

The EU and the Sudan

The elections in Sudan in April 2010 did not meet international standards for genuine democratic elections, according to international observers from the EU and the Carter Center. Taking into account the diverse reality of North and South Sudan, there are two reasons for this conclusion.

In the North, there was no real competition and there was “too much organization”. The main opposition parties withdrew prior to the 3 (extended to 5) polling days and explained that they did it because there was no level playing field, from the flawed registration which disenfranchised many electors (namely in Darfur IDP camps), to the gerrymandering of constituencies to serve the ruling party or the security and criminal laws which deny basic freedoms for political campaigning. So, in order to get his desired “election”, the first sitting head of state ever indicted by the ICC, Omar Al-Bashir, did not really need his National Congress Party (NCP) to go to the efforts it went in intimidating voters (including picking up many at home and shuttling them to the polling stations). There was no need to cheat at the counting and tabulation of votes, all the tricks had been done by then.

In the South, there was competition, but the organization was extremely deficient. And the awful logistical difficulties only added to the very late and insufficient preparation of election officials. That explains the frustration of many voters who could not find where to vote, but does not provide a justification for the brutal ways in which they were dealt with by the ruling Sudan People’s Liberation Movement (SPLM), showing that where there is not the rule of the law “security forces” can easily turn into providers of insecurity.

This is what EU observers watched, documented and told the world, from the European Union Election Observation Mission (EU EOM), lead by MEP Veronique de Keyser, to the EP Observer Mission, which I had the honour to head. But this is not what comes out if one reads the EU Foreign Affairs Council statement of 26 April 2010^[1], suggesting a much more lenient assessment, in line with the statement by High Representative Ashton issued 9 April 2010^[2], after MEP De Keyser rightly decided to pull out EU EOM observers from Darfur (that even failed to mention the outrageous threats made by Bashir, vowing to “cut fingers and pull tongues of international observers”^[3]).

The EU Council statement fuels suspicions that for Europe, more important than the democratic transformation of Sudan and ending conflicts in Darfur and other regions, is now the next step of the

North-South process, of which these elections were a crucial and enabling phase, based in the Comprehensive Peace Agreement (CPA), which put an end to the war between the North and the South. That next step is the referendum which will, most likely, lead to the independence of the South (and involves other referenda, due in Abyei, the Blue Nile and Southern Kordofan states).

It is understandable that for the SPLM, the main Southern party, its leader Salva Kiir and the majority of the people in the South who want independence, having Bashir enthroned in the North is a desirable outcome of these elections. Not just in that he is, at most, the best of a bad lot, but also because Bashir is of value, being the Northern leader most obliged by the CPA, which he signed.

But why should the EU go along with it? Is the independence of the South an aim of the EU? If so, serving whose interests? Definitely not the EU as a whole, nor the stability in Africa (which the EU too easily values, even if that means supporting oppressive rulers such as Meles Zenawi in Ethiopia), since shattering the inherited colonial borders in the largest African country is bound to constitute a destabilizing precedent for many Africans.

South Sudan oil may be the prosaic answer, but then multinational oil companies will benefit, one suspects, much more than the South Sudanese people. Actually, if the leadership in South Sudan is going to handle people as in this electoral act, we will end up, at best, with another dictatorship, or a new failed state in Africa, at worst. That means the EU (and the USA) should immediately engage much more in South Sudan to really help build rule of law capacities and institutions that obviously are not there yet.

Furthermore, even an independent South Sudan will have to continue to deal with its North Sudan neighbour, besides the many other charged common border issues, the South will continue to need the North to allow the oil to flow via the existing pipeline to be exported out of Port Sudan (at least until a new pipeline is built via Ethiopia or Kenya). That, alone, is a main reason why the EU should not be indifferent to the political fate of Northern Sudan, even if they bet on the separation of the South. The North and the South are supposed to reach agreement on a lot of crucial questions, such as border demarcation and the division of the oil proceeds and fields, before the referendum takes place. And the delaying tactics one can expect from the North will only be tolerable to a certain extent, Salva Kiir is not bluffing warning the South will go for the referendum anyway, before declaring independence, if negotiations are stalled.

But at least equally important for EU consideration should be the fate of the majority of the people in North Sudan. And they, evidently to me and other EU observers do not enjoy living under the current regime, enduring the wars and the conflicts it foments and seeing their country as an outcast in the world community. That is the message that everybody passed to international observers, warmly welcoming them at the polling stations, distancing themselves and even apologising for the aggressive threats made by Bashir. In meetings with opposition parties and civil society leaders, EU observers heard words of gratitude for being there and were told of the expectation they would tell the world the truth. Also, these Sudanese leaders underlined that, despite many complaints, this electoral process with international presence had helped broaden the space for democratic debate, to a level wider than in neighbouring Egypt or Ethiopia. And that was extremely educative for the younger generations who had never lived in democracy.

All that and the fact that Sudan has democratic opposition parties with strong popular base and brave civil society organizations must be a factor weighing strongly in the determination of the EU approach towards Sudan - the EU cannot neglect the aspirations for democratic transformation in the Sudanese society and must engage much more to help them strengthen, and get rid of the current regime.

At least the EU Council statement ended by a phrase clarifying that the “legitimization” sought by Bashir with these “elections” would not exempt him from facing international justice: *“The Council recalls that impunity for the most serious crimes under international law can never be accepted. The Council reiterates its support for the International Criminal Court (ICC) and calls upon the GoS to cooperate fully with the ICC in accordance with its obligations under international law.”*^[4]

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^[1] http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/114006.pdf

^[2] http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/113666.pdf

^[3] <http://www.reliefweb.int/rw/RWB.NSF/db900SID/EGUA-84AN5Z?OpenDocument>

^[4] http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/114006.pdf