

## Response to Parliamentary inquiry on UK-Sudan relations hosted by APPG on Sudan

### Introduction

1. This submission contains the views and recommendations of two organisations, Waging Peace and Article 1. Article 1 is a charity that supports asylum seekers and refugees from Sudan. Its sister NGO, Waging Peace, campaigns against human rights abuses committed in the country.
2. Given our joint experience undertaking immigration casework for hundreds of Sudanese asylum seekers and refugees, as well as supporting the wider diaspora, we are choosing to limit our submission to the inquiry's area of interest 'migration and the Khartoum Process'. Our knowledge in this field is also informed by our experience serving as secretariat for the UK-Sudan advocacy group, a network of organisations aiming to inform UK policy on Sudan. This has recently had as one of its core areas of focus the Khartoum Process, and we have provided written and oral briefings to Ministers and civil servants in the Foreign and Commonwealth Office and Department for International Development, in addition to MPs and Lords.

### Abstract

3. Our concern is that increasing engagement with Sudan to address migratory flows from and through the country via the Khartoum Process risks legitimising and emboldening the current regime, and prioritises Europe's migration issues over vitally-needed peacebuilding initiatives which would address conflicts in and around Sudan's borders. This avenue also fails to address the root causes of such migration and so is unlikely to alter it significantly, with the potential even to worsen the repression suffered by certain classes of migrants. Furthermore it risks undermining the UK's principled stance on human rights while giving the regime a degree of leverage over UK and European Union officials. What is needed is transparency, research, benchmarking and assessment tools to ensure the solutions pursued and funds supplied are evidence-based and people-centred.

### What is the impact of current UK government involvement?

4. Sudan has long been a primary source country of asylum seekers that reach Europe and the UK. Globally the country is still the fifth-largest source of refugees.<sup>1</sup> In the UK specifically numbers of asylum seekers from Sudan were at an all-time high in 2015, and they were the third-largest asylum-seeking group according to the official immigration statistics covering that period.<sup>2</sup>
5. Sudan is also a key transit country in the region and a hub for smuggling and human trafficking, a situation that may only worsen following the EU's separate deal with Turkey - Syrians in particular are looking to Sudan as a route to Europe given Sudan does not require visas for entry, and Greece is no longer a real option.
6. It is not only non-state actors that engage in smuggling and human trafficking; the collusion of Sudanese regime, police or military officials, for instance from the Sudanese Armed Forces (SAF) or National Intelligence and Security Services (NISS), is well-documented. A Human Rights Watch report found that in Eastern Sudan police and military officials have handed victims over to traffickers, turned a blind eye at checkpoints, and routinely failed to identify and prosecute traffickers and corrupt officials, even when they clearly violate the Combating Human Trafficking Act passed by Sudan's Parliament in March 2014.<sup>3</sup> A report from the Sudan Democracy First Group including first-hand testimony further suggests that criminal groups responsible for human trafficking and

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<sup>1</sup> UNHCR, Global Trends: Forced Displacement in 2015, p. 16

<<http://reliefweb.int/sites/reliefweb.int/files/resources/576408cd7.pdf>>. All websites last accessed 31.08.16.

<sup>2</sup> Gov.uk, Collection: Immigration statistics quarterly release <<https://www.gov.uk/government/collections/immigration-statistics-quarterly-release>>.

<sup>3</sup> Human Rights Watch, Egypt/Sudan: Traffickers Who Torture <<https://www.hrw.org/news/2014/02/11/egypt/sudan-traffickers-who-torture>>.

smuggling operate openly and have been allowed to mushroom due to the complacency and/or complicity of state officials.<sup>4</sup> Such abuses prompted the United States government recently to demote Sudan to its list of the worst human traffickers; a ‘Tier 3’ grading suggests the regime has failed to deal with the issue on its territory.<sup>5</sup>

