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CIVILIAN PARTICIPATION IN THE PLANNING AND IMPLEMENTATION OF SECURITY SECTOR REFORM IN SUDAN

Legal Memorandum

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Executive Summary

This memorandum addresses the issue of civilian participation in the planning and implementation of security sector reform (SSR) in Sudan. This memorandum analyzes several documents relevant to Sudan's peace and political transition processes prior to the current conflict, and to improve on those documents in a post-conflict peace agreement, considers options for meaningful participation of civilian leadership in the planning and implementation of security sector reform. These documents include the Constitutional Charter for the Transitional Period of 2019 (2019 Constitutional Declaration), the 2020 Juba Agreement for Peace in Sudan (2020 Juba Peace Agreement), the Transitional Draft Constitution of 2022 prepared under the auspices of the Sudanese Bar Association (2022 Draft Constitution), and the Political Framework Agreement signed on December 5, 2022 (the Framework Agreement) (collectively, the 2019-2022 Key Documents). In addition, this memorandum examines the draft Final Political Agreement released on March 27, 2023 (the 2023 Draft Political Agreement).

When peace negotiations to end the current war occur, there is a significant likelihood that SSR arrangements in new draft documents for negotiations will differ in important ways from those found in the 2019-22 Key Documents and the 2023 Draft Political Agreement. However, in formulating their new positions on SSR, it may be very useful for the negotiating parties to refer back to these 2019-22 Key Documents and the 2023 Draft Political Agreement to re-acquaint themselves with those documents' provisions relating to SSR, including civilian participation in its planning and implementation.

Each of these documents envisages a Security and Defense Council (the Security and Defense Council) with varying degrees of participation by civilians, who would have key responsibilities related to Sudan's security and defense and, in

the majority of the documents, would play a role in SSR.¹ The documents also provide – in some cases expressly, and in some cases implicitly – various civilian governmental groups with powers that apply to the planning and oversight of SSR. The Council of Ministers and Transitional Legislative Council, for instance, have broad executive and legislative powers, respectively, that could be used to assign resources, direct policies, and collect information to plan and implement SSR. As drafted, however, the 2019-2022 Key Documents and the 2023 Draft Political Agreement include potential gaps in civilian participation and implementation of SSR. In addition, some documents contemplate a greater role for the military in the SSR process.

This memorandum draws on international practices to offer potential options to strengthen civilian involvement and oversight in the SSR process. In particular, this memorandum puts forth ideas to give civilian authorities more specific powers to control SSR; to expand civilian justice mechanisms to provide more accountability for actions that contravene the goals of SSR; and to ensure the participation of civil society in SSR. In addition, because international practices emphasize the value of further embedding civilians in the implementation of SSR, the memorandum discusses other ideas for enhancing civilian oversight of SSR implementation. For instance, continued civilian monitoring of the SSR process and greater civilian control over non-combat military activities or the demilitarization of security services could help build popular support for SSR. This in turn can help to create lasting peace and broad-based support for civilian governance in Sudan.

¹ SUDAN CONST., art. 12(1)(j) (2019); Juba Agreement for Peace in Sudan Between the Transitional Government of Sudan and the Parties to the Peace Process, title 2, chapter 8, paras. 33.1, 96.1 (Oct. 3, 2020); Framework Agreement, p. 4 (Dec. 5, 2022) Draft Political Agreement, chapter 4, Fourth: Regulatory Mechanisms, Security and Defense Council (Mar. 27, 2023); *see also* SUDAN TRANSITIONAL CONST., art. 74 (2022) (draft).

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CIVILIAN PARTICIPATION IN THE PLANNING AND IMPLEMENTATION OF SECURITY SECTOR REFORM IN SUDAN

Statement of Purpose

This memorandum addresses the issue of civilian participation in the planning and implementation of security sector reform (SSR) in Sudan.

Introduction

SSR is generally understood to refer to a process of reforming the security sector as a whole. In the case of Sudan, this would include not only the Sudanese military, but also the police and general intelligence services. Unless otherwise specified, this memorandum refers to the Sudanese “military” to capture all facets of the armed forces affiliated with any eventual legitimate Sudanese government.

The first part of this memorandum examines the terms of the 2019-2022 Key Documents and the 2023 Draft Political Agreement related to civilian participation in the planning and implementation of SSR. The second part proposes ways to expand civilian-led oversight of SSR within the framework already contemplated by the 2019-2022 Key Documents and the 2023 Draft Political Agreement. The final part provides broader options based on international practices for strengthening the role of civilian-led oversight in the SSR process.

SSR is a continuing process that requires a strong foundation, such as specific authority for civilian actors to play leading roles in SSR enshrined in the 2019-2022 Key Documents. Ensuring that civilians and a civilian-led government maintain their influence over Sudan’s SSR process can help ensure a lasting and meaningful peace in Sudan.

The Key Documents’ Legal Framework for Civilian Participation in the Planning and Implementation of Security Sector Reform

The 2019-2022 Key Documents and the 2023 Draft Political Agreement all identify SSR as a goal for any new government in Sudan.² Consistent with this broad aim, and as already described, many of these documents also envisage civilian participation in the planning and implementation of this goal. This section provides a non-exhaustive overview of certain key features that emerge from the documents.

The Security and Defense Council

As described above, the 2019-2022 Key Documents and the 2023 Draft Political Agreement contemplate a Security and Defense Council.³ Generally, the Security and Defense Council is the primary governmental authority assigned the responsibility of developing or overseeing plans for SSR.⁴

Across the 2020 Juba Peace Agreement, 2022 Draft Constitution, and the 2023 Draft Political Agreement, the broad aim of the proposed Security and Defense Council is largely consistent as it includes the reform, development, and modernization of the Sudanese military and security services.⁵ As will be discussed below, there are, however, some variations and ambiguities among these

² SUDAN CONST., art. 8(12) (2019) (“The task of reforming military bodies shall be entrusted to military institutions in accordance with the law”); Juba Agreement for Peace in Sudan Between the Transitional Government of Sudan and the Parties to the Peace Process, title 1, para. 1.30 (Oct. 3, 2020); SUDAN TRANSITIONAL CONST., Preamble (2022) (draft) (“Highlighting the utmost priority of institutional reform of civil service, justice, security and military sector institutions”); Framework Agreement, p. 2 (Dec. 5, 2022) (“Security and military reform that leads to one professional national army that protects the borders of the homeland and democratic civilian rule, and keeps the army away from politics...”); Draft Political Agreement, Preamble (Mar. 27, 2023) (“[T]he framework, on top of which is the issue of justice, transitional justice, security and military reform, peace, the dismantling of the June 30 regime, the issue of eastern Sudan, the economy and people’s livelihood”).

