

EVALUATING THE EU'S ROLE AND CHALLENGES IN SUDAN AND SOUTH SUDAN

Sudan and South Sudan Case Study

Joost van der Zwan

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Cover image: Members of the Sudan People's Liberation Movement (SPLM) arrive at the rally in Juba, as South Sudan prepares for its independence. Photo ID 478458. 05/07/2011. Juba, Sudan. ©: UN Photo/Paul Banks.

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AUTHOR PROFILE

Joost Van Der Zwan

Joost Van Der Zwan joined International Alert in 2009 as Senior Programme Officer working in the Peacebuilding Issues Programme's Economy & Peacebuilding Team. In this capacity, he is responsible for carrying out research and influencing policy with regard to economic recovery and peacebuilding in war-torn states, with a specific area focus on the Great Lakes and the Horn of Africa. Before joining International Alert, he worked as a Political Affairs Officer in the United Nations Department of Peacekeeping Operation's Africa Division, dealing with the UN missions in Burundi and the DRC. He has previously worked for the LSE's Crisis States Research Centre and Oxfam Novib, and carried out consultancies and assignments for the Dutch Ministry of Foreign Affairs, the World Bank, Save the Children UK and Control Risks. Joost holds an MSc in Development Management from the London School of Economics, an MA in Advanced Development Studies from Radboud University Nijmegen, a BA in International Relations from the University of Lancaster, and a certificate in Peacekeeping and Peacebuilding from Columbia University.

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CONTENTS

Acronyms	6
Outline	7
Key Recommendations	8
1. Introduction	9
2. Context Analysis	11
2.1 Conflict in Sudan	11
2.2 Conflict between the North and the South	11
2.3 Conflict in Abyei	13
2.4 South Sudan's Fragility and Infighting	14
3. The EU and Sudan: Set-up and Priorities	16
3.1 EU Internal Set-up	16
3.2 EU Priorities in Sudan	17
3.3 EU Funding for Conflict Prevention and Peacebuilding	18
3.4 Constraints for EU Engagement in Sudan	18
3.5 Focus on South Sudan	19
3.6 New EU Policy Towards Sudan and South Sudan	19
4. Analysis of the EU's Ability to Carry Out Early Warning and Conflict Prevention	21
4.1 Analysing Conflicts and Using Relevant Information	21
4.2 Acting on Early-Warning Analysis	22
4.3 Working to Prevent Conflict and Build Peace	23
4.4 Key Constraints	24
5. Conclusion and Recommendations	26

ACRONYMS

AU	African Union
CEWERS	Conflict Early Warning Early Response System
CFSP	Common Foreign and Security Policy
CPA	Comprehensive Peace Agreement
CRMA	Crisis and Recovery Mapping Analysis
CSDP	Common Security and Defence Policy
ECHO	European Commission's Humanitarian Aid Office
EDF	European Development Fund
EEAS	European External Action Service
EUSR	EU Special Representative
FCO	Foreign and Commonwealth Office
ICC	International Criminal Court
IfP-EW	Initiative for Peacebuilding - Early Warning
IfS	Instrument for Stability
NCP	National Congress Party
NGO	Non-governmental organisation
OHCA	UN Office for the Coordination of Humanitarian Affairs
SPLM/A	Sudan People's Liberation Movement/Army
UNAMID	AU/UN Hybrid operation in Darfur
UNDP	UN Development Programme
UNISFA	UN Interim Security Force for Abyei
UNMIS	UN Mission in Sudan

OUTLINE

This report analyses the EU's institutional capacity to carry out conflict early warning, early action and conflict prevention in two of the most conflict-ridden and war-affected countries in the world: Sudan and South Sudan. It looks at the institutional aspects of EU conflict early-warning approaches and assesses the extent to which they are applied in-country and in Brussels to inform policies, strategies and programming processes. The objective of this work is to identify recommendations to overcome challenges and constraints so that the EU, under the new Lisbon Treaty architecture, can better link early warning to effective and timely response to prevent conflict and build peace. Conflict early warning and conflict prevention and mitigation are not approached from a technical perspective; instead, they are analysed as part of the wider EU approach to peacebuilding and conflict-sensitive development in Sudan. The emphasis of this report is on conflict in and between Sudan and South Sudan as well as in the Three Areas (Abyei, South Kordofan, Blue Nile); the violent conflict in Darfur is not covered in detail. It should be noted that this report was prepared in a period when the EU was going through a number of significant internal changes with the implementation of the Lisbon Treaty and the creation of the European External Action Service, while at the same time Sudan itself was also undergoing a crucial transformation into two nation states.

KEY RECOMMENDATIONS

- Develop and articulate a clear understanding of the role of the EU institutions with regard to conflict early warning, conflict prevention and peacebuilding in the Sudan/South Sudan context, and ensure this is matched by the requisite political will, organisational capacity and resources – both human and financial. This means recognising the highly political nature of working on conflict and peacebuilding, and thus having the political acumen and sensitivity at leadership level to pursue appropriate approaches and drive coordinated action by different EU institutions and Member States.
- Promote joint analysis and coherent action between EU institutions, e.g. through mechanisms such as the Brussels joint Sudan task force.
- Ensure that the EU institutions are consistently supported in their role by Member States.
- Establish structures, systems and relationships in Brussels and in-country designed to implement conflict analysis, prevention, mitigation and peacebuilding effectively, including the ability to gather and interpret conflict indicators as a basis for improved and timely action.
- Promote peacebuilding and conflict-sensitivity principles and practices as a basis for all work that the EU and its Member States undertake in Sudan and South Sudan, and similar fragile and conflict-affected states. This requires training and incentivisation so that all staff think and act conflict-sensitively, not just those with peacebuilding or conflict in their job titles.
- The EU's new strategies for both Sudan and South Sudan should include in-depth conflict analysis, and should focus on how the EU and its Member States can systematically support the building of peace and help address the drivers of violence and instability there.
- The EU Delegation and EUSR team should build relationships with providers of conflict early-warning information, tapping into existing local and international sources of information and analysis, e.g. initiatives such as UNDP's CRMA and Conflict Reduction Programme, as well as Catholic Relief Services' early-warning and early-response system.
- Resolve technical issues such as the different encryption of communications systems between the EU Delegation and the EUSR team.
- The situation in Sudan and South Sudan will require high-level political attention by the EU for many years. Because of the interlinked nature of the challenges faced by the two countries, the EU should avoid shifting its political and developmental focus mainly to the South, and maintain an engagement with both countries.
- More broadly, improve the EU's ability to conduct conflict analyses and develop appropriate responses, by developing wide-ranging conflict-prevention guidance to inform short-, medium- and long-term programming decisions.

1. INTRODUCTION

The people of Sudan and South Sudan¹ have a long history of civil war. Armed conflict has been present there in one form or another for the last six decades, and continues to have a devastating effect and major impact on local populations, institutions and society. Despite the division into two nation states through the recent creation of the Republic of South Sudan on 9th July 2011, the challenges to peace, security and development in the two countries remain enormous. At present the conflicts in Abyei and South Kordofan are at the forefront of a number of looming and proximate issues and crises that still need to be resolved between Sudan and South Sudan, including citizenship, oil sharing, border demarcation, national currencies and sharing of the debt burden. In addition, South Sudan is faced with one of the greatest tests of state-building and rehabilitation since the end of the Cold War. The North, on the other hand, has to deal with the loss of a significant and resource-rich part of its territory, and at the same time faces increasingly complex internal and external pressures. In the midst of this, local populations continue to be affected by insecurity and violent conflict; they have seen food and commodity prices increase dramatically in recent years, and are governed in ways that are insufficiently responsive, transparent and accountable. While the challenges facing the two countries are pronounced, the opportunities for supporting positive changes for peace, development and accountable governance at this crucial time are also significant. Whether positive change can actually be institutionalised and supported can be influenced by the way the international community conducts its engagement with the two countries, the willingness of the respective governments to change their policies, practices and approaches, and the ability of local populations and civil society to hold their leaders to account.

