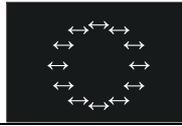


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Committee on Development and Cooperation

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REPORT

of the ad hoc delegation of the Committee on Development and Cooperation on its mission to Sudan from 19 to 24 February 2004

Rapporteurs: John Alexander Corrie (head of delegation), Cees Bremmer, Richard Howitt, Nelly Maes and Ulla Margrethe Sandbæk

Introduction

On 17 December 2003 the Conference of political group chairmen of the European Parliament authorised an ad hoc delegation from the Committee on Development and Cooperation to visit Sudan from 19 to 24 February 2004, immediately after the seventh session of the ACP-EU Joint Parliamentary Assembly in Addis Ababa, Ethiopia.

The political groups appointed the following members to take part in the delegation: John Alexander Corrie (head of delegation), Cees Bremmer, Richard Howitt, Nelly Maes and Ulla Sandbæk.

The delegation, a fact-finding and study mission, had the primary objective of examining progress towards a peace agreement, the condition for resumption of normal cooperation under the Cotonou Agreement, and investigating the humanitarian and human rights situation in Sudan.

The delegation met with the Delegation of the European Commission, the government authorities and the parliamentary opposition, representatives of United Nations agencies, the Humanitarian Aid Office of the European Commission (ECHO), numerous international and national NGOs and members of non-organised civil society. On 8 December 2003, the delegation had asked for a meeting with the leaders of the Sudan People's Liberation Movement/Army (SPLM/A) in the south of Sudan (possibly in Rumbek). It was not until 10 February 2004 that the delegation heard that a meeting with the SPLM/A was on the agenda, but in Naivasha in Kenya. At that late stage it was not possible to obtain authorisation from the Conference of political group chairmen of the European Parliament for the delegation to visit another country, so the invitation was regretfully declined.

The delegation would like to express particular thanks to the Commission staff in Khartoum and the staff of ECHO for their assistance.

This report has been drafted in the form of an analysis; the detailed programme of meetings and visits made by the delegation in chronological order can be found in the annex.

1. Conflicts

- **Cease-fire between the Government and the SPLM/A and prospects for a peace agreement**

After 40 years of conflict, there is now hope that a peace agreement can at last be reached in Sudan. A cease-fire has been signed and has since been renewed twice. The two sides involved in the negotiations are the Sudanese Government, represented by Vice-President Ali Osma Tah and the SPLM/A, led by John Garang. It is vital that this agreement should be finalised to bring an end to one of the bloodiest wars seen in Africa which has left some two million dead and four million displaced people.

The delegation was able to see a first positive effect of the cease-fire. In the Nuba mountains there was a climate of détente and the civilian population is once again beginning to move between the government area and the area controlled by the SPLM/A. However, in Bentiu and Juba tension was high and a strong military presence was still in evidence.

Although the conclusion of the peace agreement has been announced as imminent since December, it has been postponed on several occasions; on 28 February the cease-fire was renewed for a further month. As far as the date of the conclusion of the agreement is concerned, the delegation received assurances at the highest level. President al-Bashir said that 'peace is a strategic objective and that a final agreement will be signed within a month'. However there were others who suggested it would not happen till after the elections in America.

Although this peace agreement is of crucial importance, not least because it will send out a very strong signal of appeasement to the whole region, it is equally true that it has various shortcomings, which were pointed out by several of the delegation's interlocutors, who feel that it is not comprehensive.

- The agreement is said not to be comprehensive in terms of the parties involved. 'It is an agreement between 10 percent of the North and 10 percent of the South' or 'it is a bilateral agreement between two warlords' were some of the comments made by policy-makers in Khartoum, who pointed to the lack of unanimity in the North on the one hand and, on the other, the fact that a large proportion of the population of the South will not benefit from the sharing of wealth that will be brought about by the agreement;
- the agreement is also said to be incomplete in that it leaves too many issues either unresolved or settled to an unsatisfactory degree, opening the way for disputes as to interpretation;
- an agreement leaving the Darfur conflict unresolved could prove to be unstable (more on this conflict below).

