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Sudan's Democratic Transformation Cannot Succeed Unless Its Security Forces Reform: Obstacles and Options

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Abstract

Sudan is poised to overcome decades of authoritarian rule with a popularly supported democratic transition. The situation is delicate and uncertain, however, because the balance of power shared by the joint civilian/military government is weighted in favor of the military. As a result, civilian control over the military remains in doubt. This paper explores the history of Sudan as it transitions from autocracy to democracy, defines the obstacles to progress, and offers options for international sponsors to help the transition toward democratization.

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A. The Problem

Sudan is poised to overcome decades of authoritarian rule with a popularly supported democratic transition. The situation is delicate and uncertain, however, because the balance of power shared by the joint civilian/military government is weighted in favor of the military. As a result, civilian control over the military remains in doubt. The previous regime splintered Sudan's security forces—collectively, the Sudanese Armed Forces, the Rapid Support Forces, the Popular Defense Forces, the National Intelligence Security Service forces, the Police Forces, and assorted "ghost brigade" militias—into competing formal and informal parts that were allowed access to independent sources of wealth. This arrangement threatens the country's political transition process. What steps can realistically be taken to ensure that Sudan's security forces reform in support of a transition to a civilian government with control over the military?

B. Introduction—Security Forces' Role in the People's Protest

In the spring and summer of 2019, nationwide civil protests in Sudan led by women and youths forced the ouster of President Omar al-Bashir, who had ruled the country for 30 years. On June 3, while the coalition of civilian organizations was still negotiating with the transitional military council that had replaced Bashir, a mix of security forces wearing mismatched uniforms conducted a brutal massacre of protestors at a sit-in near the military's headquarters in Khartoum, killing over 120 and injuring hundreds; there were also scores of rapes reported. June 3rd immediately became enshrined in national consciousness as a historic event, and calls for justice and accountability have remained constant since. Although military and civilian leaders ultimately reached an agreement to share power through a Sovereignty Council until elections can be held, the status of Sudan's many different security forces and whether they will be held accountable for abuses against civilians from the beginning of the Bashir regime through the massacre remain open questions.

Sudan's remarkable transition from autocracy to democracy is underway, but it struggles with reconciling two core imperatives in the civilian agenda: security sector reform (SSR) and transitional justice. Although they are related goals, the processes involved in SSR and transitional justice remain in tension with each other. A key component of transitioning to democracy involves establishing civilian control of the armed forces, which is the condition for transparency and accountability. Holding members of the armed forces accountable for abuses and violations of human rights is one of the purposes of any transitional justice process. The tension results from building support for SSR within the security forces themselves, who are likely to resist reform processes that hold them accountable for their actions. Transitional justice processes can be tailored to circumstances (e.g., amnesty for truth-telling and non-criminal reparations such as

community service for perpetrators), but most victims of widespread abuse demand punishment of those who ordered the violence. For example, Darfur's war victims have been vocal in their demands for Bashir to be relinquished for trial in the Hague before the International Criminal Court. The transitional government has promised cooperation with the ICC, but transfer to the Hague has not been announced. Activists in Darfur do not believe that Sudan can provide "credible and transparent" trials and the needed protections for witnesses such trials would require.³

Further, the question remains whether it is even possible to reform the security and intelligence forces into a professional, diverse and integrated military—or have they become so corrupted from being deployed to inflame ethnic and ideological divisions that they are no longer the forces of the people but of the regime. The answer to this question depends a on which path to reform the new transitional government takes and whether it can offer incentives for the rank-and-file service members in the armed forces and police. There is precedent for security service members accepting limits on the privileges they were allowed under a corrupt system. In exchange for more job security and insurance against frequent purges, members of the armed services would have a steady (if reduced) salary but, more important, they would regain their historic position of honor in Sudanese society.

There is some evidence that this might be possible in Sudan. In interviews with researchers, the very protesters at the sit-in who witnessed so many being killed and badly beaten noted that many of the security forces who were posted in Central Khartoum—even those from the infamous Rapid Support Forces—supported the protesters. They ate and prayed with them and refrained from abusive behavior. The forces who perpetrated the abuses were apparently brought in from Darfur and from the intelligence services, identifiable by their dialects or their uniforms. Moreover, the perpetrators were clearly not familiar with the people they were charged to attack. These observations regarding the earlier support of some security forces, while circumstantial, suggests that patriotism and pride may be stronger motivating factors than economic interest or Islamic ideology for some of Sudan's security forces. In fact, historically, before the polarizing effects of ideological purging took place, the Sudanese Armed Forces had supported civilian protests against the military dictatorships of Abboud (1964) and Numeiri (1985). This history may provide a point of pride upon which to build a reform program.

