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Sudanese Peace Agreements (1972-2020): The Legacy of State Formation and the Challenges of Sustainability**

اتفاقيات السلام السودانية (1972-2020): إرث المنشأ وتحديات الاستدامة

Abstract: This study examines Sudanese peace agreements from 1972 to 2020, analysing the roots of conflict between the political centre and peripheral regions. The analysis draws on the concept of the legacy of state formation, which has cumulatively shaped historical grievances, primarily through political, economic, and cultural marginalization. The study argues that, since the colonial period, central state policies have concentrated development and power in the riverain provinces at the expense of other regions. This situation led to the emergence of grievance-based movements that later evolved into armed insurgency. Although several peace agreements were concluded between the warring parties, most relied on partial sharing of power and wealth while failing to address the fundamental causes of conflict. Further compounding this failure were a lack of trust among factions, foreign mediator intervention, failure to implement commitments, and the use of such agreements to serve short-term political agendas. The study finds that the failure to sustain peace was a direct consequence of persistently ignoring the legacy of state formation and the absence of structural solutions.

Keywords: Sudanese Peace Agreements; Legacy of State Formation; Sudan; South Sudan; Darfur.

الملخص: تبحث هذه الدراسة في اتفاقيات السلام السودانية في الفترة 1972-2020، من خلال تحليل جذور الصراعات بين المركز والأطراف، استناداً إلى مفهوم إرث المنشأ الذي يعكس تراكم المظالم التاريخية الناتجة من التهميش السياسي والاقتصادي والثقافي. وترى الدراسة أن سياسات الدولة المركزية منذ الحقبة الاستعمارية ركزت على التنمية والسلطة في الوسط النيلي على حساب مناطق أخرى، وهو أمر ولد حركات مطلبية تحولت لاحقاً إلى تمردات مسلحة. وعلى الرغم من توقيع عدة اتفاقيات سلام كثيرة، فإن معظمها اتسم بتقاسم جزئي للسلطة والثروة من دون معالجة أسباب الصراع البنيوية، إضافة إلى غياب الثقة بين مختلف الأطراف، وتدخل وسطاء خارجيين، فضلاً عن نقض الالتزامات، وتوظيف الاتفاقيات لأجندات سياسية قصيرة المدى. وتؤكد النتائج أن الفشل في استدامة السلام كان نتاجاً مباشراً لاستمرار إرث المنشأ من دون حلول جذرية.

كلمات مفتاحية: اتفاقيات السلام السودانية؛ إرث المنشأ؛ السودان؛ جنوب السودان؛ دارفور.

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Introduction

Upon gaining independence on 1 January 1956, Sudan faced multiple deep-rooted political, economic, and social challenges: defining its system of government, achieving balanced development, and managing cultural and social diversity within a framework of sustainable national unity. Among these challenges was the emergence of movements in the peripheral provinces (*mudīriyyāt*), demanding their legitimate right to power within a federal system and a fair share of wealth and development comparable to that enjoyed by the riverain provinces in northern and central Sudan. Successive central governments failed to meet the aspirations of these movements; on the contrary, their responses deepened the sense of deprivation in the peripheries relative to the level of development in the northern and central provinces. As a result, the nature of these movements changed, shifting from peaceful protest movements that advanced specific demands to armed movements asserting their claims and political presence through force. The ruling authorities in Khartoum concluded bilateral peace agreements with these movements, but most failed to address the root causes of the problems that had given rise to them. Others were breached by the central government itself under authoritarian regimes, and consequently these agreements foundered or proved unable to build sustainable peace in Sudan.

This study reviews and analyses the bilateral peace agreements concluded between the central government and rebel movements during the period 1972-2020, taking into account the objective circumstances under which they were reached, to identify their limitations. These agreements were all based on the principle of a political settlement and power-sharing between the two principal parties to the conflict: the central government and the opposition movements. Several fundamental questions stem from this premise: What legacy of state formation underlies the recurring conflicts between successive national central governments and peaceful protest movements? Why did peaceful movements transform into armed movements in their conflict with the central government? What common patterns characterized the bilateral agreements reached between the parties? To what extent did the power- and wealth-sharing formula that formed the basis of the negotiating agenda contribute to the failure of these agreements? If so, why?

Conceptual and Historical Framework: The Legacy of State Formation

The legacy of state formation, albeit not an established independent concept, is grounded in identity studies and political anthropology. In the Sudanese context, it intersects with other concepts, including the historical memory of injustice,¹ structural marginalization, and a central identity rooted in the dominant Arab-Islamic culture.² In this sense, the concept may be situated within what Benedict Anderson describes as the narratives forming part of the collective imagination,³ or the broader collective consciousness that Sudanese protest movements employed to claim their “rightful” share of power and wealth. The concept of the legacy of state formation can thus serve as a historical and analytical framework for understanding grievance-based conflicts and the resulting peace agreements.

The features of this legacy took shape during the colonial period (1898-1956) and were reinforced by successive national governments’ tendency to concentrate development in the riverain provinces, or irrigated areas, because of the profits it generated. This pattern was accompanied by the preferential appointment of people from these regions in the civil service owing to their professional qualifications, which were not available to people from less developed regions. At the same time, other cultures were marginalized

¹ For more detail, see: Francis M. Deng, *War of Visions: Conflict of Identities in Sudan* (Washington, DC: Brookings Institution, 1995).

² For more detail, see: Ahmed Ibrahim Abushouk, *al-Sūdān: al-Ṣulṭa wa-l-Turāth*, vol. 6 (Omdurman: Abdulkarim Mirghani Centre, 2018), pp. 181-232.

³ For more detail, see: Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (New York/London: Verso Books, 1983).

in favour of the dominant Arab-Islamic culture. The legacy of state formation thus constitutes a symbolic, cultural, and political reservoir linked to an individual's or a group's affiliation with a particular race, culture, or place. It is invoked in political, social, and cultural discourse to justify demands, explain accumulated grievances, or affirm the us-versus-them dynamic.

The legacy of state formation was therefore tied to policies of structural marginalization, practised consciously or unconsciously by successive national governments, which led to civil wars in southern Sudan (1955-1972, 1983-2005), Darfur (after 2003), southern Kordofan, southern Blue Nile, and eastern Sudan. Armed movements in these regions instrumentalized the legacy of state formation, with its various components, as a slogan for their political and military struggle to claim their share of power and wealth, citing inequitable development policies and the marginalization of cultural, linguistic, and religious identities in favour of the identity of the riverain provinces, whose members monopolized key public positions in the state.

This study uses the legacy of state formation as a historical framework for discussing the justifications underpinning armed movements' demands. This legacy endured throughout successive peace negotiations and agreements, reflecting the inability of both the central government and the peripheries to alter its core components. Key themes associated with this legacy – “uneven development”, “the monopoly of key public positions by members of riverain groups”, and “the marginalization of cultures, religions, and ethnicities in favour of Arab-Islamic culture”, which formed the culture of the ruling centre – were repeatedly invoked in negotiations and peace agreements between the central government and some armed, demand-based movements. The historical narrative shows how the components of the legacy of state formation posed a challenge to sustainable peace agreements and were among the factors that led to the secession of South Sudan in 2011.

The Recurrent Historical Dimension in Sudanese Peace Agreements

The legacy of state formation was one factor that led to conflict between successive national governments in the centre and peaceful protest movements in the peripheries. This conflict was rooted in ethnic, religious, cultural, and economic disparities, reinforced by the legacy of slavery and its negative repercussions,⁴ as well as by the investment philosophy of the colonial government, which concentrated its economic projects and the development of supporting human resources in areas with sustainable irrigation, as these were more profitable than rain-fed agriculture and pastoral activities.⁵

The colonial state established structural barriers through its Closed Districts policy, which permitted Christian missionary and proselytizing organizations to operate in southern Sudan. This arrangement gave rise to a social stratum that, having benefited from colonial development projects unavailable to the less developed provinces, gained influence over central decision-making. It also reinforced an already ingrained sense of superiority among Arabized Muslim northerners and their condescending attitude towards other social groups that neither claimed an Arab or Islamic affiliation nor possessed the modern cultural and educational foundations that would qualify them to control the levers of power and wealth in the political centre.⁶ This distinction manifested in the emergence of southern parties with a regional character, representing a rejection of the nationalist movement parties with their Arab-Islamic leanings, which had failed to establish effective channels of political communication with southern constituencies.⁷

⁴ For more detail, see: Muhammad Ibrahim Naqd, *Alāqāt al-Riqq fī al-Mujtama' al-Sūdānī: al-Nash'a, al-Simāt, al-Idmihlāl* (Cairo: Dar al-Thaqafa al-Jadida, 1995); Mansur Khalid, *al-Sūdān: Ahwāl al-Ḥarb wa-Ṭumūhāt al-Salām, Qiṣṣat Baladāyn* (Khartoum: Dar Madarik, 2008), pp. 77-126.

⁵ For more detail, see: Joseph Garang, “al-Ṭarīq al-‘Ilmī li-Ḥall Mushkilat Janūb al-Sūdān,” *Majallat al-Tali'a*, no. 9 (September 1969), pp. 92-98.

⁶ For more detail, see: Deng.

⁷ For more detail on the party lists that took part in the parliamentary elections from 1953 to 1986, see: Ahmed Ibrahim Abushouk & al-Fatih Abdullah Abdulsalam, *al-Intikhabāt al-Barlamāniyya fī al-Sūdān (1953-1986): Muqāraba Tārīkhīyya-Tahliiliyya*, 2nd ed. (Doha/Beirut: ACRPS, 2020).

At this juncture, the divide between the Arabized Muslim north and the African south, with its mostly Christian or traditional local beliefs, deepened into a stark north-south rupture. Signs of this tension began to appear before the declaration of independence, in protests by the southern elite against the unilateral political and administrative decisions made by northern party leaders that laid the foundations of the post-colonial state. The early protests centred on pivotal issues, including the exclusion of southerners from the self-government negotiations that produced the 1953 agreement, the limited ministerial representation granted to southerners in the first transitional government formed by the National Unionist Party (1954-1956), and the decisions of the Sudanisation Committee, which were criticized as unfair for failing to fulfil the commitments made at the Juba Conference in 1947.