A number of the delegation's interlocutors concurred that the peace agreement should be seen as a first step and that it will be necessary to broaden its scope. Mr Sadig El Mahdi, head of the Umma opposition party and a former Head of State, suggested that this shortcoming could be remedied if the agreement were 'ratified by a national Council' involving 'all parties'. He also said that the countries neighbouring Sudan should be involved, along with South Africa and Nigeria. There was a worry that the agreement so far reached could begin to unravel if there is a long time delay.

• **Conflict in Darfur (western Sudan)**

A rebellion against the government authorities started in Darfur in February 2003.

There have traditionally been tensions in this area between tribes of sedentary farmers and herdsmen and nomadic tribes who move around with their livestock. The delegation's attention was drawn to this situation by Mr Adam Hamid Musa, the Wali of Nyala (southern Darfur) among others.

President al-Bashir considers that the roots of the Darfur conflict lie in under-development. Mr Angelo Beda, Vice-President of the National Assembly, also mentioned that drought and desertification and the circulation of small arms in the region have heightened tensions.

However, leaving aside these traditional disputes, it was generally agreed that this conflict is, like the one in the South, a war against the centralised power in Khartoum.

Two opposition organisations in Darfur, the Sudan Liberation Movement (SLM) and the Justice and Equality Movement (JEM) had called for civilian and military autonomy and access to a share of the oil wealth; these demands were considered unacceptable by the Sudanese Government and negotiations broke down in December. A number of political leaders in Khartoum did not disguise their bitterness about the situation in Darfur, maintaining that the negotiations with the SPLM/A in the South amount to a reward for rebellion and have fuelled the conflict in Darfur.

According to tribal chiefs that the delegation met in Nyala (southern Darfur) the rebellion has been orchestrated by political leaders in exile in Europe.

Reports from various sources are in agreement that the Janjaweed militias have attacked civilians in the villages causing a wave of internally displaced people (approximately 700 000) and refugees who have sought refuge in Chad (some 135 000).

An issue that was raised repeatedly in the delegation's meetings was possible Sudanese government support for these militias. The official interlocutors of the delegation in Darfur did not confirm this explicitly. One local tribal chief in Nyala merely said that the popular defence forces and other military forces have responded to the Wali's call to take up arms to defend Darfur. A more direct response came from by the Minister for Justice, Ali Mohamed Osman Yassin in Khartoum, who said that 'the Government made a sort of relationship with the Janjaweed. Now the Janjaweed abuse it. I am sure that the Government is regretting very much any sort of commitments between them and the Government. We now treat them as outlaws. The devastation they are doing cannot be tolerated at all'.

Although there may still be doubts as to the scale, form and duration of government support for the Janjaweed, it is now clear that such support does exist.

The deputy Wali for northern Darfur, Mr Ibrahim Abdullah Mohammed, says that action should be taken to ensure that the tribes could coexist peacefully. Several of the delegation's interlocutors emphasised the need to move forward and to encourage the resumption of a political dialogue, the only means of resolving the crisis in the Darfur region. The delegation heard that EU ambassadors were pressing for negotiations to take place between all the parties involved but were meeting with resistance from the government for such a move as the government claim it is a "local" problem.

The humanitarian consequences of the conflict in Darfur are enormous. One of the main factors hampering assistance to all population in need is access impediments to humanitarian organisations exerted by the competent authorities. It is difficult to obtain permits to move around Darfur, especially in Djebel Mara, despite official statements permitting access. Furthermore two days before our visit, a vehicle in a Save the Children humanitarian convoy was blown up when it ran over a land mine or bomb. The driver was seriously injured and had to undergo amputation.

Therefore, apart from access authorisation, humanitarian organisations are asking for arrangements to be put in place to guarantee safe access.