Other leading international actors are a number of bilateral and multilateral donors and actors that, in different ways and with different means, seek to address some of the political, developmental, security and peacebuilding challenges and opportunities within this complex setting. The field of actors is crowded, and the EU is seen as an important player by the other international actors and the Sudanese and South Sudanese governments. Other important international players are the so-called Comprehensive Peace Agreement (CPA) Troika made up of the US, the UK and Norway, the African Union (AU) High Level Implementation Panel led by President Mbeki and the political leadership of the UN peacekeeping operations.²

The EU's current and future focus is to bring a peace dividend to the people most affected by war in both Sudan and South Sudan. The EU has supported the UN Mission in Sudan (UNMIS) as well as the AU High Level Implementation Panel and their respective mandates through different financial and technical means. The EU claims to contribute to conflict prevention and peacebuilding by improving food security, rural development, the delivery of basic services and democratic governance. This approach is based on the EU's premise that the provision of basic services such as water, education and healthcare can help to reduce the risk of conflicts driven by competition over resources. Similarly, in areas which receive large numbers of returnees, the EU believes that the provision of services is likely to reduce tension between returnees and host communities.³

1 In this report, we use the term Sudan to refer to the country with Khartoum as its capital; South Sudan to describe the new country with Juba as its capital; southern Sudan as the southern region of Sudan prior to secession. When describing events which took place prior to the secession of South Sudan, we use the name Sudan to refer to the then united country.

2 At the time of writing, UNMIS was due to withdraw by the end of July without clarity on a follow-up mission, the AU/UN Hybrid operation in Darfur (UNAMID) was still in place in Darfur, and a third peacekeeping operation, the UN Interim Security Force for Abyei (UNISFA), was mandated to keep the peace in Abyei.

3 R. Marsden, submission to the 2011 House of Lords Public Inquiry into 'The EU's Conflict Prevention and Peacebuilding Role in Sudan', London, UK.

This report provides a brief analysis of the conflict context⁴ of Sudan and South Sudan, analyses the institutional aspects of the EU's approaches to conflict early warning⁵ and assesses the extent to which they are applied in-country and in Brussels to inform policies, strategies and programming processes. The objective of this work is to identify recommendations to overcome challenges and constraints so that the EU, under the new Lisbon Treaty architecture, can better link early warning to effective and timely responses to prevent conflict and preserve peace.

4 It should be noted that the conflict context of Sudan and South Sudan is extremely fluid and unpredictable. Every effort has been made to ensure the information is up to date at the time of publishing this report. Nonetheless, it is almost inevitable that the situation and context will change considerably in the coming weeks, months and years.

5 In relation to violent conflicts, early warning can be understood as a 'process that alerts decision-makers of the potential outbreak, escalation, and resurgence of violent conflict; and promotes an understanding among decision-makers of the nature and impacts of violent conflict'. D. Nyheim (2008). 'Can violence, war and state collapse be prevented? The future of operational conflict early warning and response systems'. 18th May. Paris: OECD.

2. CONTEXT ANALYSIS

This section provides an outline of the past, present and future conflict context of Sudan and South Sudan, and the ongoing conflicts and tensions between the North and the South, with a specific focus on the situation in Abyei and the intra-South conflicts that escalated in the period after the successful referendum in January 2011.

2.1 CONFLICT IN SUDAN

Sudan has been in a state of war and violent conflict for decades. The Sudanese civil war was one of the longest-running conflicts in Africa. It started in 1954, two years before Sudan gained independence from Britain and Egypt in 1956, as the South's disgruntlement with the Northern-dominated government grew and eventually developed into a full-blown campaign of guerrilla warfare across much of southern Sudan. The 1972 Addis Ababa Agreement, which devolved some powers to the South, provided some respite, but the roots of conflict, inequality and exclusion were not adequately addressed in the agreement. By 1983 the fragile peace had been undermined by the continued skewed distribution of power and resources between the North and the South, and tactics of marginalisation. Southern rebel groups were consolidated into what became the Sudan People's Liberation Movement/Army (SPLM/A),⁶ led by Dr John Garang de Mabior. The second phase in the civil war continued until the conclusion of the CPA in January 2005, with between 1.5 and 2 million people killed in this period.

While the war is too often simplified into a North–South divide or a clash between Muslims and Christians or Arabs and Africans, the reality is that the conflict has been fuelled by the chronic underdevelopment of marginalised areas of Sudan, coupled with often violent competition for access to political and economic power.⁷ Local conflicts, over grazing rights, access to water and control over humanitarian aid, as well as ethnic and religious manipulation and mobilisation, have also been fuelling instability and tensions. Towards the end of the second civil war, violent struggles also intensified for control over and access to the different oilfields, which are mainly located along the North–South border. In short, the civil war and localised conflicts were predominantly a violent struggle for access to and control over resources and political and economic power.⁸ Meanwhile, there are links and similarities between the different levels and areas of conflict, and 'while the majority of conflicts start locally ... they are often subsequently escalated or manipulated to take on greater significance and cause greater suffering'.⁹

2.2 CONFLICT BETWEEN THE NORTH AND THE SOUTH

On 9th July 2011, amid widespread jubilation and celebration, the Republic of South Sudan was born. This momentous occasion followed on from the results of the January 2011 referendum on Southern independence in which Southern Sudanese had overwhelmingly voted for secession from Khartoum. The referendum was the linchpin of the CPA and, on the whole, it can be argued that the CPA delivered significant gains for South Sudan. This included the establishment of a semi-autonomous Government of Southern Sudan, resource-revenue

⁶ The SPLM/A is both an armed and political movement. Generally, though the movement is very much one, when referring to security issues, we use SPLA and, to political issues, we use SPLM.

⁷ There are many excellent analyses of the current Sudan context, from which we have drawn and sometimes adapted material. See, for example, the range of submissions to the 2011 House of Lords Public Inquiry into 'The EU's Conflict Prevention and Peacebuilding Role in Sudan', London, UK.

⁸ Foreign and Commonwealth Office (FCO), 2011 House of Lords Public Inquiry.

⁹ S. Pantuliano, 2011 House of Lords Public Inquiry.

sharing between the North and the South, marked improvements in security in a number of areas and the return of displaced people and refugees to their communities, as well as the expansion of local markets and trade.¹⁰

However, in the six years since the CPA was signed, there has been tension, hostility and instances of direct and indirect violent conflict between the two sides, despite the presence of the UNMIS and international efforts to reduce the incidences of violent conflict. During this time it became evident that the interim period outlined by the CPA was being used by the National Congress Party (NCP) in Khartoum and the SPLM in Juba to consolidate their positions and power.¹¹ During the six years following the signing of the CPA, the situation in Sudan could accurately be described as a fragile and incomplete ceasefire or “suspended war”.¹² Despite serious efforts by different state, non-state and international actors to improve security and governance, and support the recovery and rehabilitation of communities that were emerging from decades of war and instability, violent conflict continued at a significant level. According to the non-governmental organisation (NGO) Pact Sudan, at the national level, this period was characterised by political brinkmanship, sporadic episodes of violence, mistrust and political missteps, played out between the NCP and SPLM, which militated against real social, political and economic transformation that had been hoped for across Southern Sudan and the Transitional Areas of Southern Kordofan, Blue Nile State and Abyei.¹³ At the same time there has been continued widespread local violence, which has damaged and destroyed livelihoods, further disrupted communities and increased social divisions. According to a joint NGO briefing paper on Southern Sudan, as a result of months of escalating communal clashes that were further complicated by political factors, an estimated 2,500 people were killed and 350,000 displaced from their homes in 2009.¹⁴

At the time of writing, the ingredients for an escalation of violent conflict between Sudan and South Sudan remain in place. The situation in South Kordofan, for example, is extremely tenuous. While the state lies within the boundaries of Sudan, it is home to the Nuba people, many of whom fought together with southern Sudanese rebels during the civil war. According to one expert, ‘the violence in South Kordofan threatens peace in Sudan like no other crisis, and there are many’.¹⁵ In May 2011 the Khartoum government decided to use military means to disarm the SPLA in Southern Kordofan and to dissolve the Joint Integrated Units established under the CPA. This escalated the tensions and led to widespread violent conflict in South Kordofan. In confidential UN reports obtained by the *Observer*, there were accounts of devastating aerial bombardments of civilians, shelling of crowded civilian areas and indiscriminate executions, which were considered by some to be in pursuit of a deliberate ‘goal of suppressing ethnic and cultural diversity’.¹⁶

The border area between Sudan and South Sudan is a complex assortment of different ethnic groups and political loyalties and it is also home to the bulk of the country’s oil wealth and swathes of fertile land, leading some commentators to conclude that the question of who owns and has access to it is one of ‘the most explosive issues the nation confronts as it prepares to split in two’.¹⁷ It is evident that the escalation of violence around the North–South border in the run-up to South Sudan’s independence has sparked fears of a new drawn-out war.