³ SUDAN CONST., art. 12(1)(j) (2019); Juba Agreement for Peace in Sudan Between the Transitional Government of Sudan and the Parties to the Peace Process, title 2, chapter 8, paras. 33.1, 96.1 (Oct. 3, 2020); SUDAN TRANSITIONAL CONST., art. 74 (2022) (draft); Draft Political Agreement, chapter 4, Fourth: Regulatory Mechanisms, Security and Defense Council (Mar. 27, 2023); Framework Agreement, p. 4 (Dec. 5, 2022).

⁴ Juba Agreement for Peace in Sudan Between the Transitional Government of Sudan and the Parties to the Peace Process, title 2, chapter 8, paras. 33.1, 96.1 (Oct. 3, 2020); SUDAN TRANSITIONAL CONST., art. 74 (2022) (draft); Draft Political Agreement, chapter 4, Fourth: Regulatory Mechanisms, Security and Defense Council (Mar. 27, 2023); *but see* SUDAN CONST., art. 8(12) (2019).

⁵ Juba Agreement for Peace in Sudan Between the Transitional Government of Sudan and the Parties to the Peace Process, title 2, chapter 8, paras. 33.1, 96.1 (Oct. 3, 2020); SUDAN TRANSITIONAL CONST., art. 74 (2022) (draft); Draft Political Agreement, chapter 4, Fourth: Regulatory Mechanisms, Security and Defense Council (Mar. 27, 2023).

documents regarding the proposed structure, powers, and responsibilities of the Security and Defense Council such that the scope of its authority is slightly different in each document.

Although both the 2019 Constitutional Declaration and the Framework Agreement contemplate the existence of a Security and Defense Council, neither document provides much additional detail relevant to the Council beyond its composition.⁶ The 2022 Framework Agreement expressly provides that the tasks and powers of the Security and Defense Council “shall be defined in accordance with the Transitional Constitution.”⁷

The Structure and Composition of the Security and Defense Council

Each document that expressly describes the composition of the Security and Defense Council contemplates that the Council will be made up of at least some civilian ministers, including the Prime Minister who is often designated as the chair of the committee, as well as the four leaders of Sudan’s regular forces.⁸ With the exception of the 2019 Constitutional Declaration, which does not include the armed struggle movements on the Security and Defense Council, each of these documents also envisages that the Security and Defense Council will include representatives from the armed struggle movements, although there is variation as to the number of such representatives.⁹

The list of civilian ministers that make up the Security and Defense Council either varies between documents or is not expressly addressed.¹⁰ For instance, while the Ministers of Defense, Finance, Interior, Foreign Affairs, and Justice

⁶ SUDAN CONST., art. 12(1)(j) (2019); Framework Agreement, p. 4 (Dec. 5, 2022).

⁷ Framework Agreement, p. 4 (Dec. 5, 2022).

⁸ SUDAN CONST., art. 12(1)(j) (2019); SUDAN TRANSITIONAL CONST., art. 74 (2022) (draft); Framework Agreement, p. 4 (Dec. 5, 2022); Draft Political Agreement, chapter 4, Fourth: Regulatory Mechanisms, Security and Defense Council (Mar. 27, 2023).

⁹ SUDAN TRANSITIONAL CONST., art. 74 (2022) (draft); Draft Political Agreement, chapter 4, Fourth: Regulatory Mechanisms, Security and Defense Council (Mar. 27, 2023); *but see*, SUDAN CONST., art. 12(1)(j) (2019).

¹⁰ SUDAN CONST., art. 12(1)(j) (2019); Juba Agreement for Peace in Sudan Between the Transitional Government of Sudan and the Parties to the Peace Process, title 2, chapter 8, paras. 33.1, 96.1 (Oct. 3, 2020); SUDAN TRANSITIONAL CONST., art. 74 (2022) (draft); Framework Agreement, p. 4 (Dec. 5, 2022); Draft Political Agreement, chapter 4, Fourth: Regulatory Mechanisms, Security and Defense Council (Mar. 27, 2023).

appear in each document that includes a specified list of members,¹¹ other Ministers, such as the Minister of Local Governance, Attorney General, or Prosecutor General, only appear in certain documents.¹² Conversely, the Framework Agreement references only the Prime Minister by title and groups together any remaining civilian members as “the membership of the relevant ministries.”¹³ The 2020 Juba Peace Agreement does not expressly address the membership of the Security and Defense Council.

The composition of the Security and Defense Council is important as it will likely determine the extent of civilian oversight and influence in SSR. The fewer civilian ministers on the Security and Defense Council relative to members of the Sudanese military and other security forces, the greater the influence of the military in SSR. This concern becomes more acute if the military is also permitted to play a role in appointing ministers, as was contemplated in the 2019 Constitutional Declaration.¹⁴ The 2019 Constitutional Declaration envisaged that the Ministers of Finance and the Interior would be nominated by the Sovereignty Council’s military members, but this was the only document that specifically gave members of the military authority to nominate individual ministers.¹⁵ However, under the 2023 Draft Political Agreement, the Transitional Prime Minister, Sovereignty Council, and the civil forces, who are sometimes referred to as the civil parties to the political agreement, would appoint the Council of Ministers in a joint process.¹⁶

¹¹ SUDAN CONST., art. 12(1)(j) (2019); SUDAN TRANSITIONAL CONST., art. 74 (2022) (draft); Draft Political Agreement, chapter 4, Fourth: Regulatory Mechanisms, Security and Defense Council (Mar. 27, 2023).

¹² SUDAN CONST., art. 12(1)(j) (2019); SUDAN TRANSITIONAL CONST., art. 74 (2022) (draft).

¹³ Juba Agreement for Peace in Sudan Between the Transitional Government of Sudan and the Parties to the Peace Process, title 2, chapter 8, paras. 33.1, 96.1 (Oct. 3, 2020); Framework Agreement, p. 4 (Dec. 5, 2022).

¹⁴ *See* SUDAN CONST., art. 15(1) (2019).

¹⁵ *See* SUDAN CONST., art. 15(1) (2019).

¹⁶ Draft Political Agreement, chapters 3 & 4, Terms of reference of the Transitional Sovereignty Council / Head of State & Transitional Council of Ministers, Functions and Powers of the Prime Minister (Mar. 27, 2023) (“[The Transitional Sovereignty Council/Head of State] shall have the following powers and competencies... [a]ppointing the Prime Minister and approving the appointment of the Council of Ministers... after choosing them from among the powerful signatory to the political agreement...”); (“The Prime Minister shall have the following functions and powers... [a]ppoint the ministers who are chosen by the civil forces that signed the political agreement, while adhering to the standards of competence, independence, integrity and appropriate experience[.]”)

Role and Powers of the Security and Defense Council

The scope of the Security and Defense Council's role and powers with respect to the reform of the Sudanese military and security forces also varies among the 2019-2022 Key Documents and the 2023 Draft Political Agreement.