Although humanitarian needs in Darfur include all sectors, there is an immediate and specific need for protection of civilians (especially those in IDP camps) from ongoing attacks by armed groups, including harassment, looting, sexual violence and killing.

2. 'Humanitarian Plus' programme and prospects for a resumption of cooperation policy

The internal conflict with the South Sudan recommenced in 1983. Development and cooperation aid to Sudan was suspended in 1990 because of the coup d'etat and the subsequent human rights situation. However, humanitarian assistance and food aid have continued without interruption with a total amount of €281 million over the period 1990 to 1999.

Over the period 1999 to 2003, a further €109 million was spent on humanitarian assistance and food aid. This aid will continue at a rate of approximately €25 million a year until 2006 at least. As part of its preparations for full resumption of cooperation with Sudan following the conclusion of the peace agreement between the Sudanese Government and the SPLM/A, the Commission has developed a programme for the transition from humanitarian assistance to development aid. This programme combines support for short and medium-term development with humanitarian aid.

A number of budget lines (totalling €33 million) have been used to fund projects in the following sectors – food security, projects co-funded by NGOs, human rights activities and mine clearance. Finance for mine clearance was running out by May and the delegation pressed for funding to be moved from envelope B to allow work to continue. In addition to this there is substantial intervention based on the Humanitarian Plus programme (€18 million), which has gone to fund 20 development projects managed by NGOs in the North and South of Sudan. Finally, €5 million has been allocated to technical assistance for capacity-building in the Government and for non-state actors. The delegation was able to see for itself the remarkable work being carried out on the ground in mine clearance in the Nuba Mountains as well as food aid programmes in the Bentiu region.

Total EU aid for the period 1999-2003 amounts to €165.6 million.

EDF aid priorities, once funds are released, will be education and food security. The forthcoming resumption of aid, if the peace agreement is signed, may be problematic in that the southern part of Sudan is demanding that it should self-manage its international relations. However, under the Cotonou Agreement, there is only one national authorising officer. The Commission will have to demonstrate a degree of flexibility and might envisage two possible avenues:

- the appointment of a deputy national authorising officer for the South of the country, modelled on arrangements for Zanzibar in Tanzania;
- greater recourse to the United Nations and international NGOs in delivering aid.

In addition, the Commission will have to pay the utmost attention to ensuring a smooth transition from humanitarian aid, to rehabilitation and development. The delegation visited Humanitarian Plus projects (gardens for growing food in the Bentiu region) and a number of ECHO-funded projects (e.g. primary health care centres, therapeutic and supplementary

feeding centres, etc), which have been very successful. It is important that future development aid builds on these successful examples.

Signature of the peace agreement will in no circumstances mean an end to humanitarian requirements and the cessation of ECHO activities. Peace will open up areas largely inaccessible until now and increase population movements (returns of displaced people and refugees). Furthermore, insecurity may also increase in some areas due to uncontrolled militias. New needs have also emerged as a result of the conflict in Darfur.

3. Rule of law, judicial system and human rights

As mentioned earlier, the European Union continues to fund activities in the human rights sphere; these are co-funded with NGOs. The delegation examined a number of specific issues.

A number of persons raised these humanitarian issues with the delegation in particular:

The death penalty and corporal punishment

The death penalty and corporal punishment (hudud) are still part of Sudanese criminal law. These penalties are incompatible with the International Covenant on Civil and Political Rights of 16 December 1966, to which Sudan has subscribed.

Sharia law in the case of adultery

The attention of the delegation was drawn to what appears to be an injustice in convictions for adultery under Sharia law. Under Sudanese criminal law, four witnesses are required to prove adultery. The Ministry of Justice even pointed out that if a stick could be passed between the man and the woman, adultery had not taken place! Consequently, in practice it is virtually impossible to prove adultery unless the woman is pregnant. It is therefore fairly common for pregnant women to be sentenced to flogging or stoning, whereas men are cleared for lack of evidence.

