

Updated briefing on the situation in Sudan

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Tomorrow (6 February), the African Union (AU) Peace and Security Council (PSC) will convene its 1137th session at a ministerial level to receive updated briefing on the situation in Sudan.

Opening remarks are expected by Dr. Grace Naledi Mandisa Pandor, Minister of International Relations and Cooperation of South Africa and Chairperson of the PSC for the month of February, followed by a statement from Bankole Adeoye, AU Commissioner for Political Affairs, Peace and Security (PAPS). The representative of the Inter-Governmental Authority on Development (IGAD) as well as the representative of the United Nations (UN) are also expected to make statements.

The last time PSC met to discuss Sudan was during its 1117th session, held on 2 November last year. In that session, PSC took note of the draft constitutional document initiated by the Sudan Bar Association (SBA) and urged stakeholders that were not part of the SBA's constitutional document to join the process and for the document to serve as basis for negotiations. PSC further stressed the need to ensure the inclusiveness of the political process for full ownership and legitimacy of the outcome by every segment of the Sudanese society.

Since then, encouraging progress has been made towards resolving the confrontation between the military that staged the 25 October military coup and the various sectors of the civilian population who led and took active part in the mobilization of mass peaceful protests demanding the end of

military rule and establishment of a civilian transitional authority. On 5 December 2022, the military and the section of the civilian population organized under the Forces of Freedom and Change (FFC) signed a Political Framework Agreement (PFA). The Agreement was signed by more than 50 political and civil groups, including Sudan's military leader General Abdel Fattah Al Burhan, his deputy and commander of the Rapid Support Forces (RSF), Forces of Freedom and Change (FFC) and non-FFC professional associations and civil society groups, as well as Malik Agar, an ex-rebel and former governor of Blue Nile State.

The signing of the PFA has been lauded by many partners including the AU, IGAD, and UN as a critical first step towards the restoration of a constitutional order and the formation of a credible civil, democratic, and accountable government. In a communique issued on 5 December 2022, the Chairperson of the AU Commission, Moussa Faki Mahamat, welcomed the agreement while calling upon 'the signatory parties to remain open to the political forces that have not signed the said Agreement'. The 8 December press statement by the UN Security Council also highlighted the signing of the Agreement as 'an essential step towards the forming of a civilian-led Government and defining constitutional arrangements to guide the Sudan through a transitional period culminating in elections.'

Notwithstanding the progress, the PFA marks towards achieving agreement on civilian led transitional process among Sudanese actors and the warm reception it attracted on the part of regional and international actors, it did not garner the support of all the major stakeholders. Most notably, it was greeted with opposition from the resistance committees, who organized successful protests campaigning for a civilian led transitional process and a democratic dispensation in which the military is reformed and under civilian control. The core of their grievance lies in the lack

of consultation and transparency on the part of the FFC who negotiated the PFA with the military. Additionally, some of the key former rebel leaders signatories to the Juba Peace Agreement did not extend their support to and were not also part of the PFA.

The PFA however was the framework agreement that came out of the first phase of a two phase negotiation process. The second phase of the process started on 8 January 2023 with the facilitation of the AU-IGAD-UN Trilateral Mechanism. As this second phase, which deals with very delicate issues, presents an opportunity for building on PFA and avoid the pitfalls of the first phase of the negotiations. If the PSC's decision for ensuring inclusiveness of the process and legitimacy of the outcome by every segment of Sudanese society is to be realized as key guarantee to avoid recurrence of the collapse of the previous transition, the second phase needs to galvanise broader consensus among the key national forces and bringing non-signatories to the PFA on board. Without such consensus and full participation of non-signatories, the outcomes resulting from the process such as the creation of a new civilian government would face a legitimacy crisis and raise risk of collapse of another transitional process.

The focus of the second phase of the negotiations is the five contentious issues: the reinstatement of the Dismantling Committee (a committee established by the government of Abdallah Hamdok at the end of 2019 – with the aim to dismantle the June 30, 1989 regime and retrieve public funds – but was suspended after the 25 October military coup), security sector reform, transitional justice, implementation of the Juba Peace Agreement, and the question of Eastern Sudan. In that context, different workshops and conferences are taking place with the participation of both signatory and non-signatory parties to the PFA under the facilitation of the Trilateral Mechanism. The recommendations emerging from these engagements are expected to feed into the direct negotiations between

different stakeholders to reach a final deal, which leads to the formation of a civilian government.