Key conflict issue:

Further escalations in fighting between Northern forces and those allied to the South cannot be discounted, and the current violence in South Kordofan needs to be halted as soon as possible. Political commitment and solutions that will end the cycles of violence and lay the basis for two viable states living in peace with each other need to be sought.

10 Joint NGO Briefing Paper (2010). ‘Rescuing the peace in Southern Sudan’. January. Available at <http://www.oxfam.org/sites/www.oxfam.org/files/rescuing-peace-southern-sudan.pdf>

11 Saferworld (2010). ‘Sudan: Hoping for the best, preparing for the worst?’ Available at http://www.saferworld.org.uk/Sudan_hoping%20for%20the%20best,%20preparing%20for%20the%20worst_final.pdf

12 J. Bennett, S. Pantuliano, W. Fenton, A. Vaux, C. Barnett and E. Brusset (2010). ‘Aiding the peace: A multi-donor evaluation of support to conflict prevention and peacebuilding activities in southern Sudan 2005–2010’. United Kingdom: ITAD Ltd. p.xiii. Available at <http://www.oecd.org/dataoecd/3/40/46895095.pdf>

13 Pact Sudan (2011). Context analysis of a request for proposals. Available at http://www.pactworld.org/cs/work_with_us/business_opportunities/peace_and_conflict_assessment_in_2011_south_sudan_peace_fund_project_sspf

14 Joint NGO Briefing Paper (2010). Op. cit.

15 Eric Reeves, quoted in ‘U.N. officials warn of a growing “panic” in Central Sudan as violence spreads’, the *New York Times*, 16th June 2011. Available at http://www.nytimes.com/2011/06/16/world/africa/16sudan.html?_r=1

16 ‘UN mission accuses Sudan of shelling and torturing civilians in Nuba war’, the *Observer*, 16th July 2011. Available at <http://www.guardian.co.uk/world/2011/jul/16/sudan-secret-un-reports-nuba>

17 ‘Sudan threatens to occupy 2 more disputed regions’, *The New York Times*, 29th May 2011. Available at http://www.nytimes.com/2011/05/30/world/africa/30sudan.html?_r=2

2.3 CONFLICT IN ABYEI

The contested region of Abyei can be seen as both an epicentre and microcosm of Sudan's conflict, as issues of land, oil, water, migration, identity and nationality all play out in this small and fragile region.¹⁸ It was a key battleground during the civil war, and the Abyei protocol has also proved to be one of the hardest parts of Sudan's CPA to implement, to some extent harder even than the determination of the rest of the North–South boundary, or the division of oil revenues.¹⁹ The CPA-sanctioned referendum on whether the area should be part of the North or the South was postponed indefinitely as neither side was able to agree on which population groups would be eligible to vote in the referendum. The fact that the issues surrounding the future and belonging of the contested border region – which for many years has been the subject of high-level negotiations, long-drawn-out international court hearings and continued international attention – has still not been resolved has heightened tensions on the ground between the Dinka Ngok and the Misseriya groups who share and coexist on land that they both consider to be their own.²⁰

Both sides have claimed the impoverished but fertile region for different reasons.²¹ The Bahr al-Arab River that runs through Abyei is a crucial destination for Misseriya nomads during their seasonal migration, when they move their cattle through the area farmed by the Dinka Ngok in search of water and grazing grounds. While the cattle-herding Misseriya believe they should be allowed to graze in this fertile and oil-producing land, the Dinka Ngok fear their land will be usurped if their territory does not join the Southern half of Sudan after independence.²² This fear was reinforced when recent violence drove thousands of Dinkas out of Abyei.

Fighting in Abyei has been intense, both in the past year and during previous episodes of violence. According to the UN Office for the Coordination of Humanitarian Affairs (OCHA), an estimated 20,000 people have fled the urban centre of Abyei Town in the contested territory of Abyei since fighting broke out in the area in March 2011.²³ In May the situation escalated even further when a Southern attack on a Northern army unit led to reprisal attacks and the subsequent intervention in Abyei by Northern troops. It was only after intense and high-level negotiations that an agreement was reached to again demilitarise the region, with a UN-sanctioned Ethiopian peacekeeping force being deployed to monitor the fragile situation. When – or whether – the displaced populations will be able to return to their homes remains to be seen.

According to analysts, Abyei and similar disputes have become bargaining chips, and 'despite dangerously high rhetoric over the course of the last year, both north and south have calculated that the cost of a full-scale return to war far outweighed any potential gains'.²⁴ The North's occupation of the disputed border region had clear objectives according to analysts, and was clearly intended to strengthen its bargaining position with the South as well as with the international community.²⁵ What is clear for policymakers, however, is that there are two key issues that need to be resolved in Abyei. The first is that, under the auspices of the Ethiopian UNISFA peacekeepers, the Northern armed forces and the SPLA and affiliated armed groups should withdraw from Abyei so that displaced residents can return home and a representative local administration for Abyei can be established. The second issue is to ensure that a permanent political solution regarding the future of Abyei is found, one that is equitable and takes account of the interests of all the communities. According to EUSR Rosalind Marsden, this has been further complicated because the positions of both sides have hardened and the communities have become radicalised and more politicised as a result of the failed negotiations and fighting that has been going on.²⁶

18 J. Prendergast, quoted in 'George Clooney and John Prendergast: We can prevent the next Darfur', the *Washington Post*, 17th October 2010. Available at <http://www.washingtonpost.com/wp-dyn/content/article/2010/10/15/AR2010101503871.html>

19 D. H. Johnson (2011). 'The road back from Abyei'. Available at http://www.humansecuritygateway.com/documents/RVI_TheRoadBackFromAbyei.pdf

20 M. Fick. 'As world focuses on Libya, more than 100 killed in Sudan border town', *Christian Science Monitor*, 3rd March 2011. Available at <http://www.csmonitor.com/World/Africa/Africa-Monitor/2011/0303/As-world-focuses-on-Libya-more-than-100-killed-in-Sudan-border-town>

21 Adapted from background piece in *Miami Herald*, 'U.S. warns that standoff in Sudan is "unacceptable"', 9th March 2011. Available at <http://www.miamiherald.com>

22 M. Fick. Op. cit.

23 'Violence forces 20,000 people to flee disputed Sudanese region, UN reports', *UN News Centre*. Available at <http://www.un.org/apps/news/story.asp?NewsID=37711&Cr=&Cr1>

24 International Crisis Group analyst Zach Vertin, quoted in 'Sudan's leaders aren't looking for a fight', the *Guardian*, 6th June 2011. Available at <http://www.guardian.co.uk/commentisfree/2011/jun/06/sudan-civil-war-north-south>

25 R. Middleton, quoted in 'Tensions over Sudan's flashpoint Abyei region', AFP News, 2nd June 2011. Available at <http://www.google.com/hostednews/afp/article/ALeqM5g7HGIXSP5k34tfNCKxO4vJ5tWsfA?docId=CNG.ab8cca92787a9caf74c2162249b91c88.31>

26 R. Marsden, 2011 House of Lords Public Inquiry.

Key conflict issue:

Without a sustainable and inclusive solution to the issues highlighted above, the situation in Abyei is likely to remain extremely volatile and dangerous in months and years to come.

