'France's persistent support of Déby is one of EUFOR's primary liabilities'.³⁷

EUFOR was eventually supported by the Chad Government, after some 'hesitation', with Minister of Foreign Affairs, Ahmat Allam-Mi, noting, 'We wish to have good relations with our neighbours [Sudan]. This is why we hesitated a lot before accepting this force. EUFOR will be able to discourage rebels coming from Sudan and to discourage Sudan itself from attacking Chad. EUFOR will be an unsettling witness, another open window on Darfur alongside the International Criminal Court, which will shake up Khartoum's regime.'³⁸

Netherlands1 troop; UK 1 troop. Mission strength is 18,775.

³⁴ Giji Gya, "Chad: civilian-military and humanitarian intervention", *European Security Review no. 35*, ISIS Europe, October 2007. http://www.isis-europe.org/pdf/2007_artrel_23_esr35chad-humanitarian.pdf

³⁵ "The International Response to Darfur" FRIDE Activity Brief, April 2008. P.4. Since 1986, France has maintained a 1,200-strong force, Opération Epervier, on the ground in Chad.

³⁶ Press release by CNT, RFC, UFDD, and UFDD-Fondamentale (2007). Quoted in Tubiana, 2008. P.54.

³⁷ Ismail, Omer and John Prendergast. 2007. *A Race Against Time in Eastern Chad*. Enough Strategy Briefing No. 7. Washington: The Enough Project. November. www.enoughproject.org/reports/chadrace_20071107.php Quoted in Jerome Tubiana, "The Chad-Sudan Proxy War and the 'Darfurization' of Chad", Small Arms Survey HSBA Working Paper 12, Graduate Institute of International Studies, April 2008. P.55.

³⁸ Jerome Tubiana, "The Chad-Sudan Proxy War and the 'Darfurization' of Chad", Small Arms Survey HSBA Working Paper 12, Graduate Institute of International Studies, April 2008. P.17.

³⁹ Bjoern H. Seibert, "EUFOR Tchad/RCA – A Cautionary Note", *European Security Review no. 37*, ISIS Europe, March 2008

Commentators continued to criticise the mission during deployment, noting that the mission size, equipment capabilities and mandate were insufficient to make a significant difference. This was also coupled with the deteriorating security situation in Chad and Darfur.³⁹ Some critics also argue that lack of funds caused the mission to end prematurely and hence many campaign groups pushed for a follow-on UN mission.⁴⁰

However, proponents are determined to promote the EUFOR mission as having successfully fulfilled its mandate (once it managed to become fully operational) – including remaining neutral, though some commentators underline that this is the EU's view only. To the EU's credit, the mission was generally considered a success in terms of planning, assessment and the successful hand-over date being met – for the first time ever. Active cooperation between the UNSRSG and the EU Force Commander was unquestionably achieved. There was some constructive criticism from within that command and procurement systems were hard to marry, but ongoing work was able to overcome difficulties.⁴¹ Other supporters saw EUFOR as more a humanitarian than political mission. However, the operation commander argued that the EU did manage to enhance security in some areas.⁴² In addition, there was also successful cooperation with Russia on the notorious issue of helicopter shortages.⁴³ Finally, it left behind a strong contingent to be transferred to the UN mission MINURCAT. Sadly, insecurity has increased in the region and MINURCAT is still short of troops and resources. As of September 2009, deployment is still at only 53% of the pledged 300 police, 25 military liaison officers, 5,200 military personnel – with 2,940 total uniformed personnel, including 2,675 troops, 17 military observers and 248 police officers, supported by 398 international civilian personnel, 302 local civilian staff and 120 United Nations Volunteers now on the ground. Of those, EU member state contributors of military personnel include Austria, Finland, France, Ireland and Poland, and contributors of police personnel include France, Portugal and Sweden.⁴⁴

The experience was very valuable for both EU-AU and EU-UN relations and provided many lessons for short-term action. One comment noted that EU-UN cooperation vis-à-vis Darfur was straightforward enough, as none existed at all. Another EU insider noted that the EU needs to take care to think about what the EU can do from the conflict perspective, always consulting, rather than look at the matter from what the EU member states wish to do.⁴⁵ Further, the EU needs to connect up its operations between the Field Commander and the new EU Headquarters in Addis Ababa.

