

Emergency Session on the Situation in Sudan

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Tomorrow (26 October), the African Union (AU) Peace and Security Council (PSC) is expected to convene an emergency session on the situation in Sudan.

Following the opening remarks of the PSC Chairperson of the month and Permanent Representative of Mozambique to the AU, Alfredo Nuvunga, the AU Commissioner for Political Affairs, Peace and Security (PAPS), Bankole Adeoye, is expected to make a statement. Sudan as the country concerned may also make a statement. The Inter-Governmental Authority on Development (IGAD) as the relevant regional organization may also deliver statement.

On 25 October 2021, Sudan's military successfully staged a coup by arresting Prime Minister Hamdok and other civilian officials. A few hours later, head of the Sovereign Council and army chief, Lt. Gen. Abdel Fattah al-Burhan announced the dissolution of the transitional government, declared state of emergency and announced that the military will oversee Sudan's transition until the conduct of elections and formation of a democratically elected government.

This is a very troubling development that not only violates the AU norm banning unconstitutional change of government, involving the dissolution of government by the military but also the AU facilitated constitutional declaration of August 2019 that established the transitional power-sharing government with civilian and military components. If the transitional process is not brought back on track with full respect of the Constitutional Declaration through restoration of the transitional government with its civilian leadership

under Prime Minister Abdela Hamdok, this coup and the decision by the military to be in charge of the transition will completely reverse the gains achieved thus far and jeopardize the hope for a successful democratic transition in Sudan.

There have been warning signs that this military coup has been in the making. The relationship between the civilian leadership and the military has from the very beginning been fragile, although this does not make today's events inevitable. Disagreement and tension have been expanding for more than a year. The two sides disagreed over foreign policy, the issue cooperation with the International Criminal Court (ICC) relating to the prosecution of alleged crimes perpetrated in Darfur, including the handing over of former president Omar Al Bashir to ICC, and importantly the reform of the security sector in Sudan.

Despite the efforts of the transitional government to secure debt relief and obtain foreign investment to revive it, Sudan's economy has been on a downward spiral since 2019, with recent inflation rates reaching a shocking level of 400% per year. This has added to the complexity of the situation creating citizen discontent and complaint over the rising cost of living. During the previous months, Sudan experienced a crisis involving the blocking in Eastern Sudan of the path to port Sudan, causing serious shortage of supplies in the country and thereby endangering processes for easing the dire economic situation in the country. While the public protests spurred by the economic difficulty have undermined the transitional civilian authorities, the public has also remained opposed to the military, expressing their unwillingness to have a military rule in the country and endangering the gains made towards establishing a civilian government.

In September, there was an announcement of the foiling of an attempted coup by some security personnel associated with the previous administration of Bashir. This brought the growing

tension between the civilian leadership and the military to a low point with the two sides trading accusations. While the military accused the civilians of alienating the military and failing to effectively govern the country, the civilians accused the military of trying to create conditions for countering the revolution and grabbing power by force.

Though the 'remnants of al-Bashir's regime' were scapegoated for the aborted coup, it clearly signalled not only the rocky transition towards a democratic rule but also revealed the deep divides and the simmering tension within civil-military coalition. Immediately after the attempted coup, it was reported that military component of the Sovereign Council suspended all meetings with its civilian counterpart while removing the security details of the Committee for Dismantling the June 30 1989 Regime, Removal of Empowerment and Corruption, and Recovering Public Funds—a committee established by the interim transitional government with the aim to claw back assets from the ousted government of al-Bashir.

As reflected in the Constitutional Declaration, the power-sharing arrangement between the two was for military to chair the Sovereignty Council for 21 months before a civilian takes over for the remaining 18 months of the transitional period leading to elections. Many have been casting their doubt on whether the military will honour the terms of the power-share deal given its history and reluctance for accommodating reform that limits its role in the politics of the country. Indeed, the coup happened only weeks away from the time for transferring the leadership of the Sovereign Council to the civilian leadership.

The absence of a mechanism for resolving disputes between the military and the civilian leadership in a context of mutual distrust and with the slow pace of the establishment of the transitional assembly, there has been increasing tendency for mobilizing rival public protests. Against the background of

the deteriorating relationship since the attempted coup in September and in the context of the deterioration of the relationship between the civilian leadership and the military and in the face of the impending handover of the leadership of the Sovereign Council by the military to the civilian leadership headed by Prime Minister Hamdok, a pro-military sit-in was staged in front of the presidential palace. This pro-military protest not only put the blame on the civilian leadership for the contestations and 'ineffective governance' of the country but also called for, among others, the overthrow of the civilian leaders. It was reported that Sudanese and observers of Sudan feared that this was the pretext for a hostile takeover of power.