These and other issues were discussed at the second Juba Conference, organized by the Liberal Party from 18 to 21 October 1954. With attendance limited to southerners, *al-Ayyam* newspaper described the conference as “racial prejudice” on the grounds that it excluded non-southerners and focused solely on southern affairs, as if the south and the north did not constitute a single country.⁸ Prior to the conference, the government in Khartoum took several pre-emptive measures intended to undercut its effectiveness, including announcing higher salaries for southern employees and workers to bring them into line with those of their northern counterparts.⁹ Nevertheless, in addition to criticizing the marginalization of southerners in discussions of crucial issues and the Sudanization of administrative and military posts, conference participants advanced two fundamental recommendations. The first called for the full independence of Sudan – meaning no union with Egypt – and the second affirmed the need for a federal relationship between the south and the north within a unified Sudan.¹⁰ The participants rejected the policy of replacing foreign officials with northerners, arguing that it would lead only to unrest and chaos in the south. They further demanded secession should federalism be rejected, arguing that the south could not survive without it.¹¹

These factors combined to create fertile ground for the outbreak of the first southern rebellion on 18 August 1955, which lasted for several months.¹² Some political circles attributed the timing of the rebellion to Egyptian intelligence, which was dissatisfied with the Sudanese parliamentary resolution of 16 August 1955 affirming the Sudanese right to self-determination and addressing the condominium powers accordingly, with no mention of union with Egypt.¹³ Once the turmoil in southern Sudan had abated somewhat, the transitional government began the parliamentary process of declaring independence. Southern representatives reiterated their demand for a federal system of government between the south and the north that would allow them to govern themselves, free from the tutelage of northern officials. The transitional government (1954-1956) accepted this demand in exchange for southern parliamentary support for the declaration of independence (the House of Representatives and the Senate). Yet after independence was declared by unanimous parliamentary vote on 19 December 1955, the government reneged on its promise, thereby igniting a civil war that lasted in southern Sudan for 17 years (1955-1972).¹⁴

⁸ Cited in: Faisal Abdulrahman Ali Taha, *al-Sūdān ‘alā Mashārīf al-Istiqlāl al-Thānī: 1954-1956* (Omdurman: Abdulkarim Mirghani Centre, 2010), p. 128.

⁹ Ibid., pp. 130-132. For more detail on the problem of wages in southern Sudan, see: Abdullah Ali Ibrahim, “Haraka Waṭaniyya Sūdāniyya am Ḥarakāt Waṭaniyya: Tārīkh mā Ahmalahu al-Tārīkh ‘an Janūb al-Sūdān: Ujūr al-Zanj wa-Mas’alat al-Janūb,” in: *Infiṣāl Janūb al-Sūdān: al-Makhṭir wa-l-Furaṣ* (Doha: ACRPS, 2012), pp. 113-147.

¹⁰ Cited in: Taha, *al-Sūdān ‘alā Mashārīf al-Istiqlāl al-Thānī*, p. 128.

¹¹ Ibid., pp. 134-135. Further detail is found in: Salman Muhammad Ahmad Salman, *Infiṣāl Janūb al-Sūdān: Dawr wa-Mas’ūliyyat al-Quwā al-Siyāsiyya al-Shamālīyya* (Fairfax, VA: Center for Sudan Research, 2015), pp. 52-75; Abel Alier, *Janūb al-Sūdān: al-Tamādī fī Naqd al-Mawāthiq wa-l-‘Uhūd*, Bashir Muhammad Said (trans.) (London: Midlight, 1992), pp. 20-22.

¹² For more details on the rebellion and its repercussions, see: *Report of the Commission of Inquiry into the Disturbances in the Southern Sudan during August 1955* (Khartoum: McCorquodale and Co. Ltd., 1956).

¹³ See the summary of the deliberations on self-determination in: Mahmoud Salih Othman Salih (ed.), *al-Wathā’iq al-Biriṭāniyya: 1940-1956*, vol. 11, 1955-1956, Faisal Abdulrahman Ali Taha (trans.) (London/Beirut: Riad Al Rayyes Books and Publishing, 2002), pp. 114-117.

¹⁴ For more detail, see: Salman, pp. 52-75.

After repeated violations of agreements, numerous attempts were made to reach a political settlement between north and south, all of which failed until the government formed on 25 May 1969 released a statement on 9 June 1969 recognizing the “cultural, economic, religious, ethnic, and social differences between north and south”. The statement then declared the government’s intention “to grant the south autonomy, putting an end to the ongoing confrontation between north and south”. It outlined a four-point programme that included a general amnesty for southerners residing abroad, specific plans for the economic, social, and cultural development of the south, and the appointment of a minister for southern affairs.¹⁵ In accordance with the statement, President Jaafar Nimeiri (1969-1985) appointed Joseph Garang as minister for southern affairs (1969-1971). Abel Alier succeeded him in the same position after the suppression of the coup of 19 July 1971.

The government’s willingness to address the southern problem from a new perspective, coupled with the role played by the minister for southern affairs and the mediation efforts of Ethiopia and the church councils, paved the way for direct negotiations between the central government and rebel factions in the south,¹⁶ culminating in the Addis Ababa Agreement in 1972.¹⁷ The agreement set out four fundamental principles to define the relationship between north and south: first, respect for all religions, including traditional African religions, and the non-conferral of a religious character on the state; second, recognition of the cultural characteristics of the people of the south, including their right to develop their local culture and arts; third, recognition of the south’s right to self-governance without domination by the central government; and fourth, the integration of the armed movements’ military factions into the People’s Armed Forces through a joint committee composed of both parties, with these forces placed under the president’s authority in their internal and external operations.¹⁸

Based on these principles, and given that most were implemented in practice, the Addis Ababa Agreement succeeded in preventing the resumption of war between north and south for eleven years. However, it failed to build a durable peace founded on restored mutual trust, to lay the groundwork for a democratic transition as envisaged in the agreement, or to implement the social and economic development projects agreed upon by the two parties. This failure can be attributed to the performance of the southern regional government and, at times, to a lack of cooperation from the central government, as Abel Alier details in his *South Sudan: Too Many Agreements Dishonoured*. Moreover, President Nimeiri disregarded Article 34 of the Self-Government for the Southern Provinces Act, which explicitly stipulated that the Act could be amended only by a three-quarters majority of the People’s National Assembly and confirmed by a two-thirds majority in a referendum held in the three Southern Provinces of the Sudan.¹⁹ Ignoring this provision, Nimeiri dissolved the Southern Regional Government and divided the Southern Region into three regions, and appointed new leaders who lacked social and political weight in the south. He also

¹⁵ For more detail, see: Alier, pp. 48-50; Mansur Khalid, *Janūb al-Sūdān fī al-Mukhayyala al-‘Arabiyya: al-Šūra al-Zā‘ifa wa-l-Qam‘ al-Tārīkhī* (London: Dar Turath, 2000), pp. 322-323; Mahmud Muhammad Qalandar, *Janūb al-Sūdān, Marāḥil Inhiyār al-Thiqa baynihi wa-bayn al-Shamāl (1900-1983): Qirā‘a Tārīkhīyya li-l-Mushkila min Manẓūr al-Ittiṣāl al-Ijtīmā‘ī* (Damascus: Dar al-Fikr, 2004), p. 299; Salman, pp. 166-167. Items in the statement of 9 June 1969 had first been proposed by the Sudanese Communist Party in 1954 and were again included in the party’s programme outlined at its third conference in 1956. See: Taj al-Sir Othman, “al-Dhikhrā 52 li-Bayān 9 Yūnyū 1969,” Centre for Secular Studies and Research in the Arab World, 8/6/2021, accessed on 16/7/2024, at: <https://bit.ly/3zI9eeS>. The full text of the 9 June 1969 statement is found in: Mudathir Abdulrahim al-Tayyib, *Mushkilat Janūb al-Sūdān: Ṭabī‘atuhā wa-Taṭawwuruhā wa-Athar al-Siyāsa al-Biriṭāniyya fī Takwīnīhā* (Khartoum: al-Dar al-Sudaniyya, 1970), pp. 219-223.

¹⁶ Qalandar, pp. 299-305.

¹⁷ The Addis Ababa Agreement on the Problem of South Sudan consists of three parts. The first, “The Draft Organic Law to Organise Regional Self-Government in the Southern Provinces of the Democratic Republic of Sudan”, was agreed to on 27 February 1972 and enacted by the Sudanese government on 3 March 1972. It contains two appendices, one on fundamental rights and freedoms (A) and the other on revenues and taxes (B). Part two is the ceasefire agreement for the southern regions, while part three is made up of four protocols on interim arrangements: interim administrative arrangements, temporary arrangements for the composition of the units of the people’s armed forces in the southern region, amnesty and judicial arrangements, and the relief and resettlement commission.

¹⁸ Khalid, *Janūb al-Sūdān fī al-Mukhayyala al-‘Arabiyya*, p. 28.

¹⁹ Article 34 of the Self-Government for the Southern Provinces Act.

embarked on the Islamization of certain state institutions and laws, with less regard for the sensitivities of the southern provinces.²⁰

These and other factors led to the outbreak of the Second Sudanese Civil War in 1983, which lasted for more than two decades (1983-2005). The war was interrupted by successive rounds of negotiations, conducted first under the elected parliamentary government (1986-1989)²¹ and later by the National Salvation coup government (1989-2019). Under the Salvation Government, the Khartoum government and rebel movements concluded three agreements: first, the Khartoum Peace Agreement, signed by the government with Riek Machar on behalf of the South Sudan Independence Movement and Kerubino Kuanyin on behalf of the Sudan People's Liberation Movement (SPLM) – Bahr al-Ghazal faction on 21 April 1997; second, the Fashoda Agreement, signed by the government with Lam Akol Ajawin on behalf of the SPLM – United faction on 20 September 1997; and third, the Comprehensive Peace Agreement of 2005.