Some commentators point out that as these missions are over, the EU is now turning its focus away from Sudan, to for example Somalia, though the EU Presidency and larger EU member states are likely to maintain an interest in Sudan.

LONG TERM ACTIONS

As noted, one of the main criticisms of the EU's response to Darfur is that its short term and long term actions are separate. The two ESDP missions undertaken have not been integrated adequately with the EU's work on development in the region, which exceeds it by some measure in financial capacity and commitment. Some insiders lament the fact that the Council and the EUSR's office are largely unaware of the work the European Commission is doing in Sudan through the Directorate General for Development (DG DEV) and DG EuropeAid (DG Aidco) in particular. Also, that conversely, DG DEV is not interacting with the Council to clarify and strategise,

www.isis-europe.org/pdf/2008_artrel_148_esr37euforchad-mar08.pdf

⁴⁰ Interviews with campaign groups, August 2009.

⁴¹ Interview with Council official, July 2009.

⁴² Bjoern H. Seibert, "EUFOR Tchad/RCA – A Cautionary Note", *European Security Review* no. 37, ISIS Europe, March 2008
www.isis-europe.org/pdf/2008_artrel_148_esr37euforchad-mar08.pdf

⁴³ Giji Gya and Johann Herz. "EUFOR Tchad/RCA Update" in *ESDP and EU mission update – March 2009*, *European Security Review* no. 43, ISIS Europe, March 2009 www.isis-europe.org/pdf/2009_artrel_253_esr43-esdp-mission-update.pdf

⁴⁴ Austria: 131 troops; Finland: 74 troops; France: 30 troops, 16 police; Ireland: 427 troops; Poland: 311 troops; Portugal: 5 police; Sweden: 2 police. Percentage wise, EU Member States have provided 19% troops and 8% police pledged.

⁴⁵ Interviews with EU staff in Brussels, July 2009.

⁴⁶ Interviews with EU staff in Brussels, July 2009.

linking conflict response with development aid. Some also suggest that EU's short-term actions are there to make a show of EU presence principally and lack any real bite or strong links to long-term actions.⁴⁶

The Commission deals with political relations with the country and undertakes programming for most EU financial instruments and development cooperation. The main legal document relevant to development assistance to Sudan is the revised Cotonou Agreement. As regards political relations, the Commission's main priority for Sudan is still the implementation of the Comprehensive Peace Agreement signed in 2005 to end the 23-year long civil war between North and South in Sudan. Apart from the Commissioner for Development Cooperation and Humanitarian Assistance and his cabinet, the main actor dealing with EU assistance policy on Sudan is DG DEV (which gives political guidance on African countries). DG External Relations (DG Relex) has no direct political role, but implements some programmes such as those funded by the Instrument for Stability. DG Aidco implements the development cooperation programmes elaborated by DG DEV. As regards regional programmes, the Commission works with the InterGovernmental Authority on Development (IGAD) in implementing the EC-funded Horn of Africa initiative.

The Commission has kept relations open at all levels with Sudan and the government of Khartoum, but has avoided direct contact with al-Bashir – in line with the instructions of the ICC. This is because the Commission is aware that the Sudanese are much more responsive to diplomatic pressure than to harsh public statements. The Commission does issue regular public statements in support of the ICC, yet fears that public opinion from Europe and the direct call of European NGOs for the indictment of al-Bashir could be problematic for such relations. The EU also places much weight on the role of the EU Special Representative for Sudan.

THE EU SPECIAL REPRESENTATIVE FOR SUDAN

The mandate of the EU Special Representative (EUSR) for Sudan (and political advisor to the former EUFOR Tchad/RCA mission)⁴⁷ is twofold: firstly, along with the EU Secretary General/High Representative (SG/HR), he serves as the primary point of contact with AU representatives on matters related to the implementation of ESDP missions. The EUSR also advises on recruitments to ESDP missions in the region, as well as undertaking responsibility to report back to the PSC. Secondly, the EUSR is the main interlocutor for EU efforts to 'achieve a political settlement of the conflict in Darfur, facilitate the implementation of the Comprehensive Peace Agreement, and promote South-South dialogue, with due regard to the regional ramifications of these issues and to the principle of African ownership.'⁴⁸ In terms of EU relations with Arab states on Darfur, the EUSR regularly visits the Arab League in Cairo, and is also in regular bilateral contact with Arab and African States. The EU sees the EUSR as value-adding, as the EUSR sits in international meetings with the SG/HR and member states, and gives others an EU reference point for Sudan. Until the Lisbon Treaty is fully implemented, the EUSR's role is seen by Presidencies of the EU as useful, gathering information and relaying messages in turn. This will further be strengthened under the Lisbon Treaty, where the EU's SRs will be linked to the new EU High Representative/Vice-President post.