2.4 SOUTH SUDAN'S FRAGILITY AND INFIGHTING

The world's newest nation was born amid fanfare, hope and celebration. Nonetheless, it faces significant challenges in order to meet the aspirations and dreams of its people. South Sudan is starting life as a new state from a very low base, with limited capacity and major economic and social issues, as well as inadequate governance and rule of law.²⁷ It remains extremely underdeveloped with wholly inadequate infrastructure, deficient public services and very high levels of poverty. At the same time, the people's expectations for the dividends of nationhood and independence after the successful split from Sudan are high, and seem a long way beyond the capacity of the government, the economy and its international partners to deliver. In addition, the creation of an independent state will not undo past ills and misfortunes, nor will it necessarily correct decades of marginalisation and underdevelopment. Furthermore, much localised conflict and insecurity stems from continued competition over power and resources between communities, which, in the absence of adequate security and justice service provision from an accountable government, continues to threaten stability and socio-economic development.²⁸

Foreign analysts have already warned that corruption has become endemic, freedom is under intense threat and inter-tribal violence is spreading across South Sudan.²⁹ As the *Economist* noted at the beginning of 2011, tribal loyalties are strong, arms flow freely, army units are fractured and cattle-raiding is frequent, which, combined with the presence of many newly retired rebel soldiers, forms a combustible mix.³⁰ Many of the current conflicts in South Sudan have been caused by competition over natural resources, which, combined with widespread ownership of small arms and relatively weak state security, has fuelled violence between different population groups.³¹ In March 2011, for example, over 100 people were confirmed dead in two separate clashes involving the SPLA and armed elements loyal to renegade groups operating in the two states of Greater Upper Nile.³² The fighting involves a patchwork of militias, renegade Southern soldiers and other armed groups, and has taken place in some of the most volatile regions include Jonglei State and Upper Nile.³³ In the months since the referendum, the Southern army has battled at least seven different rebel groups, with the scale of violence continuing to raise concern for the plight of civilians, as, according to the UN, over 1,500 people have died in violence in South Sudan since a largely peaceful independence referendum in January.³⁴ In April the UN stated that more than 94,000 people had been displaced because of violence in Southern Sudan in 2011. Lise Grande, the chief UN humanitarian official in Southern Sudan, warned that, unless insecurity is overcome, the South is likely to suffer a widening humanitarian and security crisis.³⁵

At the national and state levels, grievances and political wrangling imply that discontent is growing, which is linked by some to what they see as the SPLM's politics of exclusion, and to a fear of Dinka dominance within the government, the armed forces and the economy. In the months since the referendum the South has experienced a rise in armed insurgencies, military defections and militia activity, which can be seen as a clear indication that unity and security, key pillars of stability, are under threat.³⁶ According to analysts, 'the old grievances and armed groups have resurfaced [...] and the violence spreading throughout many parts of the south is largely the result of unfinished business within the SPLA itself'.³⁷

27 Ibid.

28 Saferworld, 2011 House of Lords Public Inquiry.

29 J. Doran. 'Sudan: The break-up', *Al Jazeera*, 12th July 2011. Available at <http://english.aljazeera.net/programmes/sudanthebreakup/2011/07/201171285056382703.html>

30 'Now for the hard part', the *Economist*, 3rd February 2011. Available at <http://www.economist.com/node/18070450>

31 Joint NGO Briefing Paper (2010). Op. cit.

32 'South Sudan army clashes with rebel group, over 100 dead', *Sudan Tribune*, 8th March 2011. Available at <http://www.sudantribune.com/South-Sudan-army-clashes-with-rebel-group,38227>

33 J. Kron. '800 civilians killed this year in Southern Sudan, U.N. says', the *New York Times*, 13th April 2011. Available at http://www.nytimes.com/2011/04/14/world/africa/14sudan.html?_r=1&partner=rss&emc=rss

34 "Almost 100 killed" in south Sudan clashes over past week', AFP News, 15th June 2011.

35 'Heavy violence seen in S. Sudan', *Philadelphia Inquirer*, 14th April 2011. Available at http://www.philly.com/philly/news/nation_world/119825769.html

36 Z. Ochieng. 'South Sudan faces tough self-inflicted challenges months to independence', *Sudan Tribune*, 16th April 2011. Available at <http://www.sudantribune.com/South-Sudan-faces-tough-self-inflicted-challenges-months-to-independence,38586>

37 A. Boswell. 'South Sudan: Will freedom just lead to civil war?', *Time World*, 28th March 2011. Available at <http://www.time.com/time/world/article/0,8599,2061927,00.html>

Key conflict issues:

Options open to the ruling party to address these issues include engaging in dialogue with opposition parties, civil society and militia groups to increase inclusivity, improving the political environment and perhaps considering taking steps to share power. Additionally, it is important for the government to set in train mechanisms to address the unequal distribution of wealth and the lack of participation in, and accountability and transparency of, public institutions. There is a high risk that violent conflict will continue to affect and impair the lives of those living in South Sudan and the border region for many years to come unless comprehensive action is taken by the government and its international partners.

3. THE EU AND SUDAN: SET-UP AND PRIORITIES³⁸

Adequate institutional configurations and practices are critical to address and strengthen the links between early warning and early action. The effective prevention of violent conflict requires a solid and mainstreamed capacity to analyse, anticipate and monitor, as well as a political will to respond to indications of potentially violent conflicts as early as possible.³⁹ This section looks at the EU's internal set-up and priorities in regard to Sudan and South Sudan.

3.1 EU INTERNAL SET-UP

In 2005 an EUSR for Sudan was appointed to reinforce the EU's diplomatic links with Sudan and the EU's presence at international level, as well as improving overall coordination with key external actors and in Brussels. The role of the EUSR has become more and more important in the EU's conduct of foreign affairs in recent years. Their responsibility and status has grown considerably, and their ability to represent the whole of the EU in peace processes and high-level negotiations has increased their leverage as well as the EU's international standing in the countries and regions where an EUSR is mandated to work. This has included strengthening their mandate to carry out conflict-prevention and crisis-mitigation work and expanding their Track 1 mediation role.⁴⁰ In the Sudan context, the EUSR is mandated⁴¹ to work with the Sudanese parties, the AU and the UN and other national, regional and international stakeholders to achieve a peaceful transition under the CPA. This includes contributing to the full and timely implementation of the CPA and post-referendum arrangements; supporting institution building and fostering stability, security and development in South Sudan; improving security and facilitating a political solution to the conflict in Darfur; promoting justice, reconciliation and respect for human rights, including full cooperation with the International Criminal Court (ICC); and improving humanitarian access.

In November 2010 because of the range of issues involved, and concerns over regional stability, the EU High Representative established a Sudan task force under the chairmanship of the EUSR to strengthen coordination among EU actors dealing with Sudan.⁴² According to the EUSR, Member States are keen to see the EU play an active and effective role. She noted that, in the past, the EU representatives had not done enough to explain to the Sudanese people what the EU was doing, not just from Brussels but encompassing all the Member States, and how this all came together as a contribution to peace and development in Sudan.⁴³

The EU Delegation is based in Khartoum and has an office in Juba, with the latter slated to become a full-blown Delegation now that South Sudan has become independent. The EU Delegation's priorities have been to act as the representation of the European Commission to the Republic of the Sudan and maintain bilateral

38 Sections 3 and 4 largely draw on meetings and interviews that were held with EU and Member State officials, as well as official evidence that was submitted to the House of Lords Inquiry on Sudan in 2011.

39 Clingendael Conflict Research Unit (2010). 'The EU's early warning architecture and crisis response capacity'. Initiative for Peacebuilding - Early Warning (IfP-EW). Available at <http://www.ifp-ew.eu/pdf/0611prelisbon.pdf>

40 For a more detailed analysis, see, for example, L. Davis (2011). 'The European Union: Time to further peace and justice', *Egmont Institute Security Policy Brief*, No. 22, April 2011. Available at <http://www.egmontinstitute.be/papers/11/sec-gov/SPB22-Davis-EU-peace-and-justice.pdf>

41 EU Council Decision 2010/450/CFSP. Available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:211:0042:0044:EN:PDF>

42 'Europe calls for "credible" votes in south Sudan', *EUbusiness*, 22nd November 2010. Available at <http://www.eubusiness.com/news-eu/sudan-referendum.74s>

43 R. Marsden, 2011 House of Lords Public Inquiry.

relations in the areas of political, economic, trade and external assistance cooperation (financial and technical). The EU Delegation ensures the follow-up of EU policies in all sectors and promotes and defends the values and interests of the EU. It also contributes to coordination with the embassies of EU Member States, particularly in the fields of EU competencies, notably trade and external assistance.⁴⁴ Lastly, the EU Delegation also has a technical adviser in the Three Areas, funded through the Instrument for Stability (IFS).