The first two agreements acknowledged the problems associated with the legacy of state formation and based their solutions on four pillars: first, recognition of the right of the citizens of the south to exercise their right to “self-determination through a referendum” in the three southern provinces;²² second, acknowledgement that “Sudan is a multi-racial, multi-ethnic, multi-cultural and multi-religious society.” Islam is the religion of the majority of the population, and Christianity and the African creeds are followed by a considerable number of citizens. Nevertheless, the basis of rights and duties in the Sudan shall be citizenship, and all Sudanese shall equally share in all aspects of life and political responsibilities on the basis of citizenship;²³ third, that “the South Sudan Defence Force (SSDF) shall remain separate from the National Army and be stationed in their locations under their command”²⁴ and that “Police, Prisons, Wildlife, Civil Defence, Fire Brigade and Public Security in the Southern States shall be drawn from the people of Southern Sudan”, with a reduction in the size of the Armed Forces operating in the south;²⁵ and fourth, that “Sharia and Custom shall be the sources of legislation”²⁶ and “Arabic is the official language of the Sudan, English is the second language in the Sudan. The government shall endeavour to develop other languages”.²⁷

These four pillars indicate that the two agreements tacitly acknowledged that problems associated with the legacy of state formation constituted a genuine obstacle to Sudanese unity. This legacy prompted the armed movements to seek radical solutions, including self-determination and the non-integration of their military forces into the national armed forces, as had been the case under the Addis Ababa Agreement of 1972. Moreover, both agreements included provisions for the recruitment of some security and paramilitary units from among southerners, as well as a reduced presence of the national armed forces in the south. Indeed, Riek Machar told US Ambassador Donald Petterson that he and his party “would never waver from their insistence on the complete separation of the south from the north”.²⁸

²⁰ For more detail on the causes for the division of the south, see: Alier, pp. 231-244; Salman, pp. 541-594.

²¹ The Koka Dam Declaration, signed on 20 March 1986, by the National Alliance and the SPLM, demanded that the government lift the state of emergency, institute a ceasefire, repeal the 1983 Sharia laws, and cancel military agreements with Egypt and Libya. The government rejected these conditions, and the conference subsequently failed. The Sudanese Peace Initiative, signed on 20 November 1988, by Mohamed Osman al-Mirghani, leader of the Democratic Unionist Party, and SPLM leader John Garang enshrined the principles of unity and the supremacy of citizenship over all other bonds. It also provided for the repeal of the 1983 Sharia laws pending a national constitutional conference with the participation of all political, social, and military forces, the cancellation of all military agreements between Sudan and other countries that infringe on national sovereignty, the lifting of the state of emergency, and a ceasefire.

²² The Sudan's Khartoum Peace Agreement, 21 April 1997, Chapter One, General Principles, Article 4.

²³ Ibid., Chapter Three, Political Issues, Constitutional and Legal Matters, Religion and State, Article 1.

²⁴ Ibid., Chapter Six, Security Arrangements during the Interim Period, Article a.

²⁵ Ibid., Chapter Six, Security Arrangements during the Interim Period, Articles b and c.

²⁶ Ibid., Chapter Three, Political Issues, Constitutional and Legal Matters, Religion and State, Article 6/A.

²⁷ Ibid., Chapter Eight, Final Provisions, Article 1.

²⁸ Cited in: Khalid, *al-Sūdān*, p. 770.

The third accord, the Comprehensive Peace Agreement between the Government of the Republic of the Sudan and the Sudan People's Liberation Movement/Sudan People's Liberation Army (CPA), was signed by Ali Osman Mohamed Taha, first vice-president of the republic, on behalf of the government, and John Garang De Mabior, chairman of the SPLM and the Sudan People's Liberation Army (SPLA), on behalf of the movement and the army, in Nairobi, on 9 January 2005.²⁹ The two parties recognized Sudan as "a multi-cultural, multi-racial, multi-ethnic, multi-religious and multi-lingual country",³⁰ meaning that this diversity represents the legacy of state formation and should not be used as a basis for division in determining the rights and duties of Sudanese citizens. The agreement guaranteed "freedom of belief, worship, and conscience for followers of all religions or beliefs or customs" and stipulated that "no one shall be discriminated against on such grounds". Citizenship, rather than religion, beliefs, or customs, was to be the basis for holding public office, including the presidency, provided the required qualifications are met.³¹

The agreement also acknowledged existing imbalances and discrimination within the civil service. To address these, it provided for "affirmative action and job training to achieve equitable targets within an agreed time frame" and "additional educational opportunities ... for war-affected people". It established a National Civil Service Commission tasked with: first, formulating policies for training and recruitment in the civil service to allocate 20–30 per cent of positions to southerners; and second, ensuring that at least 20 per cent of the middle- and upper-level positions in the National Civil Services were filled by qualified southerners within the first three years of the signing of the agreement, rising to 25 per cent in the following five years.³² Regarding the adoption of Arabic as the sole official state language as a form of negative discrimination, the agreement stated that "all the indigenous languages are national languages which shall be developed and promoted", while designating Arabic and English as the working languages of national government business and higher education.³³ These provisions established a general framework for managing diversity in Sudan.

Yet the negotiating parties encountered a problem concerning the sources of legislation in the constitution that would govern horizontal and vertical state relations: should they be secular or derived from Islamic law and popular consensus? The compromise they reached was as follows:

3.2.2 Nationally enacted legislation having effect only in respect of the states outside Southern Sudan shall have as its source of legislation Sharia and the consensus of the people.

3.2.3 Nationally enacted legislation applicable to the Southern States and/or the Southern Region shall have as its source of legislation popular consensus, the values and customs of the people of Sudan (including their traditions and religious beliefs, having regard to Sudan's diversity).

3.2.4 Where national legislation is currently in operation or is enacted and its source is religious or customary law, then a state or region, the majority of whose residents do not practice such religion or customs may:

(i) Either introduce legislation so as to allow or provide for institutions or practices in that region consistent with their religion or customs...³⁴

This duality of legislative sources led to the creation of two systems and four levels of government within a single state: the federal government, the government of southern Sudan, the state governments,

²⁹ Negotiations for the CPA were held from May 2002 to December 2004 in Karen, Machakos, Nairobi, Nakuru, Nanyuki, and Naivasha in Kenya, under the auspices of the Intergovernmental Authority on Development and the Kenyan government. The two parties signed the agreement in Nairobi on 9 January 2005.

³⁰ CPA, Chapter I, Part B, State and Religion.

³¹ Ibid., Chapter I, Part B, State and Religion, Articles 6.2 and 6.3.

³² Ibid., Chapter II, Power Sharing, Part II, Articles 2.6.2.1 and 2.6.2.2.

³³ Ibid., Chapter II, Power Sharing, Part II, Articles 2.8.1–2.8.5.

³⁴ Ibid., Chapter I, Part C, National Government, Articles 3.2.2–3.2.4.

and local administrations. The agreement also provided for the right of the people of the South to self-determination through a public referendum to be held in southern Sudan after six years of transitional governance, at which point southerners would decide either to remain part of a united Sudan or to secede and establish the state of South Sudan.³⁵ The 2011 referendum resulted in a vote for secession and the establishment of an independent state.

At the same time, the problems associated with the legacy of state formation revealed that, despite the north-south division, the north was not a monolithic entity. It was itself multi-cultural, multi-ethnic, multi-religious, and multi-lingual, although Islam was the religion of the majority and Arabic served as the lingua franca for most of its inhabitants. The development projects initiated and implemented by the colonial regime to serve its strategic interests, and later inherited by national governments, had uneven effects across regions; the same applied to the legacy of slavery and issues of racial discrimination. This was clearly manifested in the armed conflicts that occurred during the CPA negotiations, most notably the civil war that erupted in Darfur in 2003.

On one side of the conflict stood the Darfur Liberation Front, which later changed its name to the Sudan Liberation Movement (SLM) and subsequently split into two main factions, later joined by the Justice and Equality Movement (JEM), founded by Khalil Ibrahim. Opposing these anti-government armed groups were the Janjaweed, armed tribal militias supported by the government in its struggle against the “rebel” movements. The escalation of the armed conflict in Darfur³⁶ resulted in “grave human rights violations across the [then] three states of Darfur, in which all parties to the conflict participated to varying degrees. These violations resulted in immense human suffering for the people of Darfur, manifested in displacement [within Sudan] and refugee flows into Chad” and other countries.³⁷ Subsequent international reports estimated the number of victims at 300,000, prompting UN Security Council intervention that internationalized the Darfur crisis at both the official and public levels. To end the war, a series of negotiations were held between the two sides, culminating in the 2006 Darfur Peace Agreement (the Abuja Agreement) between the Government of the Sudan and the SLM (Minni Arcua Minnawi faction), and the 2011 Doha Document for Peace in Darfur between the Government and the Liberation and Justice Movement.

Organizations advocating for the rights of the people of eastern Sudan to a fair share of power, wealth, and development had also evolved into armed movements by the 1990s. To end this conflict, the Sudanese government signed the Eastern Sudan Peace Agreement, which consisted of two separate agreements. The first was negotiated in Tripoli between the Sudanese government and the Free Lions Movement³⁸ and signed on 14 June 2000. The second was an agreement between the government and the Eastern Front. Before the final signing, the two accords were merged into a single agreement, also called the Eastern Sudan Peace Agreement, which was signed by both parties in Asmara on 14 October 2006. Years later, Musa Mohammed Ahmed, head of the Beja Congress and then assistant to the president of the Sudan, stated in a press conference that his party’s central committee was dissatisfied with the level of implementation and would raise its concerns with the Khartoum government, adding that if no response were forthcoming, they would “make a decision to withdraw from power”.³⁹

³⁵ Ibid., Chapter I, The Right to Self-Determination for the People of South Sudan, Articles 1.3-2.5.

³⁶ For more detail on the history of armed movements in Darfur, see: Muhammad al-Amin Khalifa, “al-Ḥarakāt al-Musallāḥa fī Dārūr: al-Tarkība wa-l-Adwār,” in: Abdelwahab El-Affendi & Sidi Ahmed Ould Ahmed Salem (eds.), *Dārūr: Ḥaṣād al-Azma ba’d ‘Aqd min al-Zamān* (Doha: Al Jazeera Centre for Studies, 2013), pp. 105-136.

³⁷ “Taqrīr Lajnat Mawlānā Dafa’ Allāh al-Ḥājj Yūsuf ḥawl Taqaṣṣī al-Ḥaqā’iq bi-Dārūr,” *Mawsu’at al-Tawthiq al-Shamil*, 30/8/2009, accessed on 12/10/2010, at <https://bit.ly/3eDwDzx>

³⁸ The Free Lions, founded and led by Mabrouk Mubarak Salim, was an armed organization that emerged in eastern Sudan among the Rashaida tribe, with the support of the Eritrean government, in 1999.