The EUSR is noted by some as adopting a softly-sofely approach in terms of its approach to the main actors in Sudan (for example, President al-Bashir, but also the Darfur rebel group Justice and Equality Movement (JEM), the Southern Sudan's People Liberation Movement (SPLM) now in the Government of National Unity, etc.), operating essentially behind the scenes. The EUSR maintains regular contact with the Council General Secretariat, with the Commission's main player – the Commissioner for Development – as well as the Director of DG DEV – with regular meetings, the latter once a month. He also participates in briefings, notably through the Africa

⁴⁷ The current EUSR is Ambassador Torben Brylle (Denmark), appointed on the 1st of May 2007, succeeding Mr. Pekka Haavisto (Finland), who was appointed as the first EU Special Representative for Sudan on the 18th of July 2005.
<http://www.consilium.europa.eu/showPage.aspx?id=1227&lang=En>

⁴⁸ Note that the EU also has a Special Representative to the AU, Koen Vervaeke, but he has a broader role and hence Sudan is the remit of Ambassador Brylle.

⁴⁹ Interviews with campaign groups, August 2009.

Working Group (AWG) of the Council (attended by the EC). These contacts aim to coordinate short-term and long-term actions, albeit in an informal manner. However, some critics note that the EUSR could do more, particularly in terms of flexing more muscle behind the scenes, and some are not convinced that the EUSR's work is leading to tangible results.⁴⁹ Some EU officials in the Council also note that, despite the EUSR's work with political interaction (and meetings with DG Dev), there is still not enough integration and coordination between short term action and long term crisis management.⁵⁰ Some suggest strengthening the EUSR's mandate, even greater power than the Commission in strategically directing the EU's action towards Sudan. However, there are two reasons against this idea. First of all, the EUSR office does not have adequate knowledge of the full spectrum of development cooperation concerns which the EC is juggling in the wider region. Secondly, the EUSR does not report directly to the Commission, nor can the EP hold the EUSR to account as they can a Commissioner. Thus, the strategic and political direction would be ultimately fall on member states.

Politically, the EU should also take the initiative in engaging China in dialogue to seek solutions to the conflict in Sudan. Too many actors ignore the vital role China plays in the region as a major purchaser of Sudanese oil, part of its burgeoning trade and development relations in Africa.

It is worth mentioning here the EU stance on the ICC, as this has political ramifications in terms of Sudan's reactions to EU and its member states' efforts, whether political, logistical or financial, in the region.

THE EU AND THE ICC

The ICC arrest warrants for officials in Sudan stem from the UN Security Council referral of the situation in Sudan to the ICC, as one of three possibilities under Article 13 of the Rome Statute. Incidentally, Sudan is not party to the Rome Statute of the ICC. The EU issues many strong statements in support of the ICC (and thus indirectly against al-Bashir), but leaves details to the ICC judges in order to show its support of the independence of the Court and its unwillingness to interfere with ongoing investigations. Moreover, this allows the Commission to maintain relations with the GoNU to facilitate Commission funding and associated programmes (see next section). Hence the ICC, though backed by the Commission, is not the main focus of the EU in the case of Sudan. Quite another matter is that individual member states (UK, France, Austria and candidate country Croatia)⁵¹ have been vocal in publically opposing the idea of holding back ICC proceedings in Sudan.

In 2008, the Commission was informally recommended to continue to support the ICC and the existing warrants. The EU was also informally warned of the possibility of 'anti-Western' sentiment and that the GoNU would see the rhetoric of the ICC as a Western instrument targeting African states. This warning came in 2009 and the EU has kept a low profile, arguing its need to maintain engagement in Sudan on humanitarian grounds through support of international efforts for the peace process in Darfur, but remaining aloof from the individual situation of President al-Bashir. The EU however consistently supports the ICC in bilateral meetings with third party countries and organisations, including those supporting a deferral of the proceedings.