In Brussels, the European External Action Service (EEAS) was introduced in December 2010, as part of the Lisbon Treaty. It implements the EU's Common Foreign and Security Policy (CFSP), and is made up of staff from the European Commission, the Council of the EU and seconded personnel from EU Member States. As part of the merger, the parts of the Commission and Council that dealt with intelligence, security and conflicts, including the Commission's Crisis Room and the Council's Situation Centre, have been brought under the same roof. Despite best efforts at ensuring a smooth transition, in various interviews, EU officials have commented that the EEAS is still dealing with numerous operational and administrative teething problems.

3.2 EU PRIORITIES IN SUDAN

The EU's policy focused on full CPA implementation, establishment of constructive long-term relations between North and South Sudan, resolution of the situation in Darfur, financial assistance to reduce poverty and promote development, provision of humanitarian assistance and support for the ICC.⁴⁵ EU programming was designed to support the creation of a stable environment during the CPA interim period, particularly in the war-affected areas. In the past six years funds have been concentrated in three main sectors:

- i) improving food security and facilitating agriculture development;
- ii) extending education services; and
- iii) supporting democratic governance.⁴⁶

The EU's vision was for 'the development of a peaceful and prosperous Sudan in a stable regional setting, notably through full implementation of the Comprehensive Peace Agreement and agreement on post-referendum modalities'.⁴⁷ Analysts and officials agree that the EU has largely focused its efforts in the Sudan on the aid dimension, while the more political processes have been handled by member countries.⁴⁸

EU foreign ministers have repeatedly discussed Sudan and agreed on Council Conclusions on numerous occasions, and the situation in Sudan was frequently discussed in Council Working Groups and the Peace and Security Council in Brussels. In the North, the EU has principally focused on humanitarian assistance to Darfur, Eastern Sudan and other deprived areas. In the South, the EU has provided humanitarian assistance as well as longer-term capacity-building support to the Government of Southern Sudan and provision of basic services. The EU has signalled its intention to remain engaged in Sudan beyond the end of the CPA in both the North and South. This continued engagement is demonstrated by the fact that the European Commission's Humanitarian Aid Office's (ECHO) budget across Sudan for 2010 was €136.6 million with €100 million planned for 2011. Beyond the significant financial support the EU provides to the people of Sudan and South Sudan, it is also active in encouraging coordination, in line with the aid-effectiveness principles, between EU donors and other organisations. While Member States have noted that there is a strong degree of alignment among the EU and their policies towards Sudan, there remain differences in emphasis, with some Member States holding a particular interest in certain aspects of the Sudan policy.⁴⁹

With regard to the peace process between Sudan and South Sudan, the EU strongly supported former South African President Thabo Mbeki's efforts to get both sides to sign up to a framework agreement under which they would agree to renounce any efforts to destabilise one another. According to EUSR Marsden, the EU's decision

44 Mission statement of the EC Delegation in Sudan. Available at EC website ec.europa.eu

45 http://eeas.europa.eu/delegations/sudan/eu_sudan/index_en.htm

46 FCO, 2011 House of Lords Public Inquiry.

47 R. Marsden, 2011 House of Lords Public Inquiry.

48 See, for example, O. Rolandsen, 2011 House of Lords Public Inquiry; interviews, EU staff and EU Member States, June 2010 and April 2011.

49 FCO, 2011 House of Lords Public Inquiry.

to support President Mbeki's lead role in trying to facilitate agreement on the post-referendum issues was based on the fact that he was well placed to secure high-level access to both President Bashir and President Salva Kiir to find solutions to the various outstanding issues.⁵⁰

3.3. EU FUNDING FOR CONFLICT PREVENTION AND PEACEBUILDING

According to the EUSR, the EU contributed to conflict prevention and peacebuilding between the North and South by supporting UNMIS, which was established in March 2005. Over 40 percent of the costs of UNMIS were funded by EU Member States through assessed contributions. The EU has also drawn on the following instruments to support conflict prevention and peacebuilding:⁵¹

- An intervention (€3 million) under the IfS to support AU/UN efforts to facilitate the Darfur peace process. The activities include strengthening the capacity of the Joint Mediation Support Team, facilitating the preparations of the parties for negotiations, consultations with civil society, confidence-building measures and public information;
- A second intervention (€15 million) under the IfS to support the referendum and post-referendum process, the provision of basic services in South Sudan as a peace dividend and support to the AU High Level Implementation Panel.
- As mentioned above, the EU has continued to provide direct funding to the AU High Level Implementation Panel led by President Mbeki. The funding is channelled through the EU Delegation in Addis Ababa, and is part of the African Peace Facility instrument.
- Support under the Peacebuilding Initiative to encourage dialogue between the parties to the CPA. Since January 2009 the EU has funded a peacebuilding initiative implemented by the British NGO Concordis International. Concordis worked in partnership with the Centre for Peace and Development Studies, at the University of Juba, to facilitate a research-based dialogue at state and federal (Khartoum-Juba) levels, aimed at building trust and understanding between border communities; developing a consensus on principles for how the border should be managed peacefully; and agreeing development initiatives to support peaceful coexistence at the border. A further six-month project (January–July 2011) to stabilise cross-border relations is being implemented by Concordis International using funds from the IfS. This project is aimed at contributing to wider efforts to foster stability in Sudan by providing urgent support to the design and establishment of a North–South border regime that contributes to stability and meets the human security needs of the populations living along the border. Evaluations of the project found that EU funding at community level had been useful to prevent or help manage conflict in some of the communities affected by inter-tribal conflict after the signing of the CPA.⁵²

3.4 CONSTRAINTS FOR EU ENGAGEMENT IN SUDAN

Due to the Government of Sudan's decision not to ratify the revised 2005 Cotonou Agreement, Sudan is not eligible for 10th European Development Fund (EDF) development assistance which otherwise would have amounted to €300 million for the period 2008–2013. Nonetheless, the EU has been able to use other funding sources and instruments, including left-over funds from the 9th EDF and funding through the IfS, as well as humanitarian funds. After the signature of the CPA in 2005, Southern Sudan was allocated 46 percent of the total EC funding for the interim period (2005–2011) in line with the recommendations of the EU's Joint Assessment Mission. The remaining 54 percent was allocated to conflict-affected areas of the North (Three Areas and the East).

50 R. Marsden, 2011 House of Lords Public Inquiry.

51 Ibid.

52 FCO, 2011 House of Lords Public Inquiry.

The fact that the Government of Sudan did not ratify the Cotonou Agreement and did not cooperate with the ICC has had a considerable impact on the political dialogue between the EU and Sudan.⁵³ This has had implications for the EU's engagement with President Bashir, even though the EU has continued to engage with a number of senior government advisers. Both Brussels- and Sudan-based EU and Member States officials indicated that the ICC ruling had placed a considerable strain on their individual and collective ability to interact with the Khartoum government on sensitive and political issues.