³⁹ “Mutamarriḍūn Sābiqūn fī Sharq al-Sūdān Yuhaddidūn bi-l-Insīḥāb min al-Sulṭa,” *Elaph*, 1/9/2012, accessed on 8/4/2023, at: <https://bit.ly/419QltJ>

In the wake of the December 2018 revolution, the Revolutionary Front signed the Juba Peace Agreement in 2020 following negotiations conducted along five parallel tracks: 1. the Darfur track (SLM – El-Hadi Idris faction, JEM, SLM – Minni Arcua Minnawi faction, the United Popular Front for Liberation and Justice, and the Gathering of Sudan Liberation Forces); 2. the Two Areas track, covering the southern Blue Nile and South Kordofan (SPLM – Malik Agar faction and SPLM – Abdelaziz al-Hilu faction); 3. the Northern track (Kush Liberation Movement and the Northern Entity); 4. the Central track (al-Tom Hajo of the Democratic Unionist Party – Revolutionary Front); and 5. the Eastern track (the Beja Congress).⁴⁰ Before the agreement was signed, negotiations were marked by both supportive and opposing positions, and this tension persisted until the coup of 25 October 2021 and the subsequent war that began on 15 April 2023.

In sum, the Sudanese peace agreements engaged with the legacy of state formation from various angles, acknowledging its problems and its fundamental role in fuelling the conflict between the central government and the peripheries, and in generating peaceful protest movements that later transformed into armed groups. Yet the piecemeal settlements embodied in these agreements, together with the persistent lack of trust between the central government and rebel groups, were among the principal reasons for the proliferation of such agreements and their failure to establish a durable peace in Sudan. Adam Mohammed Ahmed Abdullah attributes the failure of Sudanese peace agreements to “quotas and power sharing absent a focus on the core issues”, as well as to the failure to consult technical and academic bodies in developing appropriate solutions. Central governments were primarily concerned with winning over the opposition with “wealth and positions,” while many leaders of the armed movements prioritized lesser personal gains (material and professional) over addressing the core issues, thereby losing the confidence of the central governments and failing to gain the trust of the people on whose behalf they claimed to speak.⁴¹

As a result of these recurring fractures, comprehensive and objective solutions to problems associated with the legacy of state formation were largely absent from the texts of the Sudanese peace agreements. Furthermore, neither the central government nor the other parties demonstrated any genuine commitment or credibility in implementing their basic obligations. The central government repeatedly breached agreements and undertakings that it perceived as posing an existential threat, while other parties prioritized their own or partisan interests over the public interest that had formed the foundation of their negotiating discourse and the provisions of the concluded agreements. What, then, are the common features of Sudanese peace agreements, and what binaries remained points of contention and structured the agreements that were concluded?

Common Features of Sudanese Peace Agreements

Sudanese peace agreements between 1972 and 2020 exhibit common features that lay at the root of their failure and prevented the establishment of sustainable peace. The result has been a perpetual cycle of conflict and negotiation between successive national governments and armed movements, punctuated by short-lived peace agreements. This study focuses on three key features as the underlying causes of these failures.

1. Partial Power-Sharing

All previous peace agreements, including the Juba Peace Agreement, were based on a model of partial power-sharing, in contrast to inclusive power-sharing which involves all entities and organizations representing key interest groups, thereby conferring political legitimacy on governing institutions and enhancing the durability

⁴⁰ For more detail, see: *Juba Agreement for Peace in Sudan between the Transitional Government of Sudan and the Parties to Peace Process*, Juba, 2020.

⁴¹ Adam Muhammad Ahmad Abdullah, “Taḡyīm Ittifāḡiyyāt al-Salām fī al-Sūdān: Awjuh al-Najāh wa-l-Fashal,” *Majallat al-Sudan*, no. 7 (2016), p. 112.

of agreements.⁴² Inclusive power-sharing typically emerges during periods of democratic transition led by moderate leaders, or in exceptional circumstances in which all parties agree on the need to move beyond their present crisis and seek viable solutions to build a better future. Arend Lijphart termed this type of political consensus, achieved without recourse to elections, “consensus democracy” because, in his view, it represents the majority supporting political transformation while excluding no influential party from the process.⁴³ Consensus democracy is not an end in itself, but rather a tool for fostering an environment conducive to addressing the root causes of problems objectively. Three factors explain the failure to adopt an inclusive power-sharing model in Sudan.

First, all the agreements, with the exception of the Juba Peace Agreement, were concluded under totalitarian military regimes (the May government, 1969-1985, and the National Salvation Government, 1989-2019). These regimes were unwilling to share power, which they had seized by force, with other stakeholders. Instead, they resorted to policies of intimidation or inducement, or breached agreements in their dealings with opponents, thereby undermining those agreements. A clear example is the Khartoum government’s stance on the 1972 Addis Ababa Agreement: President Nimeiri violated its terms and drained it of substance in response to sharp criticism from some southern members of the National Assembly directed at his central authority and the practices of the regional government in southern Sudan.⁴⁴

Second, partial power-sharing did not enable the ruling authorities and opposition parties to address the root causes of the conflicts. On the contrary, the central government used partial power-sharing to consolidate its control or settle political scores. The most telling example is the 1997 Khartoum Peace Agreement, which both sides exploited to serve their tactical interests in the broader struggle within the SPLM. Consequently, when the central government failed to implement the terms of the agreement, the dissident factions returned to the SPLM.

Third, power-sharing was not comprehensive. Neither the governing elites in Khartoum nor the other parties treated the peripheral conflicts as national problems requiring a holistic vision, one that would employ both central and local mechanisms and ensure broad participation from actors with legitimate political, economic, and social demands. Such an approach was essential to ensure that proposed solutions addressed the root causes of ethnic and regional conflicts in Sudan. Consequently, all agreements took a bilateral character, failed to involve all stakeholders, and proved short-lived because they were grounded in the particular interests of the signatory groups in their relationship with the central government.

2. Lack of Trust among Parties to the Peace Process

Within the framework of partial power-sharing, a deep, historically accumulated lack of trust characterized the relations among the parties to peace agreements in Sudan. This mistrust stemmed from sharply divergent social, cultural, and political realities, as well as from the antagonism between the ruling elite in Khartoum and those advancing regional demands from the peripheries. This lack of trust was engendered by the social and cultural conflicts arising from objective conditions across Sudan’s various regions and, at its most pronounced, by the practices of the ruling political elite in Khartoum, who considered themselves the architects of independence and viewed the contributions of the people of the south and other regions as secondary and, at times, negligible. This predisposition, as Mansur Khalid describes it, fostered a paternalistic or condescending attitude towards others, which became more acute when “national governments assumed

⁴² Ahmad Amal Muhammad, “Taqāsum al-Sulṭa al-Shāmil wa-Atharuhu ‘alā al-Intiqāl al-Siyāsī fī al-Sūdān,” *Majallat Kulliyat al-Siyasa wa-l-Iqtisad*, vol. 15, no. 14 (April 2022), p. 526.

⁴³ For more detail, see: Arend Lijphart, *Democracies: Patterns of Majoritarian and Consensus Government in Twenty-One Countries* (New Haven: Yale University Press, 1984).

⁴⁴ Alier, pp. 190-193.

– whether in good faith or bad – that northern sub-nationalism, with all its cultural, religious, and even racial components, should be the sole component of national identity for all of Sudan”.⁴⁵

Some parties resisted such condescension, as reflected clearly in the CPA of 2005, which recognized in its preamble the need to establish “a democratic system of governance which, on the one hand, recognises the right of the people of Southern Sudan to self-determination and seeks to make unity attractive during the Interim Period, while at the same time is founded [on] the values of justice, democracy, good governance, respect for fundamental rights and freedoms of the individual, mutual understanding and tolerance of diversity within the realities of the Sudan”.⁴⁶ The premise of this text is that democratic governance would foster an environment conducive to a lasting agreement, drawing on lessons from past experience.

For example, President Nimeiri, with the support of some southern leaders, violated the Addis Ababa Agreement by altering the composition of southern Sudan and dividing it into three regions without following the procedures set forth in Article 34 of the Self-Government for the Southern Provinces Act of 1972.⁴⁷ Another breach, which sparked intense controversy in both north and south, was the declaration imposing Islamic law in September 1983, which southerners regarded as a violation of the fundamental rights and freedoms set forth in Appendix A of the Addis Ababa Agreement and enshrined in the 1973 Permanent Constitution. These violations drew the SPLM’s attention to the shortcomings of the Addis Ababa Agreement, prompting it to demand self-determination as an alternative to unity in the 2005 agreement. When southerners ultimately concluded that unity with the north was no longer appealing, 98% voted in favour of self-determination and the establishment of South Sudan on 9 July 2011.

3. Foreign Mediators and Negotiations

The role of regional and international mediators was to persuade the parties to the armed conflict - the central government and rebel movements - to resume negotiations in order to end the civil wars that devastated Sudan’s vital resources, posed a threat to national and regional security, delayed development in areas of armed conflict, and reduced opportunities for foreign investment. Under pressure from regional and international mediators, the parties to the conflict, at various stages, agreed to negotiate, on the condition that talks were held outside Sudanese territory - in Addis Ababa, Naivasha, Abuja, Tripoli, and Asmara - as the rebel movements did not trust the central government, whether under the May regime or the National Salvation government.

The mediation process began when the World Council of Churches reached out to the May regime and the Southern Sudan Liberation Movement (SSLM) with a view to ending the first civil war and resolving the southern problem. Secret meetings and consultations began at the initiative of the All Africa Conference of Churches (AACC) in London, attended by representatives of the Sudanese government and the SSLM. In November 1971, representatives of the AACC, the Government of Sudan, and the SSLM met in Addis Ababa for a preparatory meeting “to explore the positions of both parties and express their mutual desire for peace”.⁴⁸

The Sudanese government delegation was headed by Abel Alier (vice-president and minister for southern affairs), and the SSLM delegation by Ezboni Mondiri Gwanza (former minister of transport in

⁴⁵ Khalid, *al-Sūdān*, p. 11. Khalid’s conclusions correspond to those of Muhammad Abulqasim Hajj Hamad: “Only one identity in Sudan exhibits the attributes of nationalism, and that is Arabism; all else is tribal elements. And only one religion exhibits the attributes of a universal religion, and that is Islam; all else is collections of beliefs bound to the fabric of customs and traditions specific to tribal contexts and not open to engagement with others”. See: Muhammad Abulqasim Hajj Hamad, “al-Sūdān ba’d ‘Ashr Sanawāt ‘alā Thawrat al-Inqādh: Mas’alat al-Huwiyya. Hal Hunāk Ittifāq ‘alā al-Huwiyya fī al-Sūdān?” *al-Hayat*, 11/6/1999.