The comeback from the EU position is directly affecting long term efforts in Sudan due to the GoNU's rejection of certain EU conditionalities under its legal frameworks – namely the Cotonou Agreement.

⁵⁰ Interviews with EU staff, August 2009.

⁵¹ "U.S., France, UK oppose suspending Bashir Darfur case" Feb 12, 2009, Reuters. <http://www.reuters.com/article/worldNews/idUSTRE51C09S20090213>

⁵² Due to the lack of progress in the Darfur peace talks, the funds were not spent before the 18 month deadline of the Instrument for Stability, which is why the EC recently extended the deadline for another 6 months.

EU RELATIONS WITH SUDANESE AUTHORITIES

The EU works with both the Government of National Unity (GoNU) in Khartoum, as well as the Government of Southern Sudan (GoSS) in Juba.

The EU's working methodology is framed within the six yearly "Country Strategy Paper" (CSP) for Sudan. The first was in 2005 and the latest revision covers 2008-2013. The legal framework for EU relations with African, Caribbean and Pacific (ACP) states is the revised Cotonou Agreement, which encompasses not only development cooperation, but also economic and trade cooperation, and importantly, the political dimension. Financing under the Cotonou Agreement is channelled through the European Development Fund (EDF).

THE REVISED COTONOU AGREEMENT AND SUDAN

Since the Comprehensive Peace Agreement (CPA) was signed in 2005, the European Commission has provided significant financial support to governance reforms through its various financial instruments, amounting to over €500 million up to now. These funds are orientated towards various programmes in food security, education, water facilities, DDR and support to local NGOs. One example is the Transitional Programme for Post-conflict Rehabilitation and Capacity Building in Sudan, which receives €70 million to support disarmament, demobilisation and reintegration (DDR) by the UNDP. Most significantly, in December 2007 the Commission contributed €3 million to the UN Trust Fund to support the work of the AU-UN Joint Mediation Support Team (JMST⁵²).

However, the EU is now looking at various scenarios for Sudan, due to Khartoum's refusal to ratify the revised Cotonou Agreement it signed over a year ago, together with the rest of the ACP states. In July 2009, Sudan 'tore up' the revised Cotonou agreement, with Foreign Minister Al-Sadiq citing as grounds the EU's resistance to Sudanese demands for changes to clauses related to combating HIV through safe sex, birth control, as well as inclusion of the ICC. The failure to ratify means that Sudan is not eligible for funding under the 10th EDF to the tune of €350 million for the period 2007 – 2013. Most of this funding was to be targeted at supporting implementation of the CPA and providing peace dividends to the population (including through the GoSS). Sudan, however, states that negotiations are still ongoing with the EU.

Even so, Sudan is still to spend some €120 million during 2009-2010 from the 9th EDF, which is not affected by the current stalemate. Khartoum can still reconsider and reapply to the 2005 Cotonou amendments, but the procedure to free up the funds would take at least a year. However, Sudan can still receive funding through other EU instruments (non-EDF budget strands) usually channelled through UN agencies or NGOs. The EU must also be cognisant of the dynamics of such delivery, as the GoNU is fully aware that it will not directly benefit from this financial assistance. The Instrument for Stability (IfS – formerly the rapid reaction mechanism) and the European Instrument for Democracy and Human Rights (EIDHR) are such possibilities, however, their scope and the amounts available are limited – increasing the amount for Sudan would imply decreasing the funding for other countries. There is some criticism that the IfS is not delivering in Sudan. Moreover, current funding can prove problematic, notably due to poor delivery. For instance, the Joint Mediation Support Team does not appear to be doing much, and little reporting on its activities is received in Darfur. Nevertheless, it is hoped that EU member states will increase bilateral funding at this juncture to cover the shortfall, in an attempt to avoid potential conflict in the run-up to the 2011 referendum. As an example of what needs to follow, the Dutch government recently extended a grant of US\$23.5 million to UNICEF in Sudan to provide safe water and improved sanitation.⁵³ Also at risk for Sudan is the use of the African Peace Facility (see below), as the APF is part of the EDF. The EU is looking internally at what it can and cannot do legally in this case. The Commission has reiterated that it will do its utmost to ensure that those most in need in Sudan continue to receive vital assistance, but will not provide any funding through the Government.