For instance, in the 2023 Draft Political Agreement, the Security and Defense Council's powers expressly include overseeing the integration of the military; developing plans for SSR; and establishing permanent, professional, and independent defense and security institutions that are representative of the Sudanese people.¹⁷ The 2020 Juba Peace Agreement's description of the Security and Defense Council is less detailed than the 2023 Draft Political Agreement, but it still contemplates the Council playing a role in reform. Specifically, the 2020 Juba Peace Agreement envisages that the Security and Defense Council would “develop and approve a general plan for the reform, development and modernization of the military establishment and security services and monitor the implementation thereof.”¹⁸

Significantly, each of these documents defines a greater role for the Security and Defense Council in SSR than the 2019 Constitutional Declaration, which expressly referred only to the Council's power to make recommendations on declarations of war to the sovereign authority.¹⁹

Even where the documents contemplate broad powers and responsibility for the Security and Defense Council, however, there remains a lack of clarity as to the scope of certain powers and how the Council can ensure effective implementation of its recommendations. For instance, the 2023 Draft Political Agreement confers on the Security and Defense Council responsibility for “[p]reparing and developing a comprehensive national security strategy to protect the security of the Sudanese people.”²⁰ While this is a significant responsibility, it is not explicit, for instance,

¹⁷ Draft Political Agreement, chapter 4, Fourth: Regulatory Mechanisms, Security and Defense Council (Mar. 27, 2023).

¹⁸ Juba Agreement for Peace in Sudan Between the Transitional Government of Sudan and the Parties to the Peace Process, title 2, chapter 8, paras. 33.1, 96.1 (Oct. 3, 2020).

¹⁹ SUDAN CONST., art. 12(1)(j) (2019).

²⁰ Draft Political Agreement, chapter 4, Fourth: Regulatory Mechanisms, Security and Defense Council; Draft Protocol No. (5) Principles and Foundations of Military and Security Sector Reform (Mar. 27, 2023).

whether the Security and Defense Council has means to practically implement or otherwise enforce any proposal for reform.²¹

Civilian Authorities Involved in Security Sector Reform Beyond the Security and Defense Council

Beyond the Security and Defense Council, the 2019-2022 Key Documents and the 2023 Draft Political Agreement contemplate that a sovereign authority, which a prior PILPG memorandum discusses, the Council of Ministers, and the Transitional Legislative Council will also play a role in the implementation of SSR. The 2023 Draft Political Agreement also contemplates a role for civilian justice authorities in oversight of the Sudanese “regular forces” that could be used to support the implementation and oversight of SSR, although “regular forces” is not defined within the 2023 Draft Political Agreement.²²

The 2019 Constitutional Declaration, the 2022 Draft Constitution, and the 2023 Draft Political Agreement grant the Council of Ministers and the Transitional Legislative Council wide-ranging powers with respect to budgetary responsibilities.²³ The Councils both play roles in government oversight.²⁴ The Transitional Legislative Council is also granted the power to pass laws.²⁵ These powers are all potentially relevant to SSR, though neither Council is expressly

²¹ See SUDAN TRANSITIONAL CONST., art. 74 (2022) (draft) (“Recommending to the competent authorities to draw up permanent plans for the reform and development of defense and security institutions ...”); Draft Political Agreement, chapter 4, Fourth: Regulatory Mechanisms, Security and Defense Council (Mar. 27, 2023) (“Developing permanent plans to reform and develop defense and security institutions ... Following up the implementation of plans aimed at establishing permanent, professional and independent defense and security institutions that are representative of the Sudanese people and capable of protecting their various interests”).

²² Draft Political Agreement, Draft Protocol No. (5) Principles and Foundations of Military and Security Sector Reform, Oversight and Governance (Mar. 27, 2023).

²³ SUDAN CONST., arts. 16(3), 25(1)(c) (2019); SUDAN TRANSITIONAL CONST., arts. 40(1)(3), 50(3) (2022) (draft); Draft Political Agreement, chapter 2, the Transitional Legislative Council, Competences, Powers, and Term of the Transitional Legislative Council, para. 1(c); chapter 4, Transitional Council of Ministers, Functions and Powers of Council of Ministers, para. 3 (Mar. 27, 2023).

²⁴ SUDAN CONST., arts. 16(7), 25(1)(b) (2019); SUDAN TRANSITIONAL CONST., arts. 40(1)(2), 40(6), 50(4) (2022) (draft); Draft Political Agreement, chapter 2, the Transitional Legislative Council, Competences, Powers, and Term of the Transitional Legislative Council, para. 1(f); chapter 4, Transitional Council of Ministers, Functions and Powers of Council of Ministers, para. 4 (Mar. 27, 2023).

²⁵ SUDAN CONST., art. 25(1)(a) (2019); SUDAN TRANSITIONAL CONST., art. 40(1)(1) (2022) (draft); Draft Political Agreement, chapter 2, the Transitional Legislative Council, Competences, Powers, and Term of the Transitional Legislative Council, para. 1(a) (Mar. 27, 2023).

given specific powers concerning oversight of the Sudanese military or with respect to SSR.²⁶

In contrast, the 2020 Juba Peace Agreement expressly provides that the sovereign authority, Council of Ministers, and the Transitional Legislative Council have a role in monitoring the implementation of security-related reform.²⁷ These SSR-related powers are listed separately from the general powers assigned to these government units.²⁸ In addition, the 2020 Juba Peace Agreement refers to a Security and Defense Committee in the Transitional Parliament, which is separate from the Security and Defense Council described above.²⁹ The composition of this parliamentary committee appears undefined, but it is expressly empowered to “pay special attention” to monitoring the implementation of reform plans, among other matters.³⁰

Certain of the documents also confer on specific ministers powers relevant to the implementation or oversight of SSR. For instance, the 2022 Draft Constitution grants the Prime Minister the responsibility to oversee the general intelligence service, the police, and security and defense affairs.³¹ Similarly, the 2023 Draft Political Agreement grants the Prime Minister the responsibility to oversee the general intelligence service and the police forces.³² Other ministers,

²⁶ SUDAN CONST., arts. 16, 25(1) (2019); SUDAN TRANSITIONAL CONST., arts. 40, 50, 70(2) (2022) (draft); Framework Agreement, p. 7 (Dec. 5, 2022); Draft Political Agreement, chapter 2, the Transitional Legislative Council, Competences, Powers, and Term of the Transitional Legislative Council; chapter 4, Transitional Council of Ministers, Functions and Powers of Council of Ministers (Mar. 27, 2023).

²⁷ Juba Agreement for Peace in Sudan Between the Transitional Government of Sudan and the Parties to the Peace Process, title 2, chapter 8, paras. 33.2, 33.3, 96.2, 96.3 (Oct. 3, 2020).

²⁸ Juba Agreement for Peace in Sudan Between the Transitional Government of Sudan and the Parties to the Peace Process, title 2, chapter 8, paras. 33.2, 33.3, 96.2, 96.3 (Oct. 3, 2020).

²⁹ Juba Agreement for Peace in Sudan Between the Transitional Government of Sudan and the Parties to the Peace Process, title 2, chapter 8, paras. 33.3, 96.3 (Oct. 3, 2020).

