

## **Report**

**on the FES Expert Roundtable:**

# **Implementing the CPA: The 2009 elections in Sudan and possible contributions by the EU**

Date: 12 February 2009, 14h30-16h30

Venue: EU Office Friedrich-Ebert-Stiftung

### **Introduction**

After the first expert roundtable on Sudan on 18 September 2008, the EU Office of Friedrich-Ebert-Stiftung (FES) organised – in close cooperation with the FES office in Khartoum – a second roundtable on 12 February 2009. Choosing the topic of the general elections in Sudan, scheduled to take place until July 2009 (according to the Comprehensive Peace Agreement – CPA), FES considered basically two aspects: Holding the elections will be the so far most serious test case for the CPA and will define whether Sudan continues its transition to democracy or rather falls back into violence and fragmentation. And secondly, the EU can and should play a crucial role in carrying out the elections. The roundtable was therefore used to explore the different possibilities of an effective EU engagement.

As speakers, FES had the honour to welcome Eltayeb Hag Attia, Professor at the University of Khartoum and Director of the Peace Research Institute Sudan, and Ana Maria Gomes MEP, Member of the Committee on Foreign Affairs and of the Delegation to the ACP-EU Joint Parliamentary Assembly. Participants of the roundtable discussion were experts from the European institutions, Brussels-based think tanks and NGOs. The debate was moderated by Marina Peter, Senior Advocacy Officer of the Sudan Focal Point, Germany.

### **Speakers**

**Eltayeb Hag Attia** started his intervention with some brief introductory remarks on the history of Sudan, pointing at the diversity of the country and its people(s) as well as on the various conflicts and conflict resolution attempts since independence in 1956. Different to prior peace agreements, the CPA now addresses the root causes of the North-South conflict and is thus already a success in itself. A central issue of this agreement is the provision to hold general elections in 2009. However, implementing this provision is depending on several aspects. One

point that is often raised, is the issue of freedom of the press. Attia gave a somewhat positive account, claiming that Sudan is a “democracy in the making” and has entered into a transitional period with the signing of the CPA. Although private radio stations are restricted to apolitical issues, there are 5 to 6 newspapers that can be called free (however, self-censorship remains a problem). One of the most important steps on the road to elections was the adoption of an election law in July 2008. The Peace Research Institute together with FES pushed forward this delicate and sensitive issue, drawing also on the experience of different countries in the region through consultation with experts from Yemen, Palestine and Egypt. A dual electoral system – proportional as well as geographical representation – complemented by a women’s quota, was laid down in the draft and finally adopted by the Parliament. Yet, Attia identified four specific aspects in which the international community can and should play a significant role: a) election regulations: although the National Electoral Commission (NEC) is still reluctant to accept advice and support, it definitely needs help to set up clear rules and standards for the elections (eligibility to vote, defining the constituencies etc); b) voter’s education: the elections law is complicated and needs to be explained, voters have to be made aware of their rights and responsibilities; c) administration of elections: infrastructure has to be build, regarding organisation, structure and financing of political parties to enable them to compete in the elections; d) monitoring of elections: an independent and reliable monitoring is crucial for a success of the elections.

Beside the elections as the main focus of his intervention, Attia furthermore commented on the regional environment and the possible ICC indictment against President Bashir.

When considering the conflicts in Sudan, it is of utmost importance to take into account the regional dimension. Sudan is, as Attia explained, part of the three major African conflict systems: a)

the Central Africa/ Great Lakes region, including Ruanda, DR Congo, Uganda, Burundi and UNAMID; b) the Horn of Africa region, including Ethiopia, Eritrea, Somalia and Djibouti; and c) the South of Darfur conflict system, that emerged only recently and includes Chad, Central African Republic, Northern Cameroon, Southern Libya and Nigeria. These conflict systems are deeply interconnected with problems in Sudan and vice versa. That means that conflict resolution approaches have to be set up before the respective regional background.