7. The UK government has precedence in providing sums to Sudanese state actors that are now similarly earmarked to benefit from Khartoum Process funds. For instance, more than £850,000 was spent on a police reform programme that was terminated ahead of schedule following violent suppression of protests in Khartoum and other cities in September 2013, in which hundreds of unarmed democracy protestors were killed.<sup>6</sup> This programme was criticised by the Independent Commission for Aid Impact in their 2015 review for strengthening “capacity that might be misused, without a strong focus on safeguards and accountability.”<sup>7</sup>
8. The UK has also previously provided military training and assistance to the SAF, including officer training at Sandhurst and the Royal College of Defence Studies, which was subsequently discontinued following a legal challenge. In July 2015, the claimant Ali Agab Nour brought a case that the decision-making process resulting in the provision of such support breached the government’s own assessment tool, the Overseas Security and Justice Assistance policy, due to human rights abuses conducted by the SAF.<sup>8</sup> A High Court decision in September that year established that the SAF is guilty of serious human rights violations, including the killing of civilians, mass rape and ethnic cleansing, but declined to halt UK military training due to cutbacks made to the assistance package after court proceedings were initiated.
9. There has already been evidence that the bodies entrusted with Khartoum Process funds will continue their repressive track record. In late May at least 442 Eritreans were forcefully deported from the north of the country, including six individuals registered as refugees with the UNHCR<sup>9</sup>, prompting criticism from the UNHCR itself over this act of refoulement.<sup>10</sup>

## **What are the likely consequences of greater engagement between the government of Sudan and the UK government?**

10. The above instances of state complicity, and the failure of previous UK-led programmes to bring about any degree of security and justice reform, suggest that the Khartoum Process will have little impact on these bodies, except perhaps in increasing their capacity to commit human rights abuses like refoulement. There is the risk that, rather than enabling refugees to seek safety elsewhere, they will be kept in places and under regimes from which they rightfully intend to flee, or be returned to the same.
11. Moreover, the Khartoum Process will not stop individuals fleeing the conflicts in Sudan. This year alone has seen almost 200,000 people displaced following clashes in Jebel Marra, and the tactics used include burning of

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<sup>4</sup> Sudan Democracy First Group, Human Trafficking and Smuggling: The Context and the Implication of the Sudanese Government in The Crimes <<http://www.democracyfirstgroup.org/human-trafficking-and-smuggling-the-context-and-the-implication-of-the-sudanese-government-in-the-crimes/>>.

<sup>5</sup> US Department of State, Trafficking in Persons Report 2016, from p. 350 <<http://www.state.gov/documents/organization/258876.pdf>>.

<sup>6</sup> Human Rights Watch, “We Stood, They Opened Fire”: Killings and Arrests by Sudan’s Security Forces During the September Protests <[https://www.hrw.org/sites/default/files/reports/sudan0414\\_ForUpload.pdf](https://www.hrw.org/sites/default/files/reports/sudan0414_ForUpload.pdf)>.

<sup>7</sup> Independent Commission for Aid Impact, UK Development Assistance for Security and Justice <<http://icai.independent.gov.uk/report/uk-development-assistance-for-security-and-justice/>>.

<sup>8</sup> The Guardian, Sudanese refugees accuses UK of complicity in human rights abuses <<https://www.theguardian.com/law/2015/jul/15/sudanese-refugee-accuses-uk-complicity-rights-abuses>>.

<sup>9</sup> Human Rights Watch, Sudan: Hundreds Deported to Likely Abuse <<https://www.hrw.org/news/2016/05/30/sudan-hundreds-deported-likely-abuse>>.

<sup>10</sup> UNHCR, UNHCR concerned by expulsions from Sudan <[http://www.unhcr.org/574fed7d4.html?utm\\_source=twitterfeed&utm\\_medium=twitter](http://www.unhcr.org/574fed7d4.html?utm_source=twitterfeed&utm_medium=twitter)>.

villages, rape, destruction of livestock and poisoning of wells, making it difficult for the indigenous civilian population to return.<sup>11</sup> In South Kordofan and Blue Nile state government forces have targeted civilian areas and infrastructure for years through indiscriminate and targeted aerial bombardment and ground offensives. Unless conditions urgently alter, there is no reason to foresee a change in the numbers fleeing.

12. Although it is a separate area of interest for this inquiry, it is worth noting here that on the whole the advocacy community has little hope for the nascent roadmap agreement between the government and opposition groups. A goodwill ceasefire has already been violated<sup>12</sup>, and in any case any power-sharing will be meaningless without reforms that address the breakdown in the rule of law, poor governance, corruption, economic collapse and a generalised crackdown on civil society organisations and media outlets. These will continue to play a role in pushing people to leave for years to come. Furthermore the Khartoum Process's focus on capacity building without concrete commitment to, and measurable indicators for, reform risks granting legitimacy to the status quo and even strengthening unaccountable state structures. This approach is inconsistent with the UK's long-term peacebuilding objectives in Sudan and the wider region. It is domestic reform that is required, and where continued and increased UK engagement would have a positive impact.
13. The Khartoum Process also makes the false assumption that development aid suppresses migratory flows, whereas evidence suggests that mobility often increases as a result of greater development spending.<sup>13</sup>