3.5 FOCUS ON SOUTH SUDAN

At the 22nd February 2011 Informal Development Ministers' Meeting in Brussels, EU Member States agreed to pursue a "joint programming" approach for South Sudan. Multi-annual programming of EDF money for South Sudan is dependent on the accession of South Sudan to the Cotonou framework. At the same time, the European Commission presented an ad hoc programming document (adapted to the structure of a Country Strategy Paper) for the €150 million Special Funds for Sudan programme, which will be a starting point for assessing further programming needs.⁵⁴ The new Special Funds for Sudan (2011–2013) allocates 60 percent of its total €150 million to Southern Sudan.⁵⁵ In May 2011 the Council of the EU also agreed to a Commission proposal to allocate an additional amount of €200 million to South Sudan. Governance and rule of law is one of the areas already highlighted for support under the Special Funds programme for South Sudan. An EU inter-services mission visited Juba in February 2011 to make a preliminary assessment of possible additional EU support to an independent South Sudan, including in the areas of stability and security. It concluded that South Sudan would face significant stabilisation and state-building challenges for a number of years; the EU should do more to try to manage conflict risks, particularly in the volatile North–South border area; and the EU should use its range of instruments to support stabilisation in the South, working closely with the UN and other donors, and taking account of the Government of South Sudan's own priorities.⁵⁶ Brussels is also currently considering whether any action can be taken under the EU's Common Security and Defence Policy (CSDP) to support South Sudan in the areas of rule of law, capacity building for the police and airport security at Juba airport.

The EU, collectively, has considerable means at its disposal to help, both financially and with experience and resources, through its development programmes and its experience in establishing peace and security in other areas. On governance, the lead partner is the US, covering accountability, public administration and so on. On economic development, the lead partner is the World Bank, which covers the economy, infrastructure and natural resources. Within that group, the EU is playing a particular role in the development of natural resources. The third broad area is human and social development – education, health, and social and humanitarian affairs – where the UN is in the lead. The fourth area is conflict prevention and security – where the UK leads – which concerns the rule of law in a broad sense, as well as security agencies, the development of civil police and supporting the SPLA transition to a peacetime role and demobilisation.⁵⁷ To combat the threats in South Sudan, significant support is also needed to strengthen the Government of South Sudan's capacity to provide security to its citizens and address underlying drivers of internal conflict.⁵⁸

3.6 NEW EU POLICY TOWARDS SUDAN AND SOUTH SUDAN

On 20th June 2011 the Council of the EU agreed to follow a comprehensive EU approach with regard to the two countries. To this end, the EU will:

1. Underpin the development and peaceful co-existence of two viable, stable and prosperous states;
2. Continue to support efforts to reach a comprehensive and inclusive peace settlement for Darfur;
3. Continue to support poverty-reduction efforts by both governments;

53 The EU has a policy of avoiding all but essential contact with ICC indictees, in line with the ICC Prosecutor's request to the UN Security Council.

54 R. Marsden, 2011 House of Lords Public Inquiry.

55 FCO, 2011 House of Lords Public Inquiry.

56 R. Marsden, 2011 House of Lords Public Inquiry.

57 N. Westcott, 2011 House of Lords Public Inquiry.

58 FCO, 2011 House of Lords Public Inquiry.

4. Assist the development of accountable, transparent and efficient government in both states based on respect for human rights and fundamental freedoms and the rule of law; and
5. Contribute to the effective coordination of international support, including through a state-building strategy for South Sudan, at the strategic and operational level under the overall leadership of the UN.

One senior EU official even indicated that South Sudan is seen as 'a test case of whether the EU – in the framework of the new set-up of the external service [...] can deliver something that will make a difference in allowing this new state to survive, instead of it becoming a failed state from the outset'.⁵⁹ He noted that there is agreement at the political level to ensure that the interventions will be a joint programming exercise for the EU and Member States to deliver a coherent and efficient joint support programme on the ground. Whether this will indeed become a success story remains to be seen.

59 F. Fotiadis, 2011 House of Lords Public Inquiry.

4. ANALYSIS OF THE EU'S ABILITY TO CARRY OUT EARLY WARNING AND CONFLICT PREVENTION

*'Early warning and early response systems are systems that collect, verify, and analyse data in a systematic manner and on an ongoing basis to provide information for a wide range of preventative purposes. These systems should also provide recommendations for action by key decision-makers while providing an assessment of the impact of the situation.'*⁶⁰

The EU has laudable intentions when it comes to analysing and responding to conflict in the developing world, including Sudan and South Sudan. At the same time, however, it is clear that there are several issues that appear to limit its ability to analyse conflict, issue warnings and respond effectively to prevent and mitigate violence. Sudan and South Sudan have some of the most complex conflict contexts in the world, and any actor's ability to carry out conflict analysis, early warning and conflict prevention is constrained by the intricacies and convolutions of the political, security and socio-economic setting. The majority of violent conflicts in Sudan and South Sudan take place in remote rural areas, where communities are often the poorest and most difficult to reach. Information about tensions and conflicts in these areas does not necessarily reach the outside world easily. On top of this, the governments in both Khartoum and Juba have been involved in the promotion of violent conflict at different levels, which further complicates a coherent response to conflict prevention and, of course, poses significant dilemmas to international actors such as the EU. Additionally, the fact that the EU and its operations are not present across all of Sudan and South Sudan means that they are not necessarily tuned in to the different concerns, grievances, conflicts and expectations of diverse local communities.

This section analyses the EU's ability to carry out conflict early warning and conflict prevention in pre-secession Sudan based on the issues, conflicts and challenges discussed in previous sections. It should be noted that this report was prepared in a period when the EU was going through a number of significant internal changes with the implementation of the Lisbon Treaty and the creation of the EEAS, while at the same time Sudan itself was also undergoing a crucial transformation into two nation states. The analysis below is based on various meetings and interviews that were carried out in 2010 and 2011 with EU and Member States officials in Brussels and Sudan.⁶¹ In addition, it draws on other publicly available resources, including the recent UK House of Lords Public Inquiry into 'The EU's Conflict Prevention and Peacebuilding Role in Sudan'.

4.1 ANALYSING CONFLICTS AND USING RELEVANT INFORMATION

Sifting through indicators and analysing the countless streams of information about a specific context is crucial to developing and sharing a common understanding of the issues and challenges that policymakers and practitioners need to address. In interviews, EU officials in Brussels stated that they do not get enough information on conflicts and early warning from field level and also lamented that coordination between Brussels-based entities, and

60 D. Ettang. 'Early warning and early response mechanisms in Africa: Gaps and prospects', *Consultancy Africa Intelligence*, 16th February 2011. Available at http://www.consultancyafrica.com/index.php?option=com_content&view=article&id=679:early-warning-and-early-response-mechanisms-in-africa-gaps-and-prospects-&catid=60:conflict-terrorism-discussion-papers&Itemid=265

61 Not all EU officials contacted in the course of this research were able to meet or speak to the author. Despite best efforts, there is therefore a possibility that not all elements of EU policy and practice with regard to Sudan have been elaborated on in enough detail.

between Brussels and the field, were not ideal. While the EU Delegation in Addis has access to substantial amounts of information from the AU High Level Implementation Panel, the EU Delegation in Khartoum does not have people working specifically on early warning or conflict issues.⁶² This is further complicated because the EU Delegation in Khartoum does not have a dedicated conflict adviser or conflict-monitoring system, and as a whole is more focused on developmental and operational issues. In a number of interviews, both EU and Member States officials stated that there is a significant lack of in-country EU capacity to work on political and conflict issues, and to some extent an unwillingness to address sensitive issues. Apart from capacity, the EU Delegation also appeared to be unaware of a number of conflict early-warning and conflict-prevention initiatives that were being employed by other national and international actors in Sudan. This included UNDP's CRMA⁶³ and the Catholic Relief Services' conflict early-warning and early-response system in South Sudan, which is run through South Sudan's Ministry of Peace.⁶⁴ Therefore, it appears that conflict prevention and early warning are not high-priority issues for the EU Delegation – even though EU Delegation staff were very well aware of their importance.

Another issue that was mentioned on several occasions is that there are technical difficulties such as email and information encryption differences between the Commission and the Council. This meant that the EUSR political adviser co-located in the EU Delegation's compound in Khartoum could not send an encrypted email to his counterparts in the EU Delegation. In addition, it was noted that the EUSR political advisers in Brussels and in Sudan are not formally part of the EU in-country set-up, despite the co-location, which according to interviews has complicated their relationship and interaction in the past. While inadequate flows of communication and information are partly a technical issue, the overarching solution to address this is predominantly dependent on political will.