The EU, then, has not been a major political player in the case of Darfur, and its financial aid has eclipsed political and short-term actions. Although laudable, some commentators criticise the EU for not looking at the bigger picture beyond development assistance.

⁵³ "Dutch government grants \$23.5m for safe water in Sudan", 8 November 2009. www.sudantribune.com/spip.php?article33044

⁵⁴ Interview with Council EU Military Staff liaison, July 2009.

⁵⁵ Toby Vogel, "Counting Human Misery in Sudan", *European Voice*, online. www.europeanvoice.com 4 June 2009.

THE EU ON THE GROUND – THE EC DELEGATIONS

The EU recently opened headquarters based in Addis Ababa, with the EUSR to the AU, Koen Vervaeke heading the office. The main focus of this delegation is to manage EU relations and support with the African Union (AU), including the Arab states of the AU. As it was only established in 2008, the office is still finding its way, and has not played a major role on Sudan politically. The EC Delegation in Sudan plays a considerable role in bilateral political relations and development cooperation between the Commission and Khartoum/Juba. The offices are small though, with around twenty administrative and management staff, focussing on administration of development assistance, and only two people in the recently opened Juba office. Also two members of staff were recently recruited to work solely on elections. A political analyst has however only just been appointed, and this role should increase analytical feedback directly to the Commission in Brussels.

EU AND AU – THE AFRICA PEACE FACILITY

The EU needs to focus on Africa and recognises this from both a stability and moral point of view. The European public in Mediterranean countries in particular view this as necessary to attempt to combat challenges such as drug-trafficking and boat refugees, phenomena which affect the stability of not just the EU, but the whole globe. The EU cannot afford to let up in its commitment to the AU, and attempts to strengthen relations have developed into providing support through such instruments as the Africa Peace Facility (APF). The APF was created in 2004 under the 9th EDF with the objective of supporting peace, security and stability and providing the preconditions for sustainable development in Africa. So far, the APF, administrated by the Commission, has financed African-led peace operations, worth €360 million, and capacity building activities, worth €35 million.

However, relations on the question of peacekeeping are not smooth. The AU has lambasted the EU – particularly over deployment of support to AMIS II. This was notably the case amongst AU military commanders. This resistance posed problems for EU efforts to assist with the Darfur crisis. Challenges have come in the shape of such things as a lack of planning, the AU's ability to absorption capacity for support, finances (€242 million from the EU and EU member states provided €120 million between 2004 and 2007), and logistics, as well as the language barrier. For instance, there were difficulties in relations with the GoNU – such as procrastination or indecision over allocating land for AU HQ and barracks. However, this was the first time that the EU has undertaken such a support mission – hence many modalities were created from scratch and this was their first run. Additionally there was an over reliance by the AU on the EU, due to the latter's greater capabilities.

The EU also placed too much expectation on the AU. In hindsight, the EU has acknowledged the need for better planning, particularly in relation to AU internal structures to conduct such missions. It is questionable whether the AU is ready to build capacity or whether it is premature. However, without EU support to AMIS, there would not have been a mission, and it was deemed the best solution by the EU given the situation. To further improve EU-AU relations in military capacity/support, EU Military Staff has sent four staffers to EU headquarters in Addis for support planning and will assess the usefulness to the AU of this initiative after a few months.⁵⁴

⁵⁶ Interview with Omer Ismail, Enough Project, 28th of August 2009.

EU ENGAGEMENT IN PEACE NEGOTIATIONS/IMPLEMENTATION

Beyond the long term and short term responses, the EU and individual member states have played a role in terms of securing a peace settlement. For instance, Arab states have hosted discussions which have involved EU member states (France and UK due to their permanent seats on the UNSC) and EU envoys, such as in Doha, hosted by the Emir of Qatar in May 2009.