In a show of public support for the civilian leadership and their rejection of the military's manoeuvre to frustrate the reform process, protests countering the pro-military demonstration took place not only in Khartoum but also other parts of the country. This mobilized various sectors of society from different walks of life.

International organizations and states responded to the situation unfolding in Sudan. The Chairperson of AU Commission, for instance, issued statement calling for the 'immediate resumption of consultations between civilians and military within the framework of the Political Declaration and the Constitutional Decree', in addition to urging authorities for the release of political leaders. The Executive Secretary of IGAD 'strongly' condemned 'any attempt to undermine the transitional government' while urging all parties to 'exercise utmost restraint'. The Secretary-General of the Arab League issued statement as well expressing concerns over the military take-over and called for all parties to 'full abide' by the constitutional declaration signed in August 2019. The UN Secretary-General also called for the immediate release of Prime Minister Hamdok and other officials. Governments like the US and France also condemned the act.

Most significant is the mobilization of civilian protesters in Sudan. Unsurprisingly, protestors took over Khartoum and its twin city Omdurman in apparent opposition to the military coup. This has made it clear that there is widespread opposition against military rule. It also signifies that many civilians are determined to put their lives on the line for reversing the military takeover of power. In this context, there is heightened risk for confrontation by the military that will put the lives, safety and bodily security of civilians in grave peril. It is to be recalled that the PSC sanctioned Sudan on 5 June 2019 following the 3 June violent crackdown by the military against civilians that claimed the lives of many civilians and on account of lack of progress towards the establishment of a civilian-led Transitional Authority as prescribed by the Council in its previous sessions.

From a security perspective, the military coup not only brings the military on a deadly collusion course against the civilians who have been mobilized for defending the revolution throwing the country into deep instability but also threatens the Juba sponsored peace process that led to the integration of various armed groups from Darfur and the two areas of South Kordofan and Blue Nile into the transitional process. All indications are that unless the situation is reversed and the transitional process is put back on track, fragile security conditions in Darfur and other parts of Sudan may deteriorate further.

Tomorrow's session will be followed very closely not only by the wider African public and the international community but also by Sudanese themselves, including the civilian leaders of the transition. Members of the PSC may consider recent experiences involving military seizure of power. These have been witnessed among others in Chad, Mali and Guinea. Considering the gravity of the situation in Sudan including its adverse impact not only on the transitional process but

also on the stability and peace and security of the country and the region, there seems to be very little legally viable and politically legitimate option other than following the approach taken to the military seizure of power in Guinea. Nigeria's Foreign Ministry made this clear in a statement that expressed strong condemnation of today's military coup d'état in Sudan and called for immediate restoration of the transitional government.

The expected outcome is a communique. The PSC may express grave concern about the military takeover of power in Sudan and its very adverse implications for the transitional process and the peace and security of Sudan and the region. It may condemn the dissolution of the government and the arrest of the civilian leadership of the transitional government contrary to the Constitutional Declaration of August 2019. The PSC may also welcome the statement of the AU Commission Chairperson and the call of others including IGAD rejecting the attempt to derail the transitional process. It may also reiterate its zero tolerance for military coup and its rejection of the announcement by the military to be in charge of the transitional process contrary to applicable AU norms on democracy and constitutional rule. It may in this context consider the situation in Sudan as unconstitutional change of government in line with Lomé Declaration of 2000 and the African Charter on Elections, Democracy and Governance. In line with its established practice and invoking Article 7(1) (g) of the PSC Protocol, the Council may suspend Sudan from all AU activities until restoration of the transitional process involving the civilian leadership. The Council may further demand the immediate and unconditional release of Prime Minister Hamdok and other civilian leaders and their return to their positions. Following its best practice and to facilitate implementation of these decisions and restore stability in Sudan, the PSC may request the Chairperson of the Commission to send a special envoy who helps the parties in the process of restoring the transitional process on the basis

of the Constitutional Declaration and facilitate agreement between the civilian leadership under Prime Minister Hamdok and the military on ways of implementing the transition process within the framework of the Constitutional Declaration and on the basis of mutual respect and establishment of an agreed upon dispute resolution mechanism.