C. We Know What Has to be Done

The concept of SSR, which emerged in the 1990s, has been refined and revised in successive years to include broader approaches, such as justice sector reform, good governance, and citizen security. A widely accepted definition of SSR comes from the Development Assistance Committee of the Organization for Economic Cooperation and Development:

Security Sector Reform means transforming the security sector/system, which includes all the actors, their roles, responsibilities and actions, so that they can work together to manage and operate the system in a manner that is more consistent with democratic norms and sound principles of good governance, and thus contributes to a well-functioning security framework.⁹

Along with this definition, the Development Assistance Committee recommends three key steps that are integral to achieving this transformation of the security sector: (1) improve democratic oversight of the security and justice sectors; (2) improve effective management of these sectors; and (3) strengthen the effectiveness of the security and justice systems in delivery of services.

Civilian leaders in Sudan will have to navigate a challenging series of obstacles as they attempt to address the years of division, exploitation, and clashing ideologies that split the armed forces and pitted them against the civilian population. In fact, there are numerous blueprints for reform. Sudanese civil society, academia, youths, elites, and professionals have been quietly preparing for years for a democratic transformation to civilian governance. Dialogues, capacity-building workshops, coalition building, and strategic planning for reform have been facilitated among many different pro-democracy groups, with the assistance of international, regional and domestic organizations. Central to thinking about changes necessary for democracy was the need for a civilian government with an accountable military and a desire that these security forces reflect the diversity of the Sudanese people.

This level of consensus about how to reform the security forces is a positive sign for Sudan. A study of successful cases of SSR in Africa found that the common factors they shared were agreement that SSR was necessary and a government with a transformational rather than incremental approach. The civilian part of Sudan's transitional government can be considered transformational, having already dismantled the former ruling party and begun remaking the social landscape through more progressive laws. But while the military acknowledges the need for consolidation and reform of security forces, it shows little appetite for starting the process or taking it seriously. This does not have to doom the fate of Sudan's transition, however. The apparent lack of will for reform on the part of the military itself requires an adjusted strategy. Local civil society organizations and the youth movements who generated the energy behind the protests need to coalesce to create an environment conducive to reform: "success lies in generating *political demand for SSR*, on the basis of which *supply of reform expertise* can then be provided" (emphasis in the original).

D. We Know What the Obstacles Are

The Sudanese have long known that the fractured security forces will be an obstacle to a robust civilian-led democracy. In fact, the splintering and militarization of all these groups (including the police) was purposefully undertaken to make the likelihood of a coup or a transition to civilian rule remote. President Bashir actively sought to separate and divide the numerous security forces by streaming different sources of patronage along tribal and ethnic lines. ¹² The Sudanese Armed Forces, like Bashir himself, were from the Arab-identified riverine tribes around Khartoum, historically Sudan's elites. In Darfur, Bashir exploited the local ethnic divisions by mobilizing Darfurian Arab *Janjaweed* militias against other African-identified Darfurians. The *Janajweed* were eventually incorporated into the "Border Guard" and renamed the Rapid Support Forces (RSF). Bashir also exploited ideological divisions between Islamists and Nationalists, polarizing and politicizing the forces to ensure loyalty only to him—until his regime's extractive practices and expensive patronage payoffs bled the rich natural resources of Sudan dry. ¹³

Now, in the aftermath of the protests, the security forces and the civilian government led by Prime Minister Hamdok have promised to work together to implement the transitional constitution. This commitment has led the government to successfully negotiate comprehensive peace deals with most of the armed forces of the opposition movements from Darfur and Blue Nile and to continue to negotiate with representatives from the Nuba Mountains opposition forces. The peace deal stipulates that the rebel groups will be integrated into the security forces and guarantees economic and land rights for the marginalized regions. ¹⁴ The government has also appointed civilian governors for the states, replaced the purged officers of the former regime, and established and staffed a new independent Human Rights Commission. ¹⁵ Urgent tasks remaining include appointing and supporting a transitional justice commission and rescuing the badly flailing economy, as well as organizing credible elections by the end of 2022. ¹⁶