The job of the EUSR team is to support the EUSR's mandate and carry out political analysis. The political advisers noted that their work is not particularly focused on conflict prevention or conflict analysis. When the political advisers do work on conflict, they noted that it is reactive, not proactive, analysis. Another issue that became apparent is that the EUSR team is made up of seconded advisers, which has resulted in a high staff turnover and means that the EUSR team has not built up systems to carry out conflict early warning, linking sources of information and analysis together. It could even be argued that, if functioning structures and systems for conflict analysis and conflict prevention were in place, the impacts of high staff turnover could be minimised. The reliance on short-term secondments further prevents the establishment of institutional memory on key issues, which in turn highlights the need for greater systemised learning within the EU institutions. It was noted that a longer-term approach to conflict analysis and early warning would be beneficial, but that it would have to become a dedicated part of the EUSR or EU Delegation mandate to ensure that an adequate strategy and structure could be established. In light of this, it could be argued that, if the EU's institutional and structural constraints to carrying out conflict analysis and conflict prevention were tackled, it could take on greater leadership and responsibility in fragile and conflict-affected countries.

Lastly, Member States noted that the EU Delegation could play a better coordination role. They stated that embassies regularly pass information on through their headquarters and then on to Brussels, but they do not feed it to the in-country EU structures, apart from the monthly Heads of Mission meetings. Their reasoning behind this approach was that the EU Delegation was very inward looking in terms of information processing and sharing, especially in terms of “feeding the beast” in Brussels.⁶⁵

4.2 ACTING ON EARLY-WARNING ANALYSIS

The importance of the early-warning function, which encompasses the collection, analysis and communication of information about signs of potential crisis or conflict, is in supporting preventive or preparatory action.⁶⁶ Early

62 Interview, EU official in Brussels, June 2010.

63 For more information, see <http://www.sd.undp.org/projects/dg13.htm>

64 See Conflict Early Warning Early Response System (CEWERS) Briefing document on Conflict Early Warning and Early Response Systems in Southern Sudan. Unpublished draft document.

65 Interview, official from EU Member State in Khartoum, October 2010.

66 L. Woocher. 'Egypt's protests underscore importance of early warning', *US Institute of Peace*, 11th February 2011. Available at <http://www.usip.org/publications/egypt-s-protests-underscore-importance-early-warning>

warning in Brussels is about developing and pushing an issue at the political level based on information and intelligence analysed by staff, and then ensuring that it gets on the agenda of the relevant senior officials and EU bodies. As an EU official in Brussels noted, 'we unfortunately cannot plan anything in terms of response without having been asked to do so'.⁶⁷ Since the start of this research project, it has been noted by interlocutors that the Commission and Council have started to work together better with a greater degree of transparency. A number of recent statements on Sudan from EU High Representative Ashton and the Council of the EU are clear in their language with regard to calling for a cessation of hostilities, deploring the loss of life and urging actors to seek solutions through political dialogue instead.

Nonetheless, while it is easy to get statements out, there appear to be difficulties in going beyond statements and declarations.⁶⁸ Thus, it is not clear whether the EU is really ready to engage on the sensitive political and security issues. Because of the way that its institutions are set up and function,⁶⁹ it is often constrained in terms of being able to take decisive steps with regard to both issuing and responding to early warnings of violence. As with other donors and stakeholders, the key is analysing and understanding the drivers of conflict and what triggers violence, and subsequently engaging at the level of both the triggers *and* the underlying causes. The EU tries to initiate and finalise a processed response at the last minute, when it is often, or almost, too late.⁷⁰

If a warning is issued, it is also necessary to have the will to respond in an effective way. This is not necessarily straightforward within the institutions, structures, rules and regulations of the EU and its Member States. In addition to dealing with the political realities of sovereignty, security and physical access in-country, dedicated institutional structures and processes are critical to the EU's ability to analyse and respond to early-warning signals. The effective prevention of violent conflict requires a robust and mainstreamed capacity to monitor and analyse conflict trends and appropriate early-warning signals, communicate findings and recommendations to the relevant in-country and Brussels-based actors, and the political decision to mobilise capacity and resources to respond in a timely and effective manner. Coordination among EU institutions, Member States and in-country actors is also crucial throughout these various stages of analysis, warning and response to ensure respective efforts are maximised and to act coherently.⁷¹ Unfortunately, in the case of Sudan and South Sudan, more often than not, when credible warnings have indeed been issued, the implementation of a comprehensive response has been much more difficult, as the section below explains. Furthermore, by not being in a position to address causes and drivers of conflict, the EU tends to rely on crisis-response instruments at the expense of long-term approaches, which could produce sustained results in terms of peace and stability.

4.3 WORKING TO PREVENT CONFLICT AND BUILD PEACE

Conflict early warning and conflict prevention are by nature highly sensitive political undertakings. Furthermore, these tasks are further complicated in the scenario where the government is one of the belligerent parties. This applies to both the Khartoum and Juba governments, and complicates the ways in which international actors, such as the EU and its Member States, can respond to violent conflicts and undertake efforts to reduce tensions and violence. In addition, Sudan and South Sudan have many localised hotspots that can fuel larger-scale conflicts, for example, at the local level, there are tensions about livestock, pasture rights and access to water, and, while tensions and conflicts can be addressed through appropriate interventions, there are no easy fixes, especially as some of the conflicts have been going on for decades or longer.⁷²

Staff from some EU Member States in Khartoum noted that the EU Delegation lacks implementation capacity to work on political or conflict issues, despite having the financial means, and that Member States often deal with issues on their own due to the level of EU bureaucracy and its inability to react quickly to changing circumstances.⁷³ According to former EUSR staff, the relationship between the EUSR and the Commission

67 Interview, EU official in Brussels, June 2010.

68 Ibid.

69 See the earlier publications in the IfP-EW cluster. Available at <http://www.ifp-ew.eu/capacity.php>

70 S. Pantuliano, 2011 House of Lords Public Inquiry.

71 Adapted from L. Montanaro and J. Schünemann (2011). 'The European Commission early warning architecture and crisis response capacity'. IfP-EW. Available at <http://www.ifp-ew.eu/pdf/walkthetalk.pdf>

72 Interview, official from EU Member State in Khartoum, October 2010.

73 Ibid.

has often been challenging, which in the past has resulted in both sides marking out their respective areas of competence and failing to cooperate. Furthermore, some EU officials argue that bilateral donors all feel that they need to be seen or heard, which has led to a form of international competition, with individual Member States wanting to claim success. The lack of political support for a coordinated approach by Member States is another weak point. Member States interested in maintaining a bilateral approach to the North–South dialogue and Darfur do not necessarily prefer stronger coordination by the EUSR. It is harder for the EUSR to operate in a leadership role in a state where Member States have a strong interest, and, with 27 countries, it is quite difficult to develop a strong and coherent common foreign policy appropriate for a context such as Sudan.⁷⁴ Member States still prefer dispatching their own envoys, which pursue primarily national policies. This lack of support for a more proactive and unified approach weakened the mission and kept the EU from becoming a real actor. On the whole, however, Member States and different EU officials were positive about how the current EUSR had undertaken the different mandated tasks and her overall contribution to policy coordination and coherence within the wider framework of the EU and its Member States.

Member States also pointed out that the EU Delegation to some extent lacks vision and the operational ability to respond to conflicts because of the long decision-making processes and overly complex programming and procurement regulations of the EU. A similar constraint identified in the multi-donor analysis of peacebuilding work in Southern Sudan was that ‘flexible localised responses can rarely be accommodated by aid programmes built around relatively rigid three or five year plans’.⁷⁵ Lastly, it was noted that, if there was a significant conflict or crisis, the EU Delegation would not be able to play a leading role in responding to it because of the issues outlined above. All this suggests that, despite being one of the major donors of development and humanitarian aid in Sudan and South Sudan, the EU lacks concomitant leverage and political influence there. Nonetheless, the Concordis project and the funding of a technical adviser in the Three Areas are two ways in which the EU has demonstrated its willingness to improve its access to conflict analysis and information, as well as an initial attempt to improve its peacebuilding and reconciliation work. The IfS is the most suitable EU financial instrument to deal with conflicts, thanks to a timeframe for funding allocation that enables relatively quick reaction by EU standards. However, the IfS tends to be used in response to a crisis rather than in preventing violent conflict.