Though the possible indictment of President Bashir by the International Criminal Court (ICC) was not topic of the roundtable, as Attia remarked, he briefly clarified that the focus of public debate was misleading. The crucial question is not the indictment, but the matter of succession.

**Ana Maria Gomes** MEP presented a rather pessimistic perspective. Denouncing a lack of interest and knowledge regarding Sudan on behalf of the international community, Gomes especially criticised the passivity of the EU. Although the CPA was a good agreement, the parties and the international community failed to deliver on it. Credit should be given only to the United States, who had a large share in brokering the agreement. Europe just went along with it without being very interested in following-up on the implementation. This is true, according to Gomes, for the Council of the EU as well as for the Commission, where she identifies a lack of political will in engaging with Sudan.

Commenting on the elections, Gomes expressed serious doubts that they could be held by mid-2009. She underlined that it should not be a question of sticking to timetables. Most importantly, it has to be guaranteed that elections are free and fair. A hasty and ill-prepared vote would rather discredit the democratic process in the eyes of the electorate.

Concerning the possible indictment of President Bashir by the ICC, Gomes again expressed a critical view on the EU's role. Although it was the Europeans who had pushed for the establishment of the ICC, comments by different European leaders on the Bashir case were not helpful and, on the contrary, even undermined the position of the ICC. Two earlier cases, where arrest warrants were issued against Sudanese (Ahmed Haroun and Ali Kushayb) in connection with Darfur war crimes, had not been followed and no pressure was put on the Sudanese government to extradite the suspects. This was a bad example and might influence the way the Bashir case will now be handled. Gomes warned that the best scenario was a non-violent power struggle within Sudan's ruling elite, while a relapse into bloodshed and civil war was not at all unlikely.

## **Debate**

In the debate, questions were raised concerning governance in Sudan (linked to the issue of who might succeed President Bashir), the SPLM's (Sudan People's Liberation Movement) stance on the elections and the ICC indictment, and the role of African regional initiatives in resolving conflicts in Africa.

As explained by Eltayeb Attia, the CPA completely changed the framework of governance in Sudan by introducing asymmetrical federalism into a somehow well-balanced system. The pillars of this system had been 9 provinces standing on equal ground vis-à-vis each other. The CPA however created a power centre in the South, uniting the Southern region in a quasi-state architecture vis-à-vis the North. As a consequence, the North was then defined as the counterpart, led by the government in Khartoum. Although the heterogeneity of the country by no means vanished, the North (controlled by the National Congress Party through the Government of National Unity – GoNU) and the South (i.e. the Government of Southern Sudan – GoSS) emerged as the two only remaining power centres in the new governance architecture. The flaring up of the conflict in Darfur and of fighting in the Eastern provinces have to be seen as a struggle to get a share in the new “power in-balance” in Sudan. Every scenario of President Bashir leaving power has to take this into account.

Regarding SPLM's position on the elections and the ICC, Attia warned not to simplify analyses of the South's stances. He identified two main fractions within SPLM: the so-called “traditionals” who generally support President Bashir, and the “ultra group” that puts the slogan “justice first” as priority and is led by the younger generation of the movement. On the aims of the SPLM, Attia said that some Southerners would even fear secession from the North as this would make the South lose its “common enemy”. The South's diversity, which is so far covered by the conflict with the North, would suddenly erupt. Whoever thinks that an independent South is a peaceful South is mistaken. This said, Ana Gomes pointed out, it does not mean that the CPA should be dropped. As it still is the only game in town, it needs honest and candid support by all partners.

On the issue of African regional initiatives, Attia urged everyone to be realistic. The transformation of the Organisation of African Unity into the African Union happened only recently and more time is needed. However, steps were taken in the right direction. As a positive example, Attia mentioned the AU peacekeepers in Darfur. Though being far from perfect, its sheer presence was a success in itself and should be credited by further support.