The transitional constitutional document requires a collaborative partnership to complete these difficult tasks, but the security forces have managed so far to retain control of their own reform process and maintain all the benefits of socioeconomic privilege while redirecting citizen anger at the slow pace of reforms and lack of accountability to the seemingly ineffective civilian government. There is tremendous political will in the civilian government, but it is running up against the military's self-interest and entrenched power and the Sudanese population's anger at the continuing economic hardships. One longtime Sudan researcher described the sources of the conflict:

[Bashir's toppling] set the stage for a contest of power between, on the one hand, a military that was discredited but supported by Saudi Arabia, the UAE, and Egypt and hastily recruited allies among remnants of the old regime and other Islamic formations, and, on the other hand, an opposition that had legitimacy and was supported by most Sudanese, especially the street protestors, but was politically weak and had no military capacity.¹⁷

With these challenges and divergent agendas, what hope is there for effective security sector reform?

One of the major obstacles to this restructuring is the presence of so many different forces, each connected to different sponsors and resulting benefits, and each likely to resist integration or demobilization if it means a loss of those benefits. This dynamic has become even more stark in the last couple of years as Sudan's irregular forces (both RSF and Darfurian opposition militias) have been pulled into Libya to fight on behalf of one of the two main factions. ¹⁸ Sudanese fighters are in fact facing each other on either side of Libya's war. UAE-sponsored forces from the RSF and from Darfurian opposition leader Minni Minawi support the troops of Khalifa Haftar in his bid to unseat the UN-recognized government in Tripoli, which is defended by Darfurian Jibril Ibrahim's Justice and Equality Movement fighters. The steady recruitment of such troops has amounted to a national export—"state mercenarism"—where fighters can cost up to \$3000 each. ¹⁹ The fighters are then "paid" by being allowed to keep property at the sites they attack, effectively sanctioned pillage. Reforming Sudan's security forces will require developing alternative economic resources to incentivize demobilization.

Currently, Sudan's military and security forces are effectively independent entities, owning shares in private companies that they effectively direct and manage. The Sudanese Armed Forces, which have profited from improper accounting in a variety of export and import tax schemes, refuse to be audited.²⁰ In the case of the RSF, the revenues come from control over the gold mines in Darfur, with off-the-books sales of Sudanese gold going directly to Mohamad Hamdan "Hemeti" Dagalo, the head of the RSF and deputy head of the Sovereignty Council.²¹ Because of its border-security responsibilities, the RSF also profits from the main smuggling routes into and out of Sudan, gaining access to oil, weapons, drugs, and human trafficking. These illicit sources of wealth accrue to Hemeti personally, making him the wealthiest person in Sudan.²² Hemeti has been using his personal wealth to top up Sudan's starved treasury and provide services for the critically underdeveloped regions in lieu of the cash-strapped civilian government, thus undermining the civilian government and buying himself a new image to replace the one of him as "the leader of who ordered the June 3 massacre."²³

Recent efforts to legalize and nationalize the military-owned companies and mining interests have been important steps toward reform, but the ability of civilian leaders to confirm the accuracy of the bookkeeping and to enforce transparency in the security forces remains in doubt. ²⁴ The security forces compete, having different agendas and different external sponsors. The Sudanese Armed Forces still retain a significant portion of staff from the former regime because there has been no lustration process. These former National Congress Party (NCP) members are eager to return to power, some because of political aspirations and some because of ideological commitment to the Islamist movement. As a result, they are actively subverting the aims of the current reforms and have been consistently attacking the government's lack of progress in the media. Hemeti and the RSF appear to be motivated by the political and economic opportunities presented

by Sudan's transition and are not ideologically driven; thus, they stand in opposition to the Islamists and Bashir supporters.²⁵

E. Options: International Sponsors and Supporters

Although the obstacles are significant, Sudan is still at the nexus of a major disruption and push for democratization. These are the key prerequisites for successful SSR.²⁶ A range of actors are already supporting this process. The United States Institute of Peace in partnership with the Africa Center for Security Studies has begun a series of security dialogues with Sudanese academics and civil society actors on strategic considerations of Sudan's transformation and separately begun dialogues with the security forces to discuss conceptions of citizen security and what it might mean for Sudan. Such dialogues are the right way to start building the conditions for reform to take root. The new UN Integrated Transition Assistance Mission in Sudan (UNITAMS), which is currently being planned for deployment in the next year, will bring a political mandate and significant experience in security sector reform, promoting the rule of law, and economic development that can strengthen the government's ability to implement the commitments in the transitional constitutional document.²⁷ UNITAMS can coordinate and support local organizations and keep the process (and any severe setbacks) visible to the international community.