³⁰ Juba Agreement for Peace in Sudan Between the Transitional Government of Sudan and the Parties to the Peace Process, title 2, chapter 8, paras. 33.3, 96.3 (Oct. 3, 2020).

³¹ SUDAN TRANSITIONAL CONST., arts. 49(5–7) (2022) (draft).

³² Draft Political Agreement, chapter 4, Transitional Council of Ministers, Functions and Powers of the Prime Minister, para. 6 (Mar. 27, 2023).

such as the Minister of Finance,³³ Auditor General,³⁴ and the Minister of Interior, are also envisaged in the 2022 Draft Constitution and 2023 Draft Political Agreement to have responsibilities in the oversight of parts of the Sudanese military or security forces.³⁵

The 2023 Draft Political Agreement gives the “Public Prosecutor and judicial authority”, among other powers, the “authority to investigate all incidents committed by the regular forces that clearly represent abuse of power . . . or any form of infringements that fall on them in accordance with the law.”³⁶

In addition to the standard civilian justice system, certain documents also refer to an Auditor General or National Audit Bureau.³⁷ For instance, the 2022 Draft Constitution provides for a National Public Audit Bureau, which is defined as “an independent body that audits the accounts of all the state institutions, banks and agencies with no exception[.]”³⁸ The power to audit the financial expenditure of all public institutions is a useful tool to support the oversight and implementation of SSR reforms, particularly in Sudan where the military has historically been very involved in the domestic economy.

³³ See, e.g., Draft Political Agreement, chapter 4, Fourth: Regulatory Mechanisms, The Armed Forces, para. 5 (March 27, 2023) (“...the rest of the companies owned by the regular forces and operating in the military and security sectors are subject to the supervision and control authority of the Ministry of Finance...”).

³⁴ See, e.g., SUDAN TRANSITIONAL CONST., preamble (2022) (draft) (“[r]ecognizing the importance of bringing all non-military investment and commercial activities of the regular troops under the civil government and putting them all under the power of the Auditor General”).

³⁵ See, e.g., SUDAN TRANSITIONAL CONST., art. 70(2) (2022) (draft) (“[a]n internal security service shall be established and shall be technically and administratively under the Ministry of Interior in accordance with the sound legal measures”).

³⁶ Draft Political Agreement, Draft Protocol No. (5) Principles and Foundations of Military and Security Sector Reform, Oversight and Governance (March 27, 2023).

³⁷ SUDAN TRANSITIONAL CONST., preamble (2022) (draft) (“[r]ecognizing the importance of bringing all non-military investment and commercial activities of the regular troops under the civil government and putting them all under the power of the Auditor General”); Framework Agreement, p. 6 (Dec. 5, 2022) (“The rest of the companies owned by the regular forces, and which operate in military and security sectors are subject to the supervision and control of the Ministry of Finance in the financial and accounting aspects and the authority of the National Audit Bureau”); Draft Political Agreement, chapter 4, Fourth: Regulatory Mechanisms, The Armed Forces, para. 5 (March 27, 2023) (“All government companies owned by the various regular forces and the intelligence service... are subject to the supervision and control authority of the Ministry of Finance in the financial and accounting aspects and the authority of the National Audit Bureau”).

³⁸ SUDAN CONST., art. 34 (2019); SUDAN TRANSITIONAL CONST., art. 66 (2022) (draft).

Military Involvement in Security Sector Reform

While the 2019-2022 Key Documents and the 2023 Draft Political Agreement envisage a substantive role for the civilian government in the implementation and oversight of SSR, some of the documents include provisions that suggest the Sudanese military would also have substantive involvement in the reform process.³⁹

The 2019 Constitutional Declaration is the most direct on this point. It provides, “[t]he task of reforming military bodies shall be entrusted to military institutions in accordance with the law.”⁴⁰ This language suggests the Sudanese military would be responsible not only for implementation of any reform, but also for determining what reform was needed in the first place.

By contrast, both the 2022 Draft Constitution and the 2023 Draft Political Agreement contemplate a role for the military in the implementation and oversight of SSR in Sudan. However, both documents contemplate that the military will implement a plan or program for SSR whose foundations will be laid out in the documents, limiting their authority to completely dictate any reform. For instance, the 2023 Draft Political Agreement stipulates that “[t]he tasks of the armed forces and the reform program agreed upon in the transitional constitution shall be carried out by the leadership of the armed forces.”⁴¹ Additionally, both documents clarify that the newly convened civilian government will also play a role in shaping this program as the SSR process progresses and evolves.⁴²

³⁹ SUDAN CONST., art. 8(12) (2019); SUDAN TRANSITIONAL CONST., art. 69(8)(c) (2022) (draft); Draft Political Agreement, chapter 4, Fourth: Regulatory Mechanisms, The Armed Forces, para. 7 (March 27, 2023).

⁴⁰ See e.g., SUDAN CONST., art. 8(12) (2019) (“The task of reforming military bodies shall be entrusted to military institutions in accordance with the law.”); see also Institute for Democracy and Electoral Assistance, *Sudan’s 2019 Constitutional Declaration: its Impact on the Transition*, 27 (Oct. 14, 2022) <https://www.idea.int/publications/catalogue/sudans-2019-constitutional-declaration-its-impact-transition>.

⁴¹ Draft Political Agreement, chapter 4, Fourth: Regulatory Mechanisms, The Armed Forces (March 27, 2023) (“the reform program agreed upon in the transitional constitution shall be carried out by the leadership of the armed forces.”).

⁴² SUDAN TRANSITIONAL CONST., art. 69(7)(c) (2022) (draft) (“The mandate of the Armed Forces during the transitional period is... [i]mplementing policies related to security and military reform in accordance with the plan of the civilian transitional government, until reaching a professional national army...”); Draft Political Agreement, chapter 4, Fourth: Regulatory Mechanisms, The Armed Forces (March 27, 2023) (“the reform program agreed upon in the transitional constitution shall be carried out by the leadership of the armed forces.”).

Options for Expanding the Role of Civilians in the Planning and Implementation of SSR

The 2019-2022 Key Documents and the 2023 Draft Political Agreement provide a strong foundation for civilian oversight of SSR. As discussed above, they provide for a Security and Defense Council, which includes civilian officials, to plan and oversee the SSR process. They also grant broad policy-making powers to civilian authorities that could have applications to military and security services. These provisions could be strengthened to address some of the gaps identified in the previous section, including by giving civilian authorities more specific powers to control SSR; expanding justice mechanisms to provide more accountability for actions that contravene the goals of SSR; and ensuring the participation of civil society in SSR. The below section outlines some options for strengthening these provisions to improve civilian involvement.

