

Emergency session on the Situation in Sudan

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Tomorrow (6 June) the African Union (AU) Peace and Security Council (PSC) will hold an emergency session on the situation in Sudan. As this was not initially planned in the provisional program of work of the PSC for June, the session was agreed on following an informal consultation that the PSC had on Monday morning 3 June 2019.

It is expected that the Moussa Faki Mahamat, Chairperson of the Commission, who has been tasked to follow the situation in Sudan and brief the PSC, will brief the PSC on the most recent developments. Sierra Leone's Permanent Representative to the AU, Ambassador Brima Patrick Kapuwa, the PSC Chairperson of the month, will also make an opening remark. As per established PSC practice, the representatives of Sudan, and Ethiopia, as Chair of the regional body the Inter-Governmental Authority on Development (IGAD), are also expected to make statements.

Tomorrow's session follows the latest developments indicating the deterioration of the situation in Sudan. According to various reports, on 3 June a group from the security forces initiated an operation for dispersing the sit-in camp near the military headquarters that has been the epicentre of the protest movement in the days before and since the removal of the country's long-time President Omer Hassen al Bashir. The accounts of various reports and media footage show that the security forces used live ammunitions and tear gas. While initial reports put the death toll from the violent crackdown at over 30 people, the most recent reports indicate that it has reached over 60 people. Hundreds of other people have also reportedly been injured.

There were also reports of hospitals and clinics, where the wounded were receiving emergency treatment, being besieged and attacked. Following this incident, the Sudanese Professionals Association (SPA), coordinating body of the protest movement, announced its suspension of all communication with the TMC and called for sweeping civil disobedience against the military council. The Forces for Declaration of Freedom and Change (FDFC), which represented the protesters and various opposition forces, also called for the end of military rule. The head of the TMC Abdul Fattah Al-Burhan announced plans for holding elections in a period of nine months. He also declared that the agreements reached with the civilian stakeholders have also been scrapped.

There are concerns that these developments affect the negotiations for the formation of a civilian-led transition in at least two ways. First, the events of 3 June and the subsequent announcement from both sides has brought the negotiation to a halt. Second, these developments have also reversed the progress made in the negotiations. It is to be recalled that the PSC in its communique of the 852nd session noted the progress made including in particular 'with regard to the agreement reached on duration of the Transition, the Transitional Institutions and the priorities of the transition'. Another issue for the PSC in the light of these difficult set of situations is whether there is a realistic prospect for an agreement to form a civilian-led transitional authority after the 3 June tragic events and the rescinding of the agreements reached between the TMC and the FDFC. Central to this question is the implication of the language civilian-led transition vis-à-vis the leadership of the sovereign council.

The AUC Chairperson, Moussa Faki Mahamat, has released a statement on 3 June. In the statement, he expressed his strong condemnation of the violence and called for 'an immediate and

transparent investigation in order to hold those all responsible accountable'. The statement further stated the demand that

the Sudanese stakeholders return to the negotiations urgently in order to arrive at an inclusive accord, which paves the way for a civilian-led Transitional Authority.

On 4 June, the UN Security Council held an emergency meeting called by the United

Kingdom and Germany. While the Council members did not agree on an outcome document, many have expressed concern over the violence against protesters. The UK condemning the violent crackdown killing so many protesters called for agreed transfer of power to civilian-led government. Germany on its part, noting that legitimacy cannot come from the barrel of a gun, stressed 'the urgent need for a return to the negotiation table to bring about an inclusive, civilian-led transitional government.' It was reported that Russia during the emergency session of the Council insisted that the Council should await the response of the AU.

For members of the PSC, there are at least two issues that the current situation presents. The first of this is whether under the current circumstances the PSC can continue to wait until the end of the two-month period it set at its 846th session before determining the application of the measures envisaged under the Lome Declaration of 2000 after a military seized power. At the heart of this question is if these are not the kind of situations envisaged in the PSC's affirmation at its 852nd session that 'it shall, at any time deemed appropriate in view of the prevailing circumstances in the country, take the necessary measures, including imposition of sanctions, in line with article 7(g) of its Protocol'.

The other issue on which PSC members may wish to get Mahamat's view is what the

prospects are for the parties to return back to the negotiating table to continue from where the negotiations

stopped. While Burhan in his Eid celebrations address expressed regret about the civilian casualties and affirmed readiness for negotiations, it remains uncertain if the SPA and FDFC will accept resumption of talks and if the negotiations will be from scratch or continue from where they stopped.

An IGAD meeting at the level of Ambassadors has been called. It is expected that the meeting will deliberate on how to respond to the latest developments and on a plan to dispatch a delegation to Khartoum. While IGAD has clearly been slow to respond, the outcome of this meeting informs the position that the Chair of IGAD will present during tomorrow's session. From the deliberations of the meeting IGAD aligns its position with that of the AU. It is noteworthy that IGAD does not have similar rules against military takeover of power and the measures envisaged under the Lome Declaration.

The expected outcome of the session is a communique. Depending on whether the PSC decides to apply the Lome Declaration, there are major implications in terms of AU's zero tolerance position vis à-vis military takeover of power. Even if the PSC decides to apply the measures envisaged in the Lome Declaration by imposing suspension, it would still require, as envisaged in the Declaration, to institute a process to facilitate negotiations towards transfer of power to a civilian-led authority paving the way for restoration of constitutional order in Sudan. Thus, apart from reiterating the statement of the AUC Chairperson of the Commission condemning the violence against unarmed protesters and demanding independent investigation, the PSC may, in terms of resumption of negotiations, additionally consider to affirm the continued validity of the agreements reached thus far and request the AUC Chair to designate a highrepresentative that will, working with the UN Special Envoy, facilitate the resumption of negotiations for the establishment of a civilianled transitional authority.