⁴⁶ CPA, Preamble.

⁴⁷ For more detail on the 1972 act, see: Faisal Abdulrahman Ali Taha, *Mas’alat Janūb al-Sūdān fī Siyāq Tārīkhī, 1899-1986* (Omdurman: Abdulkarim Mirghani Centre, 2012), pp. 151-158.

⁴⁸ Khalid, *al-Sūdān*, p. 323.

the October 1964 government). Also attending the initial negotiation sessions as observers were Nabyelul Kifle, representing Emperor Haile Selassie I (1930-1974); Leopolda Niilus (Latin America) and Kodwo Ankrah (Ghana), representing the World Council of Churches; Burgess Carr (Liberia), the secretary-general of the AACC; Samuel Bwogo, representing the Sudan Council of Churches; and the British legal expert, Sir Dingle Foot, serving as legal advisor to the SSLM delegation. Both parties nominated Carr as chair and mediator for the negotiations.⁴⁹

Following this preparatory meeting, direct talks began on 20 January 1972 in Addis Ababa, under the auspices of Haile Selassie I. Through these negotiations, the two parties reached the Addis Ababa Agreement, which they signed on 27 February 1972.⁵⁰ The role of external mediators was to facilitate negotiations by providing the parties with the space for serious dialogue that produced the agreement. The accord might have endured had it not been for the intervention of President Nimeiri, who undermined its internal momentum and viability in order to preserve his near-absolute central authority, as well as the actions of some members of the southern government that were inconsistent with the spirit of the agreement.

The 2005 CPA offers another example of foreign mediation, beginning with the failure of the first round of direct negotiations between the National Salvation Government and the SPLM in Addis Ababa in August 1989. The second round was held in Nairobi in December 1989 under the auspices of former United States President Jimmy Carter (1977-1981) and Daniel Arap Moi, but it did not culminate in an agreement, as the Khartoum delegation accused the American mediator of bias towards the SPLM.

Some years later, at a meeting of the Intergovernmental Authority on Drought and Development (IGADD) in 1993,⁵¹ President Omar al-Bashir requested mediation by IGADD members to end the civil war. IGADD subsequently convened the first round of negotiations from 17 to 23 March 1994. Although these talks produced no concrete progress, they paved the way for the second round, held in May 1994, which yielded the Declaration of Principles. That document prioritized the unity of Sudan within the framework of a “secular and democratic state” that guaranteed “freedom of belief and worship and religious practice ... in full to all Sudanese citizens”, while also affirming the right to self-determination on the basis of federalism or autonomy and providing for the option for southern citizens “to determine their future including independence, through a referendum”.

The Government of Sudan initially refused to recognise the Declaration of Principles, which called for the secularization of the state. Given these complications, the Center for Strategic and International Studies (CSIS) in Washington, with funding from the United States Institute of Peace, commissioned Francis Deng and Stephen Morrison of CSIS to develop a framework to support peace in Sudan. They recommended that the US administration take serious steps by appointing a special envoy to Sudan, designating a high-level figure to serve as a liaison between the US government and rebel factions in southern Sudan, and basing negotiations on the Declaration of Principles while preserving a unified Sudan with two separate political systems in the north and south.⁵²

In tandem, the United States Congress passed the Sudan Peace Act on 10 October 2002, which called on the United States to “use all means of pressure available to facilitate a comprehensive solution to the war in Sudan, including ... “the multilateralisation of economic and diplomatic tools to compel the

⁴⁹ Ibid.; Abdulrahman Abdullah, *al-Sūdān: al-Wiḥḍa wa-l-Tamazzuq*, al-Fatih al-Tijani (trans.) (Beirut: Riad Al Rayyes, 2002), pp. 164-166.

⁵⁰ Khalid, *al-Sūdān*, pp. 325-328.

⁵¹ IGADD was created in 1986 to combat drought and desertification. In 1996, the heads of member states met in Nairobi and agreed to amend the organization’s charter and change its name to the Intergovernmental Authority on Development. Today its membership includes eight states: Djibouti, Sudan, South Sudan, Somalia, Kenya, Uganda, Ethiopia, and Eritrea.

⁵² For more detail, see: Francis M. Deng & J. Stephen Morrison, *U.S. Policy to End Sudan’s War: Report of the CSIS Task Force on U.S.-Sudan Policy*, Center for Strategic and International Studies (Washington: 1/2/2001).

Government of Sudan to enter into a good-faith peace process”.⁵³ Meanwhile, Republican Senator John Danforth, Washington’s presidential envoy to Sudan, proposed a comprehensive agreement to establish two systems of governance in northern and southern Sudan within a single state. This agreement would grant the south economic autonomy and control over internal affairs, guarantee religious and cultural freedoms, ensure the equitable distribution of oil resources, and establish a power-sharing arrangement between the central and regional governments. In this way, the United States administration paved the way for direct negotiations between the Government of Sudan and the SPLM.

Negotiations began on 17 June 2002, in Machakos, Kenya, under the auspices of IGAD and its secretariat, which consisted of General Lazarus Sumbeiywo (Kenya), constitutional expert Nicholas “Fink” Haysom (South Africa), and a number of advisors. The two sides discussed the relationship between religion and the state, the right to self-determination, and the form of government. They signed the Machakos Protocol on 20 June 2002, which paved the way for subsequent protocols: the Protocol on Security Arrangements, signed on 25 September 2003; the Protocol on Wealth Sharing, signed on 7 January 2004; the Protocol on Power-Sharing, signed on 26 May 2004; the Protocol on the Resolution of the Conflict in the Two Areas of Southern Kordofan and Blue Nile, signed on 26 May 2004; and the Protocol on the Resolution of the Abyei Conflict, signed on 26 May 2004. Together, these six protocols formed the CPA, which was signed in Nairobi on 9 January 2005 by Ali Osman Mohamed Taha, first vice-president of Sudan, on behalf of the Government of Sudan, and John Garang de Mabior, chairman of the SPLM, on behalf of the movement and the SPLA.⁵⁴

The agreement established a partial power-sharing arrangement and fulfilled most of the requirements of the transitional period, including the drafting of the Interim Constitution in 2005, the conducting of a census in 2009, and national elections in 2010. Nevertheless, it contained within it the seeds of southern secession and the establishment of the state of South Sudan, which materialized in 2011.⁵⁵ The partisan conflict between the two parties to the agreement did not make unity “attractive.” The situation was further complicated by the death of John Garang, whose plane crashed on 30 July 2005 while he was returning from Uganda to Sudan. He was succeeded by his deputy, Salva Kiir Mayardit, who harboured secessionist leanings. When the referendum on unity or secession was held, as stipulated in the CPA, 98 per cent of southerners voted in favour of secession, and the Republic of South Sudan was established in July 2011.⁵⁶

The 2006 Darfur Peace Agreement (Abuja) and the 2011 Doha Document for Peace in Darfur represent two other models of external mediation. Following the outbreak of civil war between the Sudanese government and armed groups in Darfur in 2003, Chadian President Idriss Déby (1990-2021) invited the parties to the conflict to talks in Abéché, Chad, in September 2003. JEM, however, refused to participate, questioning Déby’s impartiality. A second round of talks was held in Abéché, but these also collapsed, after which talks were moved to N’Djamena on 16 December 2003. These fared no better than their predecessors, breaking down before direct negotiations could begin, after the SLM introduced a demand outside the agenda of the previous talks: autonomy for the Darfur region. Following this, talks between the two sides

⁵³ Public Law 107-245-Oct. 21, 2002, 107th Congress, Section 2, 16 and 16/A, accessed on 13/4/2026, at: <https://acr.ps/hBy2sid>

⁵⁴ The agreement was witnessed by Mwai Kibaki, president of Kenya, on behalf of IGAD; Yoweri Museveni, president of Uganda, on behalf of IGAD member states; Ahmed Aboul Gheit, Egyptian foreign minister, on behalf of Egypt; Senator Alfredo Mantica, deputy foreign minister, on behalf of Italy and the IGAD Partners Forum; Fred Racke, special envoy of the Netherlands, on behalf of the Netherlands; Hilde F. Johnson, minister of international development, on behalf of Norway; MP Hilary Benn, secretary of state for international development, on behalf of the UK; Colin Powell, secretary of state, on behalf of the US; Alpha Oumar Konare, chair of the AU, on behalf of the AU; Charles Goerens, minister of development cooperation, on behalf of the EU; Hilde Johnson, minister of international development, on behalf of the IGAD Partners Forum; Amre Moussa, secretary-general of the League of Arab States, on behalf of the league; and Jan Pronk, special representative of the secretary-general in the Sudan, on behalf of the UN.

⁵⁵ For more detail on these and similar issues, see: Ahmed Ibrahim Abushouk, *al-Intikhābāt al-Qawmiyya fī al-Sūdān li-Sanat 2010: Muqāraba Taḥlīliyya fī Muqaddimātihā wa-Natā’ijihā* (Doha: Al Jazeera Centre for Studies; Beirut: al-Dar al-Arabiyya li-l-Ulum Nashirun, 2012).

⁵⁶ For more detail on the problem of the south and its ramifications, see: Salman, pp. 15-20.

were suspended for four months before resuming in April 2004 under the auspices of the President of Chad, with observers from the African Union (AU), the United States, and the European Union present.⁵⁷

When the N'Djamena negotiations faltered, the AU assumed the role of mediator between the Sudanese parties at its summit held in July 2004 in Addis Ababa. A small committee was formed, chaired by Olusegun Obasanjo, the Nigerian president (1999-2007) and then-chairman of the AU, and including the chair of the AU Commission, Oumar Konaré, along with the presidents of Sudan, Senegal, and South Africa, to propose solutions for ending the civil war in the region.⁵⁸ The committee then invited the Sudanese government and the armed movements in Darfur to a meeting in Addis Ababa. Showing little enthusiasm for the talks, the armed movements sent a second-tier delegation that raised a number of contentious issues, and the meeting ended without result. In August 2004, negotiations moved to Abuja, where seven rounds of talks were held, the last in November 2005.