Specific Authority to Control Security Sector Reform

The 2023 Draft Political Agreement, 2022 Draft Constitution, and 2019 Constitutional Declaration grant broad powers to civilian policy-makers within the Transitional Legislative Council and the Council of Ministers that could be used to implement SSR. However, the provisions outlining the scope of powers for these Councils do not establish whether these powers may be applied to the military, and only provide limited discussion of how these powers apply to security services.⁴³ The provisions defining the powers of these civilian authorities could be amended to expressly refer to their application in respect of the Sudanese military and other security services.

As addressed above, the 2019-2022 Key Documents anticipate that the Security and Defense Council will play a role in SSR policy, although the scope of this role varies across the documents. However, there remains some lack of clarity as to how the security sector reforms will be implemented. To provide greater specificity, the constitutional framework could clarify that the transitional legislative assembly, be it the Transitional Legislative Council or another group that is formed, and then eventually the permanent legislature, has the authority to

⁴³ SUDAN CONST., arts. 16, 25(1), 49 (2019); SUDAN TRANSITIONAL CONST., arts. 40, 50 (2022) (draft); Draft Political Agreement, chapter 2, the Transitional Legislative Council, Competences, Powers, and Term of the Transitional Legislative Council; chapter 4, Transitional Council of Ministers, Functions and Powers of Council of Ministers, Functions and Powers of the Prime Minister, para. 6 (Mar. 27, 2023).

implement the Security and Defense Council’s SSR reforms and could require coordination and regular reporting between the Security and Defense Council and the legislature. This would better align the legislature with the goal of civilian leadership of SSR implementation, could promote broad civilian representation in the SSR process, and would provide additional civilian authority to push forward the reform process in spite of potential military opposition.

Furthermore, the constitutional framework could expressly stipulate that the Transitional Legislative Council may draft new laws in respect of SSR for the military and security services, including codes of conduct, or more generally that the legislature is exclusively authorized to make, approve, and amend the laws governing the military and security services. The 2019-2022 Key Documents and 2023 Draft Political Agreement could also empower the legislature to oversee and control military finances (similar to the Minister of Finance’s control over military commercial enterprises)⁴⁴ and require legislative appointment of high-level military officials.⁴⁵ In accordance with international practices, all security sector activities ought to be subject to legislative oversight, which a future constitutional document could expressly articulate.⁴⁶ These types of powers reflect key functions for the civilian legislature in SSR.⁴⁷

International guidance also suggests that the executive can play a role in providing direction, oversight, and resources to security institutions, as well as

⁴⁴ N. Masson et al., DCAF, *Strengthening Financial Oversight*, 18-28 (2011), https://securitysectorintegrity.com/wp-content/uploads/2017/02/Strengthening-Financial-Oversight_ENG.pdf; Council of Europe, Political Affairs Committee, *Democratic Oversight of the Security Sector in Member States*, Doc. 10567, at ¶ 41 (2005), <http://assembly.coe.int/nw/xml/XRef/X2H-Xref-ViewHTML.asp?FileID=11000>.

⁴⁵ UN Development Programme (UNDP) & Geneva Centre for Security Sector Governance (DCAF), *Democratising Security in Transition States*, 59 (2005), <https://searchlibrary.ohchr.org/record/10297?ln=en>.

⁴⁶ African Union (AU) Commission, *Policy Framework on Security Sector Reform*, ¶ 42 (2013), https://issat.dcaf.ch/download/60132/986021/AU_SSR_policy_framework_en.pdf; Parliaments and Security Sector Governance, 64-65 (E. Cole et al., eds. 2015), https://www.dcaf.ch/sites/default/files/publications/documents/Oversight%20and%20Guidance%20Parliaments%20and%20SSG_eng.pdf.

⁴⁷ Geneva Centre for the Democratic Control of Armed Forces, *Oversight and Guidance: Parliaments and Security Sector Governance*, 64-65 (2015), https://www.dcaf.ch/sites/default/files/publications/documents/Oversight%20and%20Guidance%20Parliaments%20and%20SSG_eng.pdf.

initiating and monitoring the progress of security reform.⁴⁸ In the context of Sudan’s SSR process, this advice could apply to the Council of Ministers as an element of the executive. The 2019-2022 Key Documents and 2023 Draft Political Agreement could implement this practice by specifying that certain ministries (such as the ministries of defense, interior, and foreign affairs) have authority over the Sudanese military and security services and describe their specific competences in respect of the military and security services. Such specific responsibilities could be incorporated through amendments to the sections describing each civilian authority. Alternatively, they could be implemented in one section describing which civilian authorities are “competent authorities” for the purpose of implementing the SSR plans developed by the Security and Defense Council. The 2019-2022 Key Documents could also include specific powers for legislative committees and ministries that would be empowered to compel information from the military or security services in order to assist the civilian authorities in their oversight roles.⁴⁹

The 2019-2022 Key Documents and 2023 Draft Political Agreement could also clarify the role of the Security and Defense Council by detailing its decision-making process using precise descriptions to clarify how it would reach a consensus on reform plans as discussed in the 2019-2022 Key Documents and 2023 Draft Political Agreement. For instance, the Prime Minister could have the authority to make any final determination regarding the strategy and implementation of SSR reforms. This approach is used in some states’ security councils and would ensure a civilian representative has ultimate control over the Security and Defense Council’s decisions.⁵⁰ Alternatively, a majority voting system or a civilian-only voting system within the Council could help ensure that civilians maintain control over the decisions of the Security and Defense Council, depending on its final composition and its balance of military and civilian members

⁴⁸ *ECOWAS Policy Framework for Security Sector Reform and Governance*, 40 (2016), <https://ecowas.int/wp-content/uploads/2022/08/ecowas-policy-framework-on-ssrg-english-adopted-1.pdf>; Council of Europe, Political Affairs Committee, *Democratic Oversight of the Security Sector in Member States*, Doc. 10567, at 34–36 (2005), <http://assembly.coe.int/nw/xml/XRef/X2H-Xref-ViewHTML.asp?FileID=11000>.

⁴⁹ *ECOWAS Policy Framework for Security Sector Reform and Governance*, 41 (2016), <https://ecowas.int/wp-content/uploads/2022/08/ecowas-policy-framework-on-ssrg-english-adopted-1.pdf>; Council of Europe, Political Affairs Committee, *Democratic Oversight of the Security Sector in Member States*, Doc. 10567, at 41 (2005), <http://assembly.coe.int/nw/xml/XRef/X2H-Xref-ViewHTML.asp?FileID=11000>.

⁵⁰ S. Bearne et al., RAND Corporation Europe, *National Security Decision-Making Structures and Security Sector Reform*, at 24–25 (2005), https://www.rand.org/content/dam/rand/pubs/technical_reports/2005/RAND_TR289.pdf.

with more military or military appointed members providing more opportunities for military control of the process.