In principle, the EU sees the Comprehensive Peace Agreement (CPA) as a cornerstone of democratic transformation for the region. As such, the EU is concerned that its investment in peace in Sudan could be lost to renewed conflict or instability. According to one journalist, one inside observer in Sudan argues that the EU has “failed to pay sufficient attention to CPA implementation, despite the presence of [the EUSR] Brylle”.⁵⁵ Some analysts also point out that the EU, together with the US, has failed to acknowledge the CPA’s limitations, which was signed by only two of the biggest warring parties of the civil war – but not the most representative – and that it therefore lacks national legitimacy in non-governmental circles. Another observer, Omer Ismail, notes that the EU should have forced the GoNU to resolve Darfur at the time as the CPA – a missed opportunity.⁵⁶ Ismail also sees EU focus on Sudan as blurred and argues that the GoNU does not support Sudanese unity. He warns that the EU should have an action plan in the event of a flare-up of the conflict again over oil and a North-South divide. Given the current circumstances, the South is very likely to vote for independence in the 2011 referendum. A solution to the North-South question might be a gradual separation with joint institutions – e.g. for the army, oil trade, debt – and this could be supported by the EU’s crisis management experience. EU officials state that they are preparing for this, but have not provided any specific details.

August 2009 saw a flurry of special envoys and discussions on uniting the rebels groups in Sudan. In Libya, the AU-UN mediation with AU-UN mediator Djibril Bassolé and hosted by Tripoli as the current head of the AU. In Egypt, talks involving a quintet of countries (Egypt, France, Libya, Sudan and the US) were chaired by US Special Envoy Scott Gration. Finally, in Addis Ababa, negotiations between the four Darfur rival factions took place, again chaired by Gration. There has been criticism of the entry of Gration onto the scene – although US attention is generally welcomed; but Gration’s role has caused mutterings as he has carried out little or no consultation with other international actors, including the joint mediation team. Hence, the recent talks with Gration –even though they include EU member state France – could be seen as counterproductive to the situation and the EU’s strong support of internationally mandated negotiations. More generally, there is a lack of coordination of international efforts in Darfur, in part due to rivalries between neighbouring countries who all want to be seen as the main peace broker. Some claim that the EU is working in tandem with the US, but others disagree completely. The EU reiterates that Bassolé should lead the whole process, and the US needs to agree that Bassolé lead negotiations, as well as controlling their pace. The EU should work with the US in order to create an AU-EU-US troika in addition to China. The EU is also willing to play a role in US negotiations (as it has good leverage with Egypt) but the US seems in no hurry to reciprocate.

The EU is in regular communication with Bassolé and remains involved in mediation through Bassolé through the Libya talks on the Qatari Initiative (which should have been founded on the conclusions of the NCP-initiated *Sudan People’s Initiative* – which was al-Bashir’s concept, aiming to include civil society, though it amounted to little). The EU strongly supports this, as it sees these talks as the internationally mandated path, which is also the view of EU member states, with the proviso that it is linked to discussion on Article 16 of the Rome Statute⁵⁷ and that Bassolé carries on in a central role. The EU would also welcome other initiatives as long as they support Bassolé’s role – such as the recommendations of the AU High Level Panel on Darfur. But it is yet unclear what Bassolé wants from the EU and the EU needs to clarify this too. As per the Enough Project, the EU needs to help Bassolé by giving him something to negotiate with – such as a clear roadmap – rather than being just a travelling diplomat.⁵⁸ However, it has been noted elsewhere that member states – even the EUSR – have blocked such initiatives from the Commission.⁵⁹

⁵⁷ Article 16 of the Rome Statute of the ICC allows the UN Security Council to suspend an ICC procedure for 12 months. The article has never been enacted.

⁵⁸ Interview with Omer Ismail, Enough Project, 28 August 2009.

⁵⁹ Interview in Brussels, August 2009.

The Council of the EU is holding discussions on Sudan and acknowledges the need for the EU to coordinate with other actors. In the September Council Conclusions, the EU mandated an exploratory mission to Sudan to investigate the feasibility for an EU Election Observer Mission. Based on previous lessons learned, it is hoped that this mission will not just check political feasibility, but will also engage local actors and civil society (including women) in consultations. The EU acknowledges that it needs to enhance efforts to involve Sudanese civil society and campaign groups suggest that this includes access to funding, training and exchanges with Europe.

With these many negotiations, the EU maintains its official support for the CPA and will support the outcome of the referendum, providing it is carried out transparently. Recent remarks by EU HR/SG Solana in early September seemed to call for unity, which was badly received by SPLM. The EU needs to acknowledge the implications of a conflict in the South which has seen at least 1,200 deaths since the beginning of the year (with a rate of violent deaths now higher than Darfur, where there are estimated 100 deaths per month) and ensure that part of an improved comprehensive strategy includes a holistic approach to the region.