Imprisonment for debt

The delegation visited Omdurman women's prison. Many women appear to be in prison for producing alcohol. They need to pay a small fine in order to be released but often cannot afford it so stay in prison because of this small debt. They rely on their families, or charitable organisations, to secure their release.

4. Conclusions (with a view to the adoption of a position by the European Parliament)

1. Welcomes the progress in negotiations on a peace agreement between the Sudanese Government and the SPLM/A at Naivasha, Kenya,
2. Draws attention to the political importance of the peace process between the Sudanese Government and the SPLM/A in bringing an end to one of the longest-running conflicts in Africa, which has claimed almost two million lives and displaced four million people,

3. Calls on the Government of Sudan and the SPLM/A to finalise the peace agreement rapidly,
4. Welcomes the climate of détente in the Nuba Mountains following implementation of the cease-fire and notes with satisfaction the partial resumption of the free movement of people between the government and SPLM/A zones,
5. Believes there could be a role for EU peacekeepers and monitors, but that these should be proportionate to the needs and recognise the successes of the existing "light touch" Verification Monitoring Teams,
6. Calls on the Sudanese Government and the SPLM/A, once the peace agreement is concluded, to widen the scope of that agreement, in a spirit of national unity, to allow the development of the whole country and to ensure that the distribution of wealth, including oil revenue, benefits all regions of Sudan,
7. Calls on any European oil companies seeking to resume operations in Sudan to ensure full compensation has been paid to people displaced by oil development in the past, and full compliance with the Extractive Industries Transparency Initiative and the international voluntary security principles; calls on the European Commission to monitor this in relation to its policies on corporate social responsibility,
8. Recognises the importance of a quick resumption of European Union development aid, after the signature of the Peace agreement, but calls for a step-by-step release of EDF funds dependent on a general improvement in democracy and respect for human rights in Sudan. In particular, we envisage the following five avenues:
 - the appointment of a deputy national authorising officer for the South of the country, with full authority modelled on the experience of Zanzibar in Tanzania,
 - greater recourse to the United Nations and international NGOs in delivering aid,
 - establishing specific benchmarks in relation to democracy, human rights and good governance, progress on which would be assessed in order to enable gradual release of available funds,
 - making maximum use of existing horizontal budget lines and facilitating a transfer of monies from envelope A to envelope B for peacebuilding expenditure prior to the final signature and to reduce future delays in spending,
 - convening an international conference of NGOs committed to Sudan in order to address capacity problems for delivery of future aid,
9. Calls on the Commission to pay the utmost attention to ensuring a smooth transition between humanitarian aid, rehabilitation and development; considers it essential that that the future Rehabilitation and Reconstruction Interventions supported by EDF link with Relief interventions supported with "Echo budget lines". When the successful humanitarian interventions have a "Development component" the Commission should support their extension with EDF,
10. Expresses deep sadness for the serious injury sustained by an NGO humanitarian assistance worker undertaking ECHO-funded food distribution due to a landmine on 5 February 2004, and underlines the importance of expanded landmines clearance