Enhancing the role of civilian-led oversight in SSR also could entail ensuring civilian authority over the timeline for SSR planning and implementation. The time required to effectively implement SSR can be difficult to predict accurately and may require adjustment. For instance, legal observers noted long implementation processes for SSR in South Africa, Sierra Leone, Northern Ireland, Bosnia, Iraq, and Afghanistan.⁵¹ Accordingly, it would be beneficial for civilian officials to control the timeline for implementing reforms to ensure that necessary reforms are properly implemented, since failing to reach announced deadlines or not finishing within deadlines can have negative consequences.⁵²

Improving and Expanding Justice Mechanisms

In addition to the provisions in the 2019-2022 Key Documents that establish the public prosecutor and judicial authority, expanding the types of judicial mechanisms that can legally constrain the military and security services and clarifying the scope of those judicial mechanisms can help strengthen civilian control of SSR.⁵³

For instance, the final framework documents in a new peace or political process could stipulate which courts have jurisdiction to hear claims regarding the military and security services. Currently the documents do not do this, and they could include provisions designed to ensure that courts are able to enforce

⁵¹ *Key Considerations for Managing and Sequencing DDR, SSR, and Integration in a Peace Process – International Best Practices & Strategies for the Sudan Context*, PILPG, 1 (Jun. 16, 2020).

⁵² *Key Considerations for Managing and Sequencing DDR, SSR, and Integration in a Peace Process – International Best Practices & Strategies for the Sudan Context*, PILPG, 1, 3 (Jun. 16, 2020); DCAF Geneva Centre for Security Sector Governance, *Building the Foundations and Start of Transition Processes in the Security Sector Overview of International Lessons and Practice*, at 4–5 (2022) .

⁵³ SUDAN CONST., arts. 29–31 (2019) (describing the Supreme Judicial Council, the Judicial Authority, and Constitutional Court without going into detail on their jurisdiction); SUDAN TRANSITIONAL CONST., arts. 57–60 (2022) (draft); Draft Political Agreement, chapter 3: the Structures of the Transitional Authority, Justice Mechanisms (Mar. 27, 2023).

compliance with the judicial process.⁵⁴ The 2022 Draft Constitution and 2019 Constitutional Declaration include provisions establishing that military courts have jurisdiction over members of the military for violations of military law, while military crimes against civilians or relating to the rights of civilians remain in civilian courts; however, they do not specify when other disputes concerning military activities will be tried in civilian versus military courts.⁵⁵ The 2023 Draft Political Agreement does not refer to military courts and provides little detail on the jurisdiction of various judicial organs or when they will begin exercising their jurisdiction.⁵⁶

It is important to ensure that the military and security services remain subject to civilian judicial oversight wherever possible. Provisions specifically granting the civilian courts jurisdiction over the military and security service, and specifying when the courts would begin to exercise that jurisdiction, would help strengthen the judiciary's oversight over these units.⁵⁷ The documents in a new peace or political process could further clarify that members of the military and security services are subject to the civilian jurisdiction of informal or customary justice systems and local courts.⁵⁸ Changes could also establish that military courts may not try civilians or at least may not except in exceptional circumstances.⁵⁹ By contrast, under international practices, the final judicial framework ought to establish who may bring cases against the military and security services and seek

⁵⁴ M. England, Henry L. Stimson Centre (Stimson Centre), *Security Sector Governance and Oversight: A Note on Current Practice*, 24 (2009), https://www.stimson.org/sites/default/files/fileattachments/Stimson_Governance_oversight_security_Sector_FINAL_12dec09_1_1.pdf; see SUDAN CONST., arts. 29–31 (2019); SUDAN TRANSITIONAL CONST., art. 74 (2022) (draft); Draft Political Agreement, chapter 3: the Structures of the Transitional Authority, Justice Mechanisms (Mar. 27, 2023).

⁵⁵ SUDAN CONST., art. 38 (2019); SUDAN TRANSITIONAL CONST., art. 72(1) (2022) (draft).

⁵⁶ Draft Political Agreement, chapter 3, Justice Mechanisms (Mar. 27, 2023).

⁵⁷ See SUDAN CONST., arts. 29–31 (2019); SUDAN TRANSITIONAL CONST., art. 57–61 (2022) (draft); Draft Political Agreement, chapter 3: the Structures of the Transitional Authority, Justice Mechanisms (Mar. 27, 2023).

⁵⁸ M. England, Henry L. Stimson Centre (Stimson Centre), *Security Sector Governance and Oversight: A Note on Current Practice*, 24 (2009), https://www.stimson.org/sites/default/files/fileattachments/Stimson_Governance_oversight_security_Sector_FINAL_12dec09_1_1.pdf; Godfrey Musila, *The Rule of Law and the Role of Customary Courts in Stabilizing South Sudan*, AFRICA CENTER FOR STRATEGIC STUDIES, 1 – 3 (2018), <https://africacenter.org/spotlight/the-rule-of-law-and-the-role-of-customary-courts-in-stabilizing-south-sudan/>.

⁵⁹ UN Human Rights. Comm., General Comment No. 32, Article 14: Right to equality before courts and tribunals and to a fair trial (2007), <http://hrlibrary.umn.edu/hrcommittee/gencom32.pdf>.

to ensure this is as broad of a group as practicable.⁶⁰ The more the judicial system constrains the conduct of the military and enables civilians and civil society groups to raise grievances against the military, the harder it may be for the military to interfere with or resist SSR. Civil society groups could use more open courts to raise issues of corruption, combat abuses of power, or oppose lackluster reforms in order to push SSR forward.

Ensuring Participation of Civil Society

Civil society groups can be included in SSR planning and implementation in a number of ways. The 2019-2022 Key Documents and 2023 Draft Political Agreement focus on the powers of the civilian government and military leadership. Beyond clarifying the scope of these powers as discussed above, the final documents could also incorporate specific avenues to enable civil society participation in SSR. One possible avenue is a public grievance unit that receives and investigates complaints from civilians and civil society groups about the military and security services. Such a public grievance unit could provide a voice for civil society to raise concerns to government officials. Further, focusing on civilian complaints would differentiate such a grievance unit from an auditing unit, such as the one discussed in the 2019-2022 Key Documents.⁶¹ A public grievance unit could also act as a conduit for issues identified by civilians to be referred to the Auditor General. Embedding civilian auditing and oversight systems such as this, which can receive and respond to civilian and civil society concerns, can also help prevent corruption in the reform of the security sector.⁶²

International Practices on Civilian Oversight Throughout SSR Implementation

The SSR process is often as crucial as the outcome of the process.⁶³ Thus, while the placement of civilian officials in top positions of authority is an important step towards building civilian oversight, international practice suggests

⁶⁰ UNDP, *Public Oversight of the Security Sector: A Handbook for Civil Society Organizations*, 50–51 (2008), https://www.undp.org/content/dam/undp/documents/partners/civil_society/publications/2008_UNDP_CSOHandbook-Public-Oversight-of-the-Security-Sector-2008.pdf.