4.4 KEY CONSTRAINTS

Early detection and mitigation of conflict that has the potential to develop into violence can save lives, avert humanitarian crises and build stronger and more resilient societies. If taken forward by government in partnership with civil society, conflict early warning and early response can also prevent state failure, promote demilitarisation and help a new state along the path to democratic governance.⁷⁶ Unfortunately, the EU does not have, contribute to or support a specific, mainstreamed conflict early-warning system for Sudan and South Sudan which informs decision-makers in Brussels or at the level of the EU Delegation. Different EU bodies, both at HQ and in-country, use different sources of information, methods and tools, as well as means of communication. As a result, these different actors also produce different kinds of products, policies and outputs. This research uncovered the impression that the information pipeline in Brussels is very long in terms of decision-making, which complicates matters and slows down the EU’s ability to be responsive and proactive.⁷⁷ This has contributed to the practice of Member States sometimes taking unilateral decisions in terms of their engagement with Sudan and South Sudan. However, the EUSR is seen by most EU actors as a useful institutional vehicle that can deliver key messages and take some of the strain off the in-country-based EU actors and Member States.⁷⁸

In principle, the EU, working collectively through the EEAS, can achieve much more than different countries in the EU taking separate positions. The Parliamentary Under-Secretary of State of the UK’s FCO acknowledged that there is a need for a clear focus on preventing duplication on the ground and on trying to support well-functioning states in Sudan and South Sudan.⁷⁹ In practice, however, it is clear that the EU’s structure, policies and practices make it difficult to engage comprehensively with the political processes in Sudan and South

74 G. Lusk, 2011 House of Lords Public Inquiry.

75 J. Bennett, S. Pantuliano, W. Fenton, A. Vaux, C. Barnett and E. Brusset (2010). *Op. cit.* p.xv.

76 CEWERS Briefing document. *Op. cit.*

77 Interview, official from EU Member State in Khartoum, October 2010.

78 Interview, EUSR staff member, October 2010.

79 H. Bellingham, 2011 House of Lords Public Inquiry.

Sudan, which require a well-judged combination of flexibility and consistency, within a long-term perspective. As Rolandsen stated, Sudanese politics are unpredictable and crises occur frequently, and in order 'to be relevant as an external facilitator in political processes in 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'.⁸⁰ The EU as an institution and an international actor appears to be lacking in those areas, since decision-making is constrained by long processes and reflection and consideration, and finding consensus among 27 Member States constrains the ability to develop appropriate policies and take decisive action on conflict prevention and peacebuilding.

80 O. Rolandsen, 2011 House of Lords Public Inquiry.

5. CONCLUSION AND RECOMMENDATIONS

*'If there is one important lesson to learn from the negotiations that ended Africa's longest civil war, it is the need for international engagement – continuous, coordinated and forceful.'*⁸¹

The EU needs to identify its peacebuilding niche in a heavily crowded field of actors. If it decides its niche is related to early warning, conflict prevention and peacebuilding, it needs to prove this through sustained political willingness to engage on the crucial conflict issues discussed above and invest heavily in building up its systems, networks, capacity and tools to be able to play a viable role in both Sudan and South Sudan. The key here would be to develop a coherent approach that is fully grounded in an understanding of the realities of the different conflicts, and developing and mobilising the type of complex political engagement and partnerships that are needed to deliver concrete results in terms of improved stability and security for the Sudanese and South Sudanese people.

The EU does not necessarily have to be in the lead in order to make a meaningful contribution to peace, security and development. Though never popular with the leadership of international institutions, sometimes actors can achieve greater impact by focusing on a limited number of key issues and “doing less”. The EU should continue to work with the UN, the AU, Norway and the US to engage with the parties and advocate for a resolution of outstanding issues, such as Abyei, border demarcation and the violence in South Kordofan.

As Rolandsen stated during the House of Lords Inquiry, ‘Sudan does not lack solutions to its political problems, what it lacks is sufficient incentive and political will to implement these solutions.’ He notes that the role of external actors in most cases is two-fold: to apply pressure on political leaders in Sudan to take bold political steps; and to assist in elaboration of solutions and developing technically sound ways of shaping and implementing political compromises.⁸² To contribute more fully to this kind of approach, the EU should take steps to improve its ability to analyse and respond to the different drivers of conflict in Sudan and to further support and initiate peacebuilding and state-building processes aimed at reducing local-, state- and national-level conflict dynamics. The EU and its Member States in partnership with other international actors can play an important role in engaging with the governments in Khartoum and Juba to advocate for a cessation of violence in disputed and conflict-affected areas, and for greater dialogue and inclusivity both between and within both countries. To what extent and magnitude the EU decides to take on the different conflict prevention and peacebuilding challenges outlined above ultimately depends on the political will, internal cohesion and commitment, as well as the human and financial resources, that the EU and its Member States are willing to dedicate to Sudan and South Sudan.

Given the realities of the context, the implementation of conflict early-warning *and* early-action systems will be crucial during the coming few years, whatever the precise role the EU decides to take on.

Below are some of the key recommendations that have emerged from the research and analysis of the EU's approach to conflict early warning and peacebuilding in Sudan and South Sudan – and which are relevant to the EU's approaches in other conflict-prone/conflict-affected contexts.

81 H. Johnson, interview, *Huff Post*, 23rd February 2011. Available at http://www.huffingtonpost.com/rahim-kanani/hilde-f-johnson-deputy-di_b_827150.html

82 O. Rolandsen, 2011 House of Lords Public Inquiry.

- Develop and articulate a clear understanding of the role of the EU institutions with regard to conflict early warning, conflict prevention and peacebuilding in the Sudan/South Sudan context, and ensure this is matched by the requisite political will, organisational capacity and resources – both human and financial. This means recognising the highly political nature of working on conflict and peacebuilding, and thus having the political acumen and sensitivity at leadership level to pursue appropriate approaches and drive coordinated action by different EU institutions and Member States.
- Promote joint analysis and coherent action between EU institutions, e.g. through mechanisms such as the Brussels joint Sudan task force.
- Ensure that the EU institutions are consistently supported in their role by Member States.
- Establish structures, systems and relationships in Brussels and in-country designed to implement conflict analysis, prevention, mitigation and peacebuilding effectively, including the ability to gather and interpret conflict indicators as a basis for improved and timely action.
- Promote peacebuilding and conflict-sensitivity principles and practices as a basis for all work that the EU and its Member States undertake in Sudan and South Sudan, and similar fragile and conflict-affected states. This requires training and incentivisation so that all staff think and act conflict-sensitively, not just those with peacebuilding or conflict in their job titles.
- The EU's new strategies for both Sudan and South Sudan should include in-depth conflict analysis, and should focus on how the EU and its Member States can systematically support the building of peace and help address the drivers of violence and instability there.
- The EU Delegation and EUSR team should build relationships with providers of conflict early-warning information, tapping into existing local and international sources of information and analysis, e.g. initiatives such as UNDP's CRMA and Conflict Reduction Programme, as well as Catholic Relief Services' early-warning and early-response system.
- Resolve technical issues such as the different encryption of communications systems between the EU Delegation and the EUSR team.
- The situation in Sudan and South Sudan will require high-level political attention by the EU for many years. Because of the interlinked nature of the challenges faced by the two countries, the EU should avoid shifting its political and developmental focus mainly to the South, and maintain an engagement with both countries.
- More broadly, improve the EU's ability to conduct conflict analyses and develop appropriate responses, by developing wide-ranging conflict-prevention guidance to inform short-, medium- and long-term programming decisions.

INITIATIVE FOR  PEACEBUILDING
EARLY WARNING

c/o International Alert
205 Rue Belliard, B-1040 Brussels Tel: +32 (0) 2 234 5792 Fax: +32 (0) 2 234 5799
ifp-ew@international-alert.org www.ifp-ew.eu



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