### **What should engagement between the two governments look like?**

14. We of course recognise that the UK government and other EU Member States are under enormous pressure to respond to domestic concerns about rising levels of migration. The Khartoum Process is now the established mechanism to address migratory flows from and through Sudan, even once the UK cedes its chairmanship and potentially takes on an observer role if it leaves the EU altogether. As such, we recommend the following:
  15. a) The Khartoum Process suffers from a lack of transparency and to date there has been very little public information or consultation about concrete plans or implementation. This means civil society, particularly domestic, is barred from meaningful engagement or input. This adds to the perception that the UK and its EU partners are trying to avoid public, and particularly media, scrutiny. Full details relevant to the specifics of the Khartoum Process's implementation should be published as soon as they are available.
  16. b) There is currently a severe lack of information and evidence-based research on migration in the region. We have heard that the UK government has commissioned various pieces of research on the issue of migration from and through the Horn as it relates to the Khartoum Process. Research should involve all stakeholders, in particular migratory populations in the region including asylum seekers, refugees, and IDPs, as well as independent civil society organisations and representatives from academia. International bodies that have already expressed their doubts, including MSF, which recently declined further EU funding in light of this approach, should also be consulted.<sup>14</sup> We urge both that this research is embarked upon, but also made public prior to decisions about implementation to ensure solutions are evidence-based.

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<sup>11</sup> UN OCHA, OCHA Sudan Weekly Humanitarian Bulletin, Issue 32, 1-7 August 2016

<[https://docs.unocha.org/sites/dms/Sudan/Reports/OCHA\\_Sudan\\_Weekly\\_Humanitarian\\_Bulletin\\_2016/OCHA\\_Sudan\\_Weekly\\_Humanitarian\\_Bulletin\\_Issue\\_32\\_\(1\\_-\\_7\\_August\\_2016\).pdf](https://docs.unocha.org/sites/dms/Sudan/Reports/OCHA_Sudan_Weekly_Humanitarian_Bulletin_2016/OCHA_Sudan_Weekly_Humanitarian_Bulletin_Issue_32_(1_-_7_August_2016).pdf)>.

<sup>12</sup> SUDO UK, Human Rights Abuses in Sudan Over the Month of July <<http://www.sudouk.org/updates/posts/human-rights-abuses-in-sudan-over-the-month-of-july-2016/>>.

<sup>13</sup> Oxfam, A Safe Haven? Britain's role in protecting people on the move <<http://policy-practice.oxfam.org.uk/publications/a-safe-haven-britains-role-in-protecting-people-on-the-move-605192>>.

<sup>14</sup> The Guardian, MSF rejects EU funding in protest at refugee deal <<https://www.theguardian.com/world/2016/jun/17/refugee-crisis-medecins-sans-frontieres-rejects-eu-funding-protest>>.

17. c) In contrast to the Rabat Process, the Khartoum Process does not include the aim of establishing legal migration channels. Without providing legal channels, fighting irregular migration can produce unintended and unfavourable outcomes: either refugees will be forced to remain in unsafe and conflict-ridden situations, or they will nevertheless try to escape via more dangerous and expensive means, creating further risk. Discussion of legal channels should be a priority. This should go further than the existing vague references to the establishment and management of ‘reception centres’ for asylum seekers, which would potentially simply amount to parallel asylum and resettlement structures duplicating the work of the UNHCR and the Commission of Refugees in Sudan, or worse, “closed camps” that serve only to house and detain migrant populations.<sup>15</sup>
18. d) At the moment the Khartoum Process lacks safeguards, transparency, and consequences to ensure compliance with human rights norms and to avoid the high risk of refoulement. Benchmarks need to be established against which to measure progress, and these should include political and human rights standards. Consideration should also be given as to how monitoring and assessment will be conducted in Sudan given the restrictions its government places on such activities when undertaken by other bodies, for instance the routine violations of the Status of Forces Agreement established with the hybrid UN-African Union peacekeeping mission in Darfur, UNAMID.

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<sup>15</sup> Der Spiegel, Questionable Deal: EU to Work with African Despot to Keep Refugees Out  
<<http://www.spiegel.de/international/world/eu-to-work-with-despot-in-sudan-to-keep-refugees-out-a-1092328.html>>.