⁶¹ See SUDAN CONST., art. 34 (2019); SUDAN TRANSITIONAL CONST., art. 66 (2022) (draft); Draft Political Agreement, chapter 3, Terms of reference of the Transitional Sovereignty Council / Head of State (Mar. 27, 2023).

⁶² Ammar ME Ibrahim, *Security sector reform in Sudan: Challenges and entry points for civil society*, SAFERWORLD, 25 (Nov. 2022).

that further embedding civilians in the implementation of SSR is necessary to achieve lasting and effective reform.⁶⁴ Civilian monitoring of the SSR process serves the goals of building popular support, societal legitimacy, and representation of a broad set of interests.⁶⁵ It can also serve to deter powerful military and security service leaders from hijacking the SSR process for personal gain.⁶⁶

Civilian Involvement in Ad Hoc Reform Planning and Measures

Security sector reform is a long-term process, which necessarily may encounter setbacks and require adjustments to changing circumstances.⁶⁷ While it is important that reforms have firm long-term objectives, such as the envisioned final security arrangements, it is similarly important to provide for regular assessments and means of adapting SSR plans to reflect changing circumstances.⁶⁸

Civilians benefit from remaining involved throughout the SSR process, including when the process experiences setbacks or deviations from prior plans.⁶⁹ Early 2023 ceasefire negotiations in Jeddah, Saudi Arabia included representatives

⁶³ Luka Biong D. Kuol, *Reforming the Security Sector in Sudan: The Need for a Framework*, Africa Center for Strategic Studies, 4 (Nov. 2, 2020).

⁶⁴ Alice Hunt Friend, *Civilian Protection through Civilian Control: An Overlooked Piece of Security Sector Assistance in the Sahel*, CENTER FOR STRATEGIC & INTERNATIONAL STUDIES, 2 (Dec. 2020).

⁶⁵ Luka Biong D. Kuol, *Reforming the Security Sector in Sudan: The Need for a Framework*, Africa Center for Strategic Studies, 4 (Nov. 2, 2020) (referencing instances of Liberia, Sierra Leone, and Burundi); *cf. Building the Foundations and Start of Transition Processes in the Security Sector: Overview of International Lessons and Practice Policy Brief*, DCAF – GENEVA CENTRE FOR SECURITY SECTOR GOVERNANCE, 2 (2022).

⁶⁶ Luka Biong D. Kuol, *Reforming the Security Sector in Sudan: The Need for a Framework*, Africa Center for Strategic Studies, 4 (Nov. 2, 2020).

⁶⁷ *Key Considerations for Managing and Sequencing DDR, SSR, and Integration in a Peace Process – International Best Practices & Strategies for the Sudan Context*, PILPG, 1 (Jun. 16 2020).

⁶⁸ *Key Considerations for Managing and Sequencing DDR, SSR, and Integration in a Peace Process – International Best Practices & Strategies for the Sudan Context*, PILPG, 1 (Jun. 16 2020); *Building the Foundations and Start of Transition Processes in the Security Sector: Overview of International Lessons and Practice Policy Brief*, DCAF – GENEVA CENTRE FOR SECURITY SECTOR GOVERNANCE, 4-5 (2022).

⁶⁹ *See Building the Foundations and Start of Transition Processes in the Security Sector: Overview of International Lessons and Practice Policy Brief*, DCAF – GENEVA CENTRE FOR SECURITY SECTOR GOVERNANCE, 5 (2022); *see also* Ammar ME Ibrahim, *Security sector reform in Sudan: Challenges and entry points for civil society*, SAFERWORLD, 41-42 (Nov. 2022).

from the Sudanese Armed Forces and Rapid Support Forces but not civilians.⁷⁰ The absence of civilian actors at these negotiations was criticized as treating the military groups as Sudan's only relevant political actors and excluding civilian leadership who have previously helped mitigate conflict in Sudan.⁷¹

Insofar as these or related talks may eventually result in changed political arrangements, it is all the more important that civilians are involved as early as possible because those talks may implicate security sector reforms. Including civilians in talks on security arrangements, including ceasefires, can set a pattern for civilian participation in ensuing talks that may concern security sector reforms. Moreover, that inclusion would be useful for ceasefires: even if civilian groups are not designated as third party monitors of a ceasefire, they can still work collaboratively with formal ceasefire monitoring and verification mechanisms,⁷² or help craft policy on conflict or incident prevention, early warning, protection, and de-escalation.⁷³

Civilian Control over Non-Combat Military Activities

SSR implementation benefits from civilian participation across non-combat operations to ensure civilian oversight of the military and other security services' activities.⁷⁴ Civilian control outside of traditional military and other security service operations can entail legislative oversight over policy and budget; financial oversight mechanisms providing for transparency and efficiency in budgeting and procurement; and participation in defining the legal scope of missions,

⁷⁰ Amgad Fareid Eltayeb, Sudan: *What's wrong with the US-Saudi-mediated talks in Jeddah?*, THE AFRICA REPORT, 3-4 (May 8 2023), available at <https://www.theafricareport.com/307029/sudan-whats-wrong-with-the-us-saudi-mediated-talks-in-jeddah/>.

⁷¹ E.g. Amgad Fareid Eltayeb, Sudan: *What's wrong with the US-Saudi-mediated talks in Jeddah?*, THE AFRICA REPORT (May 8 2023), available at <https://www.theafricareport.com/307029/sudan-whats-wrong-with-the-us-saudi-mediated-talks-in-jeddah/>; The Economist, *What the West Gets Wrong About Peacemaking in Sudan* (May 11, 2023) <https://www.economist.com/middle-east-and-africa/2023/05/11/what-the-west-gets-wrong-about-peacemaking-in-sudan>.

⁷² *Guidance on the Mediation of Ceasefires*, UNITED NATIONS DEPARTMENT OF POLITICAL AND PEACEBUILDING AFFAIRS, 56 (Sep. 2022).

⁷³ *Guidance on the Mediation of Ceasefires*, UNITED NATIONS DEPARTMENT OF POLITICAL AND PEACEBUILDING AFFAIRS, 61 (Sep. 2022).

⁷⁴ Alice Hunt Friend, *Civilian Protection through Civilian Control: An Overlooked Piece of Security Sector Assistance in the Sahel*, CENTER FOR STRATEGIC & INTERNATIONAL STUDIES, 2 (Dec. 2020).

engagements, operations, and campaigns.⁷⁵ As a point of comparison, in South Africa, the military budget needs to be approved by the legislature; accordingly, the government cannot commit troops or engage in hostilities without legislative assent.⁷⁶ In the United States, the executive branch has authority over military command and appointments, while the legislative branch has authority over taxation, declaring war, raising and supporting armies, and establishing rules and regulations for the military.⁷⁷

In Sudan, military groups maintain independent sources of financing through control of various economic sectors such as telecommunications, banking, aviation, and construction sectors.⁷⁸ Establishing civilian oversight of activities in these sectors is vital to curtail the power and influence of military leaders over civilian officials.⁷⁹ In the SSR process, the civilian government needs to have meaningful financial and organizational oversight and control over the operations of the government and military in order to meaningfully impact the SSR process.