As to a stronger political role for the EU in Sudan, even once the Lisbon Treaty comes into effect, this is unlikely. If the EU is not prepared to put real pressure on Sudan, then Sudan is unlikely to listen. Hence the matter is left to the US to use carrot and stick again, and for the EU to consistently support one main actor to lead the process (Bassolé). The most 'effective' strategy for the EU is to join the broad international pressure on Sudan and work to encourage other important actors – Russia, China, Arab and African state – to do the same.

CONCLUSIONS

Critics argue that the EU has not done enough, especially considering its history in sub-Saharan Africa. Other reject this, pointing to significant financial support the EU has poured into the region, as well as staff and member state support through ESDP missions when legally possible. The Swedish EU presidency acknowledged that situations like Sudan make it obvious that the EU needs better coordination.⁶⁰ In particular, the EU needs to question whether its short-term and long-term actions are actually what is required, and it needs to step up efforts to involve civil society in planning, implementation and assessment. Some officials, on the other hand, have stated that they would like more pro-active NGOs, with stronger advocacy, which would allow them to argue for an increased involvement of civil society and greater coordination.

The EU approach to long-term actions remains very diplomacy orientated, but this can be ineffective if the EU wants to make real change rather than just provide band-aid solutions of humanitarian aid. Aid must be combined with a political solution for Sudan, otherwise the EU is simply a life-support system for a 'life with no end and purpose'. The EU pillars must incorporate accountability and justice for the Sudanese region, and this needs to be reflected in the EU's policy and politics. There is a problem when accountability is not an integral part of the EU approach, particularly in the case of Darfur.

The question remains as to whether the EU should have taken on a bigger a role, and also pressurised Arab states more. The EU's answer (also held by some NGOs and member states) is that the EU has been active, but now the EU has to identify its role and added value – such as a driver of close coordination of the international community.

⁶⁰ Interview with Counsellor in the Swedish Representation, September 2009.

RECOMMENDATIONS

From this short analysis, the following recommendations to the EU can be made:

- The EU needs a comprehensive strategy to link its short term and long term instruments – security, aid and trade. Political engagement must be combined with aid, and not replaced by it. Although more controversial, it shouldn't insist politics and humanitarian affairs should never be mixed, and ought to strive to reconcile this with insisting on neutrality in terms of humanitarian aid action. Development of the External Action Service under the Lisbon Treaty will hopefully address this and must take lessons identified from previous EU engagements, and turn them into lessons learnt and implemented.
- The EU needs to commit to being in the region for the long haul, both politically and in terms of the resources, and attention on the region (whether Darfur or the recent tribal clashes in Southern Sudan) should not allowed to be displaced by the next global conflict elsewhere.
- The EU should possibly consider targeting the GoNU rulers with sanctions, as they are currently benefitting from positive economic trade relations with the EU. The EU should also support setting benchmarks for the GoNU.
- The EU should carefully analyse the consequences of the possible split between north and southern Sudan. Tensions and oil politics could easily create greater future instability in the region, should Sudan be divided. The EU must insist on a holistic approach in its actions in the region. A solution to the North-South question might be a gradual separation with joint institutions – e.g. for the army, oil trade, debt – and this could be supported by the EU's crisis management experience.
- The EU needs to engage more closely with Arab civil society, Arab governments and the Arab League to resolve the situation in Darfur. In particular, the EU could support a common Arab-Arab dialogue.
- Although NGOs, campaigns and civil society in Europe would appreciate greater interaction with the EU, this should be through internal interaction due to Sudanese political sensitivities.
- The EU could do more in taking on political leadership role for Darfur. There was a missed opportunity for this during the Bush administration, and now the EU should work closely with the US Obama administration.
- Finally, the EU should maintain its strong support of Bassolé, including assistance to develop coordination of all actors and a roadmap. As too many initiatives can be counterproductive, the EU should insist and support Doha as the main venue with Bassolé as the main negotiator. An AU-EU-US troika (with China) could assist in bringing actors together.

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THINK TANK FOR GLOBAL ACTION



Calle Goya 5-7. 28001 Madrid
e-mail: fride@fride.org
www.fride.org

“The Gap Between Narratives and Practices. Darfur: Responses from the Arab world”

Project Director: Pierre Schori
Project Coordinator: Isabel Moreno

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