Finally, on 5 May 2006, the Sudanese government and the SLM – Minni Arcua Minnawi faction signed the Abuja Agreement, while the SLM faction led by Abdul Wahid Mohamed al-Nur and the JEM rejected it. Representatives from the AU and several Western and Arab states witnessed the signing ceremony.⁵⁹ Months after the agreement was signed, military clashes erupted in Darfur, and relations between Khartoum and N'Djamena deteriorated, prompting the United States to ask the UN Security Council to replace the AU mission⁶⁰ with a UN mission, arguing that the latter was better equipped to restore security and stability to the troubled Darfur region. To this end, the Security Council adopted Resolution 1706 on 31 August 2006, expanding the mandate and tasks of the UN mission in Darfur (UNMIS).⁶¹

The Sudanese government, however, refused to implement the resolution, considering it interference in its internal affairs. To overcome this dilemma, the Security Council adopted Resolution 1769 on 31 July 2007, establishing a joint AU-UN mission (UNAMID) to oversee peace operations under Chapter VII of the UN Charter. UNAMID commenced operations on 31 December 2007.⁶² This was followed by the appointment of Djibril Bassolé, the former foreign minister of Burkina Faso, as the joint UN-AU peace mediator for Darfur. Qatar then agreed to host the Darfur peace negotiations, and Ahmed bin Abdullah Al Mahmoud, minister of state for foreign affairs, was appointed as co-mediator.

Bassolé welcomed the Qatari partnership and adopted an innovative model for the peace talks, whereby experts would develop a framework agreement on governance, security, and development with

⁵⁷ Salini Muhammad al-Saghir, "Hall al-Nizā'āt al-Dawliyya bi-l-Ṭuruq al-Silmiyya: al-Mufāwāḍāt Namūdhajan," *Majallat al-Dirasat wa-l-Buhuth al-Qanuniyya*, vol. 5, no. 2 (2020), p. 135.

⁵⁸ Abdelwahab El-Affendi, *Azmat Dārfūr: Naẓra fī al-Judhūr wa-l-Hulūl al-Mumkina* (Abu Dhabi: Emirates Center for Strategic Studies and Research, 2009), pp. 76-77; Bilqis Badri, "Ittifāqiyyat Salām Dārfūr: al-Juhūd wa-Taḥaddiyāt al-Taṭbīq," in: El-Affendi & Salem (eds.), pp. 310-311.

⁵⁹ El-Affendi, *Azmat Dārfūr*, pp. 76-77; al-Saghir, pp. 135-137.

⁶⁰ The AU mission in Darfur was created pursuant to UN Security Council Resolution 1564 of 18 September 2004, which defined its mission as disarming armed militias in Sudan. Paragraph 4 of the resolution "Calls upon the Government of Sudan and the rebel groups, particularly the Justice and Equality Movement and the Sudanese Liberation Army/Movement, to work together under the auspices of the African Union to reach a political solution in the negotiations currently being held in Abuja under the leadership of President Obasanjo, notes the progress made to date, urges the parties to the negotiations to sign and implement the humanitarian agreement immediately, and to conclude a protocol on security issues as soon as possible, and underscores and supports the role of the African Union in monitoring the implementation of all such agreements reached". United Nations Security Council, "Resolution 1564 (2004) Adopted by the Security Council at Its 5040th Meeting, on 18 September 2004," S/RES/1564 (2004), 18/9/2004, accessed on 6/4/2023, at: <https://acr.ps/hBy2syO>

⁶¹ The cooperation between the UN and AU missions is based on UN Security Council Resolution 1706 of 31 August 2006, which defined its mission as disarming armed militias in Sudan. Paragraph 5 of the resolution "Requests the Secretary-General to consult jointly with the African Union, in close and continuing consultation with the parties to the Darfur Peace Agreement, including the Government of National Unity, on a plan and timetable for transition from AMIS to a United Nations operation in Darfur; decides that those elements outlined in paragraphs 40 to 58 of the Secretary-General's report of 28 July 2006 shall begin to be deployed no later than 1 October 2006, that thereafter as part of the process of transition to a United Nations operation additional capabilities shall be deployed as soon as feasible and that UNMIS shall take over from AMIS responsibility for supporting the implementation of the Darfur Peace Agreement upon the expiration of AMIS' mandate but in any event no later than 31 December 2006". For more detail, see: United Nations Security Council, "Resolution 1706 (2006) Adopted by the Security Council at Its 5519th Meeting, on 31 August 2006," S/RES/1706 (2006), 31/8/2006, accessed on 6/4/2023, at: <https://acr.ps/hBy2sPp>

⁶² For more detail, see: United Nations Security Council, "Resolution 1769 (2007) Adopted by the Security Council at Its 5727th Meeting, on 31 July 2007," S/RES/1769 (2007), 31/7/2007, accessed on 6/4/2023, at: <https://acr.ps/hBy2t60>

the participation of stakeholders, before persuading them to adopt it, with regional and international donors subsequently providing the necessary material and moral support for its implementation.⁶³ Bassolé envisaged beginning with one of the armed movements, after which other movements would be invited to participate. He reached out to JEM, which accepted the offer and signed a goodwill agreement with the Sudanese government on 17 February 2009. For his part, Abdul Wahid Mohamed al-Nur described the agreement as “merely a reconciliation between Islamists ... using the genocide in Darfur as a means to remain in and share power ... It’s an Islamist charade ... the aim of which is to block Article 7 and replace it with Article 16 so that this document can be taken to the Security Council, so they can say there’s real peace in Darfur”.⁶⁴

The framework agreement was signed on 23 February 2010 by Ahmed Tugod Lissan on behalf of JEM, Amin Hassan Omar on behalf of the Sudanese government, and mediators Ahmed bin Abdullah Al Mahmoud and Djibril Bassolé. The signing ceremony was attended by the Emir of Qatar, Sheikh Hamad bin Khalifa Al Thani (1995-2013), Sudanese President Omar al-Bashir, Chadian President Idriss Déby, and Eritrean President Isaias Afwerki (1991-).⁶⁵

Yet, after signing the framework agreement, JEM withdrew from the Doha negotiations, claiming that the government had launched a military offensive against its positions in Darfur. Its withdrawal, along with the divisions among the other armed groups negotiating in Doha, posed a significant challenge to the joint Qatari-international mediation, which had succeeded in improving relations between Sudan and Chad and in securing Libyan and Eritrean support. After the other armed groups withdrew from the Doha talks, the Sudanese government signed the Doha Document for Peace in Darfur on 14 July 2011 with the Liberation and Justice Movement, led by Tijani Sese.

The document addressed fundamental issues such as human rights and basic freedoms, power-sharing and the administrative status of Darfur, wealth-sharing, reparations and the return of internally displaced persons and refugees, justice and reconciliation, a permanent ceasefire and final security arrangements, internal dialogue and consultation, and methods of implementation. The document remained open for signature by other movements that had participated in the negotiations, but none had acceded to it by the time of the December 2018 revolution.

The 2020 Juba Peace Agreement was preceded by the 2006 Eastern Sudan Peace Agreement, which itself consisted of three separate agreements. The first was negotiated in Tripoli between the Sudanese government and the Free Lions Movement and signed by both parties on 14 June 2000. It provided for the establishment of a tribal administration for the Rashaida tribe in eastern Sudan, attention to development issues affecting nomadic communities, a cessation of hostilities, and the surrender of the Free Lions’ weapons to the Sudanese government. However, most of the agreement’s provisions were not implemented.⁶⁶

After the eastern opposition factions (the Free Lions and the Beja Congress) united against the National Salvation government in 2005, with the assistance of the Eritrean government – which was at odds with the Sudanese government – the Libyan mediator invited representatives of the Free Lions, Rashaida tribal leaders, and the Sudanese government to a meeting in Tripoli on 24-25 December 2005. There, the two parties signed a second bilateral agreement establishing a timetable for the implementation of the 2000 agreement. The signing was witnessed by Suleiman al-Shuhoumi, secretary for foreign affairs of the General

⁶³ Alex de Waal, “al-Dawr al-Iqlīmī fī al-Azma: Ibtikārāt Khallāqa wa-Sirā’āt Mu’attāla,” in: El-Affendi & Salem (eds.), p. 319.

⁶⁴ “‘Abdulwāhid Ya’tarif bi-Ziyārat Isrā’īl wa-Yuhājim Ittifāq Dārfūr bi-l-Dawḥa,” *Al Jazeera*, 18/2/2009, accessed on 8/4/2023, at: <https://bit.ly/3KJtCI>. For more detail, see: al-Fatih al-Amin al-Zaki, “al-Wasāṭa al-Qatariyya fī al-Istiqrār al-Siyāsī li-Iqlīm Dārfūr (2008-2014),” PhD diss., Omdurman Islamic University, 2018, p. 195.

⁶⁵ “Tawqī’ Ittifāq Salām Dārfūr bi-l-Dawḥa,” *Al Jazeera*, 24/2/2009, accessed on 8/4/2023, at: <https://bit.ly/40QrJqg>

⁶⁶ For more detail, see the text of: *Eastern Sudan Peace Agreement*, Asmara, 14/10/2006, pp. 66-72.

People's Congress, in the presence of observers from the Rashaida tribe in the Sudan and Kuwait and the Bara'sa tribe in Libya, under the auspices of Colonel Muammar Gaddafi.⁶⁷

Yet some factions within the Eastern Front viewed this agreement as an attempt to fragment the front and pre-empt the planned joint meeting with the Sudanese government in Tripoli on 17 January 2006. They also questioned the impartiality of the Libyan mediator, whom they perceived as biased towards the Sudanese government, declaring themselves "released from all obligations to the Libyan mediator, who revealed his lack of credibility from the first moment".⁶⁸ This scepticism towards Libyan mediation appears to have led to the relocation of talks from Tripoli to Asmara, where the third agreement was negotiated between the Sudanese government and the Eastern Front.