One of the issues for the PSC is accordingly how to support the ongoing negotiation process. Building on its decision from the November session on inclusiveness and wider public legitimacy of the outcome, the PSC may seek to find out from the briefers on what needs to be done to consolidate the gains from the PFA and expand wider public buy in the second phase of the process. This is not simply about the resumption of financial and economic support by bilateral and multilateral bodies but it is also about lifting of sanctions currently imposed on Sudan.

The other issue that would be of interest for members of the PSC to properly examine is how to mobilize organized regional and international support towards ensuring an agreement with sufficiently wide public buy in and able to produce a sustainable civilian led transitional process. Related to this is also the threat of the negotiations being entangled into regional and global geo-political rivalries and how to avoid ongoing contestations among various powers vying for dominant influence in Sudan from impeding or frustrating the negotiation process. It is thus important for PSC members to know the implications – on the willingness of the military actors to handover to the civilian led government the level of authority for it to make decisions without threat of eviction by the military – of recent initiatives such as the announcement by Israel after meeting President of the Sovereign Council Burhan that the two sides have agreed to normalise relationships between Sudan and Israel.

Regarding PSC's sanction on Sudan, the lack of clarity and consistency in AU's norm over the conditions that need to be fulfilled for the lifting of sanctions poses a challenge. In this connection, it is worth noting that Mali also made the request for the lifting of sanction during the 3rd meeting of

the Monitoring and Support Group for the Transition in Mali (GST-Mali) last September after reaching an agreement on acceptable transition timeline. In the absence of consistent practices and lack of clarity on conditions for the lifting of sanction, developing clear benchmarks and guidelines on the matter is of strategic importance instead of responding to the requests on a case-by-case basis, that may open the PSC to inconsistency and accompany legitimate charges of double standards.

With specific reference to Sudan, it is to be recalled from the 2019 experience that at the promise of progress towards achieving agreement on establishment of a civilian led transitional authority is not enough. Even the signing of such agreement would not be enough. At a minimum and in fulfilment of PSC's various relevant decisions since the 25 October 2021 coup, the signing of such agreement needs to be accompanied by the establishment of the civilian transitional authority that enjoys wide public support before the lifting of the suspension. Pending the establishment of common criteria on lifting of suspension from the AU, having such a minimum progress also helps to ensure consistency in how PSC deals with the transitional processes in Mali, Guinea, Burkina Faso & Chad.

The expected outcome is a communique. PSC is expected to welcome the 5 December 2022 Political Framework Agreement signed between the military and some political and civil groups including the FFC as the first critical step towards the establishment of a civilian transition government and ultimately the restoration of constitutional order. While also welcoming the launch of the second phase of the political process, PSC is likely to emphasize the importance of ensuring the participation of non-signatories of the PFA in the process that is aimed at reaching consensus around the five key national issues. In that regard, PSC may urge those parties that were not part of the PFA to join the second phase of the

process and ensure that their concerns are fully taken on-board. In relation to the facilitation role being played by the AU-IGAD-UN Trilateral Mechanism, the PSC may once again express its strong support to the Mechanism as the lead facilitator of the political process. It may further call up on the international community to back the Trilateral Mechanism's facilitation role and to refrain from undertaking parallel initiatives that could undermine the negotiation process. Regarding its engagement on Sudan, it may reiterate its decision, agreed at the 1041st session, to receive a monthly update on the evolution of the situation in Sudan. Further to that it may also reiterate its decision to undertake a field mission to the country with the view to expressing its solidarity with the people of Sudan in their quest for a successful transition towards democratic, stable, and prosperous country as well as encouraging Sudanese stakeholders to successfully complete the efforts towards the restoration of constitutional order so as to pave the way for country's reinstalment of its membership in the AU. In light of lack of clarity on conditions for the lifting of sanctions imposed by the PSC in relation to unconstitutional changes of government, PSC may take the opportunity to request the AU Commission to prepare standard guideline on the lifting of sanctions imposed on Member States that have experienced unconstitutional changes of government. The PSC may also express its wish to see the second phase succeed and culminate in the establishment of a civilian led transitional authority in order to enable it to consider the lifting of the suspension of Sudan and to mobilize support for the transitional process under popularly supported civilian led government.