programmes across Sudan,

11. Calls on the Sudanese authorities to bring to justice the individuals, i.e. army personnel, who might have been involved in arms trafficking and cattle theft,
12. Calls on the Government of the Sudan, the Sudan Liberation Movement (SLM) and the Justice and Equality Movement (JEM) to opt for the path of dialogue and negotiation and to refrain from resorting, directly or indirectly, to an armed struggle to defend their interests,
13. Criticises systematic delays and obstruction by the Government of Sudan with regard to access by humanitarian aid workers, in violation of the principle of the neutrality of humanitarian aid and calls on the Government of Sudan and rebel groups operating in Darfur to allow the United Nations, other aid organisations and ECHO permanent access to all regions of Darfur without restriction; also calls on the Government of Sudan to put in place arrangements to guarantee the safety of humanitarian aid workers and IDPs in camps in Government controlled areas,
14. Expresses its deep concern at consistent reports that the Janjaweed militias have targeted and are continuing to target civilians in the villages and in centres for displaced persons, including the use of sexual violence against women, of forced recruitment including children, and that the militias have received financial, logistical and other support from Government authorities,
15. Calls on the Sudanese Government and the judicial authorities in the country to conduct a thorough investigation into the atrocities committed by the Janjaweed militias against civilians and to bring the perpetrators to justice,
16. Calls on all the parties to the conflict in Darfur to agree without delay on an immediate cease-fire, and to begin negotiations to bring to an end the conflict in the area; endorses the initiative of the Dutch Government for the European Union to facilitate talks between the different parties to the conflict,
17. Calls on the EU and other donors to do all they can to assist in humanitarian aspects following the destruction perpetrated during the fighting,
18. Calls on the governments of Chad, Libya and the Central African Republic to monitor the trade in small arms in the region more closely,
19. Notes with concern that the sanctions imposed for adultery under Sharia law are frequently to the detriment of women, as the evidence requirements are virtually never satisfied in the case of men, whereas a pregnant woman is automatically considered guilty,
20. In general, criticises the use of flogging and amputation as inconsistent with Sudan's obligations under the International Covenant on Civil and Political Rights,
21. Considers that, in any event, Sharia law should not be applicable to persons who are not of the Muslim faith and should not be applied in Khartoum, which claims to be the

capital of all the Sudanese people,

22. Calls on the Sudanese authorities to reform the system of imprisonment for debt and to ensure that prisoners on remand are given a speedy and fair trial and that the rights of the defence are respected, in accordance with Article 32 of the Constitution,
23. Draws attention to the almost complete absence of freedom of speech, free media, or independent human rights infrastructure within Sudan and calls on the Sudanese authorities to dismantle the special police or military units, Military Intelligence and Internal Security like the National Security Bureau (NSB), set up during the war as soon as the peace agreement has been concluded.

Programme

Fact finding mission of the Committee on Development and Cooperation to Sudan

Thursday 19.02.2004

- 15:00 Departure from Addis Ababa Flight no. ET 2420
- 17:40 Arrival Khartoum. Met by the HoD and following Federal Parliamentarians:
Mr Hamadtu Mukhtar
Lt. Gen. Mohamed Abdulla Awidia
Mr Joseph Igwon
Dr Malik Hissein
Mr Abda Rachman Ahmed alFadne
- 19:30 Meeting with EU HoMs and Dinner at HoD residence

Friday 20.02.2004

- 05:30 Departure from Hilton Hotel to Kadugli. (*Flight time 1hr 45 Min.*)
- 08:30 Briefing of de-mining – De-mining School at Tillo.
- 09:40 Meeting State Governor (*45 min*)
- 10:35 Meeting State Assembly (*20 min*)
- 11:00 Meeting Local community leaders (*1 hr 15 min*)
- 12:15 Visit SLIRI Sector Operational Centre (SOC) and SLIRI Nuba staff (*30 min*)
- 13:25 Departure to Dilling (*Flight time 20 min*)
- 13:55 Meeting with Dilling Commissioner's Office
- 15:05 Arrival Al Sobei village. Welcome ceremony.
- 15:05 Discussions with Al Sobei Village Development Committee (VDC) representatives and women CBO representatives
- 17:10 Briefing by JMC representative and afternoon tea & sandwiches with FAR/IRC Nuba staff.
- 18:00 Departure to Khartoum (*Flight time 1hr 55 min.*).