Prior to the final signing, the three agreements were merged into a single agreement, the Eastern Sudan Peace Agreement, signed on 14 October 2006 by Mustafa Osman Ismail, then advisor to the president, on behalf of the Sudanese government, and Musa Mohamed Ahmed on behalf of the Eastern Front. Yemane Gebreab, political affairs officer of the People's Front for Democracy and Justice, witnessed the signing on behalf of the Eritrean government. The signing ceremony was attended by Sudanese President al-Bashir, Eritrean President Afwerki, and Amr Moussa, secretary-general of the League of Arab States. The Eastern Sudan Peace Agreement was concluded relatively quickly compared with the other agreements, and unlike them, was not subject to significant external interference or pressure. Nevertheless, implementation faced several challenges, prompting some factions within the Eastern Front to threaten to withdraw from the government.⁶⁹

The Juba Peace Agreement emerged from the legacy of these earlier agreements and negotiating practices, without adequate consideration of the new political context created by the overthrow of the National Salvation government and the establishment of a transitional government that included representatives of most of the parties previously engaged in political and military conflict with the central government. The impulse to resort to external mediation to resolve internal conflicts appears to have remained deeply ingrained among Sudan's political leaders, who failed to appreciate the needs and requirements of the new phase. They chose Juba, the capital of South Sudan, as the venue for peace negotiations, with Tut Gatluak representing the South Sudanese government that sponsored the talks.

All of this took place prior to the formation of the Peace Commission, which the 2019 constitutional document stipulated should be established to conduct peace negotiations and oversee the implementation of their outcomes. This suggests that politicians and leaders of armed movements had no desire for a national body that would examine problems associated with the legacy of state formation, develop appropriate solutions, and present them to political actors for deliberation, with the aim of forging a political consensus capable of ensuring the implementation of agreements and providing the safeguards necessary for their durability.

Bypassing this foundational groundwork, representatives of the transitional government, the Revolutionary Front,⁷⁰ and the Gathering of Sudan Liberation Forces met in Juba from 9 to 11 September 2019. After lengthy deliberations, the parties to the peace process signed the Juba Declaration for Trust-

⁶⁷ For more detail, see: *Eastern Sudan Peace Agreement*, Appendix G: Implementation of Tripoli Agreement Signed between the Sudanese Government and the Free Lions Movement in 14/06/2000, Tripoli 24-25/12/2005, pp. 73-83.

⁶⁸ "Bayān Tawḍīḥ min Qiyādat Jabhat Sharq al-Sūdān 27/12/2005," *Sudanese Online*, 27/12/2005, accessed 31/7/2024, at: <https://bit.ly/3yw4N6u>

⁶⁹ "Mutamarriḍūn Sābiqūn fī Sharq al-Sūdān Yuhaddidūn bi-l-Insīḥāb min al-Sulta."

⁷⁰ Led by al-Hadi Idris Yahya, the Revolutionary Front consists of: the Sudan Liberation Movement – Transitional Council (al-Hadi Idris Yahya); JEM (Jibril Ibrahim); SPLM (Malik Agar Eyre); Sudan Liberation Army (Minni Minnawi); Beja Congress (Osama Saeed); United Popular Front for Liberation and Justice (al-Amin Daoud Mahmoud); Kush Liberation Movement (Mohamed Daoud Mohamed); Democratic Unionist Party (al-Tom Hajo); and Sudan Liberation Forces Alliance (al-Taher Abu Bakr Hajar).

Building Measures and Pre-Negotiation Principles on 11 September 2019, under the auspices of South Sudan. At this juncture, the five negotiation tracks commenced, culminating in the Juba Agreement for Peace in Sudan, signed by the transitional government and representatives of the five tracks on 3 October 2020.

The Dynamic of Binary Oppositions in Peace Agreements

In addition to the shared features of Sudanese peace agreements discussed above, three core issues have shaped the conflict between the central authority in Khartoum and rebel movements, as well as among political parties with diverse ideological and doctrinal orientations: the relationship between diversity and citizenship, religion and state, and democracy as a system for the rotation of power alongside federalism for the distribution of powers and resources.

1. The Binary of Diversity and Citizenship

Diversity refers to the ethnic, religious, and cultural differences within Sudanese society, which necessitate that citizenship serve as the fundamental criterion for determining civil and political rights and duties, without discrimination on the basis of religion or race. For this reason, Article 5 of the Self-Government Statute of 1953 states:

(1) All persons in the Sudan are free and are equal before the law.

(2) No disability shall attach to any Sudanese by reason of birth, religion, race, or sex in regard to public or private employment or in the admission to or in the exercise of any occupation, trade, business, or profession.⁷¹

This law formed the basis of Sudan's provisional constitution of 1956, amended in 1964. Yet after independence in 1956, several attempts were made to Islamise the constitution through parliamentary mechanisms. These attempts met with opposition from southern forces and from leftist and liberal parties, prompting the architects of the 1972 Addis Ababa Agreement to address diversity and citizenship directly. Article 1 of Appendix A states that "a citizen should not be deprived of his citizenship", a principle reinforced by Article 2: "All citizens, without distinction based on race, national origin, birth, language, sex, economic or social status, should have equal rights and duties before the law". Article 4 provides for every Sudanese person's right to "enjoy freedom of religious opinion and of conscience and the right to profess them publicly and privately".⁷²

This principle was reiterated in Article 16(d) of the 1973 Permanent Constitution, which states: "The State shall treat followers of religions and noble spiritual beliefs without discrimination as to the rights and freedoms guaranteed to them as citizens by this Constitution. The State shall not impose any restrictions on citizens or communities on the grounds of religious faith".⁷³ The CPA of 2005 likewise recognized Sudan as "a multi-cultural, multi-racial, multi-ethnic, multi-religious and multi-lingual country". Accordingly, eligibility for public office, including the presidency, "shall be based on citizenship and not religion, beliefs or customs".⁷⁴ This clause was incorporated into the 2005 Interim Constitution as "citizenship shall be the basis for equal rights and duties for all Sudanese".⁷⁵

⁷¹ The Self-Government Statute, Chapter II. Fundamental Rights, Right to Freedom and Equality, Article 5. See in: Fadwa Abdulrahman Ali Taha, *Kayf Nāl al-Sūdān Istiqlāluhu: Dirāsa Tārīkhīyya li-Ittiḥāqīyyat 12 Fibrāyir al-Miṣriyya-al-Biriṭāniyya ḥawl al-Ḥukm al-Dhātī wa-Taqrīr al-Maṣīr li-l-Sūdān*, 2nd ed. (Omdurman: Abdulkarim Mirghani Centre, 2008), p. 410.

⁷² See: Ahmad al-Mubarak Muhammad Ahmad, "Ittiḥāqīyyāt al-Salām al-Sūdāniyya, Adīs Abābā – al-Kharṭūm li-l-Salām: Dirāsa Muqārana," Masters thesis, Faculty of Commerce, al-Neelain University, 2002, p. 6.

⁷³ *Permanent Constitution of the Sudan*, 1973, Article 16(d).

⁷⁴ CPA, Chapter I, Part B, State and Religion.

⁷⁵ *Interim National Constitution of the Republic of the Sudan*, 2005, Part One, Chapter I, 7(1).

The same principle was expressed in the Eastern Sudan Peace Agreement: “Sudan is a multi-cultural, multi-religious, multi-lingual and multi-racial nation. Recognition and respect of this diversity is an important foundation of national cohesion”. Accordingly, “citizenship shall be the basis for civil and political rights and obligations”.⁷⁶ The concept of citizenship was also inscribed in the Doha Document for Peace in Darfur: “Citizenship shall be the basis for equal political and civic rights and obligations for all Sudanese”.⁷⁷ The term “citizenship” appeared in the Juba Peace Agreement more than 30 times in different contexts, all linked by the general principle that Sudan is a pluralistic state “where rights and duties are based on citizenship without discrimination on grounds of race, faith, culture, sex, colour, gender, social or economic status, political opinion, disability, regional affiliation or any other reason”.⁷⁸

The repeated invocation of citizenship appears deliberate, suggesting that the parties to the various peace negotiations held in Sudan from 1972 to 2020 agreed that citizenship must serve as the basis for determining civil and political rights and duties and for managing diversity, without discrimination on the basis of race, religion, or culture.

2. The Binary of Religion and State

The 1956 Transitional Constitution of Sudan was largely secular, “remaining silent on religion”⁷⁹ and making no mention of an official state religion or sources of legislation. In fact, “it did not use the word ‘Islam’ anywhere, though it affirmed freedom of belief and the right to practise religious rites”.⁸⁰ After independence, several attempts were made to Islamise the constitution, but the coup of 25 May 1969 thwarted the last of these efforts (the 1968 draft constitution). Following the coup, the new rulers rejected the idea of Islamizing the constitution and sought to end the civil war and establish a lasting peace in southern Sudan on the basis of justice, equality, democracy, and freedom.

The Addis Ababa Agreement of 1972 produced a compromise. The constitution that emerged from it recognized Islam as the religion of the majority and acknowledged that Christianity and African beliefs had significant adherents among the population. It made citizenship the basis for rights and duties, while designating Sharia and custom as sources of legislation.⁸¹ Yet neither the agreement nor the constitution explicitly declared Islam the official religion of the state; rather, both implicitly pointed to the separation between religion and state without formally declaring the state secular. As Jaafar Muhammad Ali Bakhit observed: “The state is the authority of society, and society established the state on the basis of citizenship, not religious affiliation – that is, on the basis of loyalty to Sudanese soil, not beliefs. If the state adopted a specific religion, it would thereby stray from its original linkage toward something new that does not unite all Sudanese”.⁸²

This tacitly secular vision persisted until President Nimeiri abandoned it, announcing the implementation of Sharia in September 1983 to Islamise the institutions of state and society. This Islamization was rejected outright by southern forces of all partisan affiliations, as well as by most leftist parties, and contributed to

⁷⁶ *Eastern Sudan Peace Agreement*, Chapter One, Article 1(2-3).

⁷⁷ *Doha Document for Peace in Darfur*, Chapter I, Article 1/3.

⁷⁸ This text is taken from the 2019 constitution, Chapter 1, Article 4, Nature of the State, paragraph 1.

⁷⁹ Abdulatif al-Buni, *Dustūr al-Sūdān ‘Almānī am Islāmī?* (Khartoum: Maktabat Ibn Rushd, 1998), p. 14.

⁸⁰ Abdullah Ahmad al-Naim, *al-Islām wa- ‘Almāniyyat al-Dawla* (Cairo: Dar Merit, 2010), p. 368.

⁸¹ *Permanent Constitution of the Sudan*, Articles 9 and 16.