Civilian Oversight, Integration, and Demilitarization

Military and other security service integration involves dissolving the sectarian divides between Sudan's various military groups and re-organizing the security sector around a shared state security vision, purpose, and set of objectives.⁸⁰ In terms of culture and norm building, such measures facilitate the

⁷⁵ The Armed Forces: Roles and Responsibilities in Good Security Sector Governance, DCAF – GENEVA CENTRE FOR SECURITY SECTOR GOVERNANCE, SSR BACKGROUNDER SERIES, 6 (2015).

⁷⁶ Len le Roux, *South Africa* in IN BUDGETING FOR THE MILITARY SECTOR IN AFRICA: THE PROCESSES AND MECHANISMS OF CONTROL 197, 214 (Wuyi Omitoogun and Eboe Hutchful, eds., 2006) at <https://www.sipri.org/sites/default/files/files/books/SIPRI06OmHu/SIPRI06OmHu10.pdf>.

⁷⁷ Kathleen K. McInnis, *Civilian Control of the Armed Forces*, CONGRESSIONAL RESEARCH SERVICE, 8 (Jan. 12 2021).

⁷⁸ Mat Nashed, *Security Sector Reform in Sudan: Opportunities and Challenges*, FANACK CHRONICLE, 2 (Dec. 14, 2020).

⁷⁹ Mat Nashed, *Security Sector Reform in Sudan: Opportunities and Challenges*, FANACK CHRONICLE, 2 (Dec. 14, 2020); cf. Work Product #5, *The Relationship Between the Sovereign Authority and Sudan's Military Command*, PILPG Working Group, 17 (April 2023).

⁸⁰ Luka Biong D. Kuol, *Reforming the Security Sector in Sudan: The Need for a Framework*, Africa Center for Strategic Studies (Nov. 2, 2020); see also *Key Considerations for Managing and Sequencing DDR, SSR, and Integration in a Peace Process – International Best Practices & Strategies for the Sudan Context*, PILPG, 2-3 (Jun. 16 2020).

development of trust among parties,⁸¹ as well as help to eliminate pre-existing divisions among forces, such as along ethnic or other lines. Integration measures can thus help achieve nationalization and achieve “a new social contract that ensures the military answer to civilian bodies and are respected but not feared.”⁸²

Integration efforts facilitate opportunities to further embed civilian oversight of security sector implementation. As the Geneva Centre for Security Sector Governance observes, “[i]ntegration processes usually are accompanied by substantive changes to human resource management policies (recruitment, promotion, discrimination and gender policies), command (a degree of decentralisation is required), training systems, and internal oversight (especially if there is mistrust of new recruits).”⁸³ Such changes can help contribute to the development of a unified and non-political military, and offer opportunities for civilian involvement, such as through civilian input in human resource policies and the development and deployment of training systems. Despite significant success stories like South Africa and the Philippines, integration of forces can yield limited results due to technical complexity, financial resource requirements, political considerations, and time requirements.⁸⁴

In terms of demilitarization, civilian oversight can be used to prevent potential issues caused by transitioning roles of former military and security service members, such as bloat or abuse from subsuming militants into the military and police forces.⁸⁵ Commentators note that in the context of transitioning personnel from military to police roles, there is a risk that re-trained fighters

⁸¹ Cf. *Key Considerations for Managing and Sequencing DDR, SSR, and Integration in a Peace Process – International Best Practices & Strategies for the Sudan Context*, PILPG, 1-3 (Jun. 16 2020).

⁸² Mat Nashed, *Security Sector Reform in Sudan: Opportunities and Challenges*, FANACK CHRONICLE, 4 (Dec. 14, 2020); see also Jason Criss Howk, Andrew Hyde, Annie Pforzheimer, *Four Lessons in for Security Sector Reform in Afghanistan*, UNITED STATES INSTITUTE FOR PEACE, 4-5 (Oct. 21 2020), available at <https://www.usip.org/publications/2020/10/four-lessons-security-sector-reform-afghanistan>.

⁸³ *Building the Foundations and Start of Transition Processes in the Security Sector: Overview of International Lessons and Practice Policy Brief*, DCAF – GENEVA CENTRE FOR SECURITY SECTOR GOVERNANCE, 15 (2022); *Building the Foundations and Start of Transition Processes in the Security Sector: Overview of International Lessons and Practice Policy Brief*, DCAF – GENEVA CENTRE FOR SECURITY SECTOR GOVERNANCE, 14 (2022).

⁸⁴ *Building the Foundations and Start of Transition Processes in the Security Sector: Overview of International Lessons and Practice Policy Brief*, DCAF – GENEVA CENTRE FOR SECURITY SECTOR GOVERNANCE, 15 (2022).

⁸⁵ E.g. Mat Nashed, *Security Sector Reform in Sudan: Opportunities and Challenges*, FANACK CHRONICLE, 3 (Dec. 14, 2020).

“maintain [] their loyalties to their former militia leaders.”⁸⁶ Thus, any demilitarization of military and other security services personnel would benefit from being accompanied by considered efforts, involving civilians, to ensure roles are staffed properly and transitions are effective. Depending on the circumstances, a beneficial practice may be to be more selective of the type and number of personnel to be integrated into the new roles and to limit the roles of those personnel until they are fully trained.⁸⁷ Cautious integration can mitigate the risk of loss of capable leaders, while separating military members from their previous allegiances in the service of new units.⁸⁸

Conclusion

Effectively including civilians in the planning and implementation of SSR is a necessary component of achieving civilian involvement in the security sector. Each of the 2019-2022 Key Documents and the 2023 Draft Political Agreement provides opportunities for civilian involvement, but those provisions could be further strengthened to allow for optimal civilian participation in the planning and implementation of SSR in documents negotiated during a new peace or post political process to follow the current conflict. Lessons derived from international practices suggest that SSR is a long-term process that requires assessing and implementing combined long, medium, and short-term goals. Ensuring the continued involvement of civilians and civilian-led government units in Sudan’s SSR process can help create lasting peace and civilian governance in Sudan.

⁸⁶ Mat Nashed, *Security Sector Reform in Sudan: Opportunities and Challenges*, FANACK CHRONICLE, 3 (Dec. 14, 2020).

⁸⁷ *Building the Foundations and Start of Transition Processes in the Security Sector: Overview of International Lessons and Practice Policy Brief*, DCAF – GENEVA CENTRE FOR SECURITY SECTOR GOVERNANCE, 16 (2022).

⁸⁸ Cf. Jason Criss Howk, Andrew Hyde, Annie Pforzheimer, *Four Lessons in for Security Sector Reform in Afghanistan*, UNITED STATES INSTITUTE FOR PEACE (Oct. 21 2020), available at <https://www.usip.org/publications/2020/10/four-lessons-security-sector-reform-afghanistan>.