Saturday 21.02.2004

- 05:30 Departure from Hilton Hotel to Bentiu (*Flight Time 2 hrs 30 min.*)
- 08:50 Courtesy call to H.E. Governor of Unity State (*40 min*)
- 09:40 Meeting with ACF/CARE/GAA and OCHA at GAA or ACF compound (*50 min*);
- Party Splits
- 10:30 Party One: Visit to CARE Supplementary feeding centre and Clinic
- 10:30 Party Two: Visit GAA main FFW activities: vegetable gardens and rice production
- 12:00 Visit ACF Therapeutic and Supplementary feeding centre (*40 min*)
- 13:00 Departure for Juba (*Flight time 1 hr 30 min*).
- 14:30 Meeting Wali of Bahr El Jebel State
- 15:45 Meeting the Equatoria Relief and Rehabilitation Coordination Committee (HAC, NGOs, UN). Venue: UN Compound
- 17:00 Visit to Lobonok IDP camp and attend a social gathering with drama performance on HIV/AIDS (project of Help Age International) 18:00
- Tour through Juba – market/Nile.

- 19:30 Dinner at UNDP Compound and overnight in UNDP Guest House.

Sunday 22.02.2004

- 07:20 Juba departure to Nyala (*Flight time 3 hrs 10 min*)
- 10:30 Meeting with UN agencies and NGOs at airport
- 11:10 Meeting with the Wali
- 12:00 Meeting with the Local Leaders
- 13:15 Departure Nyala for El Fasher (*Flight time 45 min*)
- 14:00 Arrival El Fasher, greeted by the Wali plus humanitarian actors
- 14:15 Meeting with the Wali
- 15:15 Presentation by Food Security Committee (UN and NGOs)
- 16:15 Visit to the hospital
- 18:00 Departure El Fasher to Khartoum (*Flight Time 2hrs 30 min*)

Monday 23.02.2004

- 08:00 Departure from Hilton Hotel and visit of Omdurman prison for women. (*45 min*)
- 09:30 Visit of Omdurman Ahfad University for women and meet Professor G. Badri, Dean of the University. (*1 hr*)
- 11:00 Meeting with H.E. Mr. Angelo Beda, Deputy President of the National Assembly. (*45 min*)
- 12:00 Meeting with H.E. Mr. Najeib El Khair, State Minister, Foreign Affairs. (*45 min*)
- 13:00 Meeting with H.E. Mr. Yousef Suleiman Takana, Minister of International Cooperation and NAO. (*45 min*)
- 14:00 Meeting with H.E. Mr. Ali Mohd Osman Yassin, Minister of Justice. (*45 min*)
- 15:10 Meeting with H.E. Galal Addigair*, Secretary General of the registered DUP at the General Secretariat Office. (*45 min*) * H.E. Galal Addigair is the Minister of Industry and Investment
- 16:45 Meeting with NDA at Delegation. (*45 min*).
- 19:05 Departure Flight EK 732 (Howitt)
- 20:00 Dinner hosted by National Assembly at Amiri restaurant.

Tuesday 24.02.2004

- 07:30 Departure from Hilton Hotel to Omdurman Dar es Salaam Internally Displaced Persons (DeS IDP) Camp.
- 08:00 Site visit
- 08:30 Gathering at DeS centre to meet with community representatives and local leaders.
- 09:10 Departure from DeS and return via Wad el Bashir IDP Camp for drive through view
- 09:50 Meeting with Sadig El Mahdi - Umma Party Leader (*50 min*)
- 11:15 Meeting with the UN Agencies – at UNDP (*50 min*)
- 12:20 Meeting with Hassan El Turabi- Secretary General of the Popular Congress. (*50 min*)
- 13:45 Meeting with H.E. General Omer Hassan Ahmed Al Bashir, President of the Republic. (*1 hr*)
- 14:55 Meeting with INGOs. Lunch at Delegation offered by EP. (*2 hr 30 min*)
- 17:30 Wrap-up meeting with HoMs at Delegation
- 20:55 Departure Flight ET 420 (Bassot and Bremmer).
- 23:40 Departure Flight LH 589 / SK 3238 (Corrie, Maes, Haglund, Sjöberg, Todd)

and Sandbæk).