⁸² Cited in: Mansur Khalid, *al-Nukhba al-Sūdāniyya wa-Idmān al-Fashal* (Cairo: Matabi’ Sijil al-Arabi, 1993), p. 507. Jaafar Muhammad Ali Bakhit (1930-1976) was a university professor and political activist. He received his PhD in political science from Cambridge University and taught in the political science department at Khartoum University. He joined the May government after the July 1971 coup, assuming the post of minister of local government. He was also a negotiator in the Addis Ababa Agreement of 1972 and a consultant on the 1973 constitution. He was further a leading member of parliament, overseeing deliberations on draft constitution. His book, *al-Idāra al-Birīṭāniyya wa-l-Ḥaraka al-Waṭaniyya al-Sūdāniyya (1919-1939)* [*The British Administration and the Sudanese National Movement (1919-1939)*], a translation of his doctoral thesis, is an important reference for Sudanese studies.

the escalation of the armed conflict in southern Sudan. After the National Islamic Front's coup against the parliamentary system on 30 June 1989, matters became more complicated, as the coup leaders proceeded to implement an Islamic system of government (1989-2019). This project met with opposition from the parties of the National Democratic Alliance in the north and from advocates of a "New Sudan" in the south. After more than a decade of political and military conflict between the two sides, serious negotiations between the National Salvation government and the SPLM began in the early 2000s, culminating in the CPA of 2005.

The agreement adopted what Mohamed Ibrahim Khalil described as a "compromise-oriented" approach to the issue of religion and state. It did not explicitly provide for a secular state or for the separation of religion and the state. Rather, it considered "religion, customs and traditions ... [as] a source of moral strength and inspiration for the Sudanese people", affirming "freedom of belief, worship and conscience for followers of all religions or beliefs or customs" without discrimination on any grounds.⁸³ The agreement recognized both Sharia and popular consensus as sources of legislation. The 2005 Interim Constitution elaborated on this arrangement in Article 5:

(1) Nationally enacted legislation having effect only in respect of the Northern states of the Sudan shall have as its sources of Islamic Sharia and the consensus of the people.

(2) Nationally enacted legislation applicable to Southern Sudan or states of Southern Sudan shall have as its sources of legislation popular consensus, the values and the customs of the people of the Sudan, including their traditions and religious beliefs, having regard to Sudan's diversity.⁸⁴

Pursuant to this classification of legislative sources, the agreement established two levels of government: one national, reflecting the supreme sovereignty of the state, and another for the south, under which the Government of Southern Sudan exercised executive, legislative, and judicial authority over the southern states while maintaining significant representation in the national, or federal, government.

The relationship between religion and state was not addressed in peace agreements concluded after the 2005 agreement. It resurfaced in the Juba Peace Agreement, which provides for the "complete separation of religious institutions and state institutions to ensure that religion is not exploited in politics and that the state stands at equal distance from all religions and beliefs, provided that this is enshrined in the constitution and laws of the country".⁸⁵ Abdelkhalig Shaib argues that while this article affirmed the separation of religion and the state, it did not explicitly invoke the term "secularism", which many Sudanese Muslims equate with atheism.⁸⁶ The absence of any explicit mention of secularism in the agreement prompted Abdelaziz al-Hilu, the head of the SPLM-North, to withdraw from negotiations before the final agreement was signed. Prior to the negotiations, al-Hilu had advocated the establishment of a secular state to resolve the question of the relationship between religion and the state.⁸⁷

Most supporters of his position argue that separating religion and the state does not mean a separation of societal practices, but rather prevents the exploitation of religion in politics, based on the principle that religion is for God and the nation for all. In short, the relationship between religion and the state is contentious and requires broad intellectual discussions based on equal citizenship, a democratic system of government, and the protection of public freedoms and the human rights of the Sudanese people.

⁸³ Muhammad Ibrahim Khalil, *Limādḥā Infaṣāl Janūb al-Sūdān?* Othman al-Nusayri (trans.) (Khartoum: Dar Madarik, 2021), p. 198.

⁸⁴ *Interim National Constitution*, Part One, Chapter I, Article 5(1-2).

⁸⁵ *Juba Peace Agreement*, Title I, Article 1.7.

⁸⁶ Abdelkhalig Shaib, "Sudan: Have the Juba and Addis Ababa Agreements Untangled the Dichotomy between Religion and the State?" Arab Reform Initiative, 15/12/2020, accessed on 16/5/2024, at: <https://acr.ps/hBy2six>. For more detail on religion and secularism, see: Azmi Bishara, *al-Dīn wa-l-'Almāniya fī Siyāq Tārīkhī*, part 1: *al-Dīn wa-l-Tadayyun* (Doha/Beirut: ACRPS, 2013).

⁸⁷ For more detail on the relationship between religion and the state in Sudan, see: Jamal Abdulrahim Salih, *al-Dīn wa-l-Dawla: Mashrū' Ru'ya li-Fakk al-Ishibāk* (Khartoum: Dar al-Musawwarat, 2021).

3. Democracy and Federalism

The terms “democracy” and “federalism” were frequently invoked in peace agreements concluded under totalitarian regimes that showed no regard for democracy in practice. In the Permanent Constitution that emerged from the 1972 Addis Ababa Agreement, the legislator clarified that the Sudanese state sought to establish a “new, democratic, socialist society”. It further affirmed that “the Sudanese Socialist Union is the sole political organisation; founded on the alliance of the working forces of the people, as represented by the farmers, workers, intellectuals, national capitalists, and soldiers”.⁸⁸ This provision barred multi-party democracy and any political activity outside the framework of the Socialist Union.

Under the National Salvation regime, the 2005 CPA recognized the need to “establish a democratic system of governance taking account of the cultural, ethnic, racial, religious and linguistic diversity and gender equality of the people of the Sudan”.⁸⁹ The National Elections Law was drafted pursuant to this provision, covering both executive institutions (the president, the president of the Government of Southern Sudan, and state governors) and legislative bodies (the Southern Sudan Legislative Assembly, the state legislative assemblies, and the National Assembly). A census was conducted, and electoral districts were delineated. Yet opposition parties described the vote as lacking integrity and transparency owing to the undue control exercised by the two ruling parties (the National Congress Party and the SPLM) over the electoral process. Accordingly, most opponents of the regime argued that the 2010 national elections did not represent a genuine democratic transition, but rather entrenched a new form of authoritarianism cloaked in the guise of democracy.⁹⁰

Peace agreements concluded after the CPA continued to draw on the 2005 Interim Constitution as their model of democracy. The term “democracy” appears across the Juba Peace Agreement in broad and dispersed contexts, acknowledging the importance of a democratic system without defining procedures for a democratic transition in practice. The passage that best encapsulates the use of the term in the agreement describes Sudan as a “democratic, parliamentary, pluralistic” state. Such generalities did not, however, lead to the enactment of procedural laws or practical measures – such as a population census and the delineation of electoral districts – that are fundamental to democratic transition, even up to the coup of 25 October 2021 against the transitional government and the outbreak of war between the armed forces and the rebel Rapid Support Forces on 15 April 2023.

The relationship between democracy and federalism thus became organic within peace agreements, with democracy regarded as a prerequisite for a federal system suited to culturally, ethnically, and religiously diverse societies and capable of achieving a degree of balance in services and development. Demands for a federal system were voiced in the south even before Sudan gained independence in January 1956, but northern politicians then in power mistakenly believed that federalism would lead to southern secession and therefore rejected it.

In subsequent peace agreements, however, federalism became conflated with decentralization: the Addis Ababa Agreement, for example, granted the south self-rule within a decentralized system of government. This quasi-federal arrangement was later enshrined in the 1973 Permanent Constitution of the Democratic Republic of Sudan. The 2005 CPA, by contrast, established a dual-track system of governance (the Government of Sudan and the Government of Southern Sudan) within a unified state, based on principles of decentralization that distributed authority across the three branches of government without full devolution of powers.

⁸⁸ *Permanent Constitution of the Sudan*, Part I, Articles 1 and 4.

⁸⁹ *CPA*, Chapter I, Part A, Article 1.5.1.

⁹⁰ For more detail, see: Abushouk, *al-Intikhābāt al-Qawmiyya fī al-Sūdān li-Sanat 2010*, pp. 43-52.

In the Juba Peace Agreement, the protocol for the Two Areas (southern Blue Nile and South Kordofan) stipulated the establishment of “decentralised governance (whether federal or autonomous) within a framework of a united Sudan ... in a manner that addresses historical injustices and the root causes of the conflict and strengthens the unity of Sudan”. Meanwhile, the people of eastern Sudan demanded the implementation of a “decentralised, federal, pluralistic and democratic system of governance which ensures delegation of powers and resource allocation and which comprises three levels of governance (federal-state level/regional-local)” to remedy the political, economic, and developmental marginalization experienced in eastern Sudan. This conflation of political and administrative terminology can be attributed to the absence of technical experts supporting the political actors who oversaw the negotiations and drafted the final provisions, and it is one reason why some parts of the agreement are inconsistent, at times to the point of ambiguity.

Conclusion

Based on the foregoing analysis, the legacy of state formation, with its multiple constituent components – uneven development, the dominant Arab-Islamic identity, and the political hegemony of riverain groups – constituted the central node of the problems that generated armed conflicts in Sudan. These elements also underpinned the demands advanced by armed movements, which pursued power- and wealth-sharing as their primary solutions, despite the differing manifestations of this legacy across regions, its political instrumentalization in accordance with regional circumstances, and its prominent presence in negotiations and in the texts of the peace agreements concluded between 1972 and 2020.

The persistence of demands and protests associated with the legacy of state formation across time and place reflects the inability of peace agreements to offer durable solutions to these deep-rooted problems. This is because such agreements were bilateral and piecemeal in nature, relying primarily on power-sharing formulae that reinforced the authority of the central government while granting a measure of power to the leaders of armed movements to appease them. They did not offer comprehensive or objective solutions capable of addressing the underlying problems in both the centre and the affected peripheries.

In other words, there was no clear national vision of the peace process as an integrated state-building endeavour – one requiring fair representation for all stakeholders and a strategic plan that addressed the root causes of the problems both horizontally within the relevant regions and vertically between the central ruling authority and actors with demands in the peripheries. Nor was there a coherent vision for establishing a federal system of governance that would account for regional differences in Sudan and faithfully reflect the provisions of agreements intended to deploy federalism as a mechanism for managing ethnic, cultural, and religious diversity, while ensuring the democratic rotation of power with respect for civil liberties and human rights.

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