The U.S. government has long supported a democratic and prosperous Sudan, and a number of members of Congress and the Foreign Service have deep knowledge of and personal interest in Sudan. Earlier this year, the House of Representatives introduced HR 6094 (currently in committee), the "Sudan Democratic Transition, Accountability, and Fiscal Transparency Act of 2020." The text describes desired U.S. policy toward Sudan, empowers the executive branch to undertake certain assistance in support of reforms, and articulates steps that should be taken by Sudan to restore full U.S. engagement in the country:

- Professionalizing the security and intelligence services and reforming the laws governing the forces to be more transparent.
- Holding members of the security and intelligence services accountable for human rights violations and take clear steps to cooperate with local or international mechanisms to bring violators to justice.
- Establishing civilian oversight of the security and intelligence services (including over financial assets) so that they are subject to the rule of law and do not undermine the civilian-led government.
- Refraining from targeted attacks against religious or ethnic minorities and making good-faith efforts to reach a peace agreement.

- Combatting corruption and illicit economic activity for security and intelligence forces.
- Creating a transparent budget that identifies all expenditures related to security and intelligence forces.
- Transferring all shareholdings of public and private companies to the Ministry of Finance.

These conditions acknowledge the specific challenges of the Sudanese environment. In situations as complex and fragile as Sudan's current transitional process, it would be a mistake to follow a framework disconnected from the challenges on the ground.

The steps articulated in HR 6094 point the way for constructive U.S. engagement in Sudan's SSR process. Another positive, though unnecessarily leveraged, step, the announcement of intent to remove Sudan from the State Sponsors of Terrorism list, will open doors to increased international investment and stimulate economic growth.

It will be important for the United States, its allies, regional actors, and the United Nations to coordinate support for Sudan, promoting transparency and anti-corruption measures, and amplifying the pressure for reform coming from within the country. 28 Coordination is critical not only to avoid duplication but also to ensure a unity of purpose that maximizes the incentives for Sudan's security sector actors to shift toward democratic reform. In particular, the gulf states and Egypt, which have been supporting different facets of the security forces for their own purposes, should be pressed to use their influence to encourage greater cooperation with the civilian government. 29 This may be a tough sell, because successful civilian-led transformations in the region are threatening to sitting autocrats, but a stable, revitalized, and flourishing Sudan would be a political anchor in a volatile and increasingly strategic region that would not only serve regional interests but also further the goals of U.S. allies and partners for improved security cooperation on the continent.

The African Union should continue the positive role it played in the early days of the protests when it suspended Sudan's membership in the organization until it reverted to civilian control. The pro-democracy norms of the African Peace and Security Architecture can be a helpful regional source of influence by focusing on the civilian control of the military as a key benchmark and by holding the transitional government to its commitments to transfer control from military to civilian at the 21-month point. The AU should also bolster the implementation of the peace agreement between the government and the armed movements of Darfur and Blue Nile and support continued talks with the representatives from the Nuba Mountains. Any agreements will fail to take root if women, youth, and civil society groups are not given a role in overseeing and shaping the implementation.

Finally, the most productive approach for external actors wishing to be supportive will be to offer positive incentives for reform—linking economic development support to groundwork reforms that will support the transformation of the security forces and strengthen civilian leadership and civil society. By remaining alert for opportunities to reward progress and to demonstrate the tangible benefits a reformed security sector can expect, supportive external actors will contribute to shifting the calculus of the armed forces, if not their leadership, until the range of options leans more toward reform than the status quo. This will require significant resources from international institutions and friendly states, but as the Secretary General recently noted, "The question is not whether the international community can afford the support that the Sudan needs, it is whether the international community can afford not to support the Sudan as it strives to meet its formidable challenges." ³¹

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