

THE REMAINS OF THE JPA

THE UNLEARNT LESSONS OF THE JUBA PEACE AGREEMENT

Joshua Craze and Kholood Khair



Rift Valley Institute

MAKING LOCAL KNOWLEDGE WORK

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THE PROJECT

The Juba Peace Agreement (JPA) project, which began in 2022, is a collaboration between the Rift Valley Institute (RVI), Confluence Advisory (CA) – the research partners – and the United States Institute of Peace (USIP), which has funded and supported the project.

The project sought to conduct research that would do three things: 1) map out the key actors in the JPA; 2) explain the political economy of the agreement; and 3) set out a series of policy recommendations, and lessons learnt, for international actors involved in the process. The project started in the aftermath of the October 2021 coup and its conclusion takes place whilst Sudan experiences a devastating national conflict with fighting widespread from Darfur to Khartoum. Amidst the current war, it is all too easy to forget the national peace agreement that preceded it. While the JPA was undeniably flawed, there is much that can be learnt from how the agreement was reached, what it sought to achieve and the mechanisms that were designed, although largely never activated, as part of it.

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THE PARTNERS

The Rift Valley Institute works in Eastern and Central Africa to bring local knowledge to bear on social, political and economic development.

Confluence Advisory is a policy ‘think-and-do’ tank based in Khartoum.

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Thanks also to the team of research assistants who contributed vital material and insights to the project.

EDITING

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ACRONYMS

CPA	Comprehensive Peace Agreement (2005)
DDR	Disarmament, demobilization and reintegration
FFC	Forces of Freedom and Change
FFC-CC	Forces of Freedom and Change-Central Council
FFC-DB	Forces of Freedom and Change-Democratic Bloc
JEM	Justice and Equality Movement
JPA	Juba Peace Agreement
NCP	National Congress Party
OCHA	Office for the Coordination of Humanitarian Affairs (UN)
PCC	Permanent Ceasefire Committee
RSF	Rapid Support Forces
SAF	Sudan Armed Forces
SLA-MM	Sudan Liberation Army-Minni Minnawi
SPLM/A-N	Sudan People's Liberation Movement/Army-North
SRF	Sudan Revolutionary Front
SSR	Security sector reform
USG	United States government

SUMMARY

At its signing in October 2020, it was hoped that the Juba Peace Agreement (JPA) would finally address the root causes of the conflicts in Sudan. Three years later, it is clear that the most important legacy of the JPA is a continuation of the transactional politics that had characterised the reign of Omar al-Bashir.

The JPA became a lever that allowed the Sudanese security sector to dilute the power of the Forces of Freedom and Change (FFC) in the transitional government, establish a bloc of commanders beholden to the military leadership, and prepare the way for the October 2021 coup, which was actively supported by two of the Darfuri signatories of the JPA, and had the tacit approval of other signatories.

The more expansive aspirations of the JPA, including fiscal federalism and measures addressing land issues and the fate of displaced peoples, have not come to pass. Proposals for these issues contained in the JPA were irredeemably hamstrung by a lack of adequate representation among the signatories, which caused the JPA to fuel, rather than address, conflict—particularly in Eastern Sudan and Darfur—prior to the beginning of the war in Sudan in April 2023.

On paper, the negotiation of the JPA did appear to include a broad variety of stakeholders, particularly from Darfur and the Two Areas. In effect, however, engagement with these groups was simply to rubber stamp an agreement that was largely worked out between the leader of the Rapid Support Forces (RSF), Mohamed Hamdan Dagalo's [Hemedti] negotiators—at the time, partly on behalf of a united Transitional Sovereign (Military) Council—and a group of rebel leaders who had little legitimacy on the ground. The JPA thus amounted to yet another power-sharing agreement for elite commanders that failed to bring communities from the Sudanese peripheries into the political mainstream.

The security sector reform (SSR) and disarmament, demobilisation, and reintegration (DDR) processes in the JPA were almost entirely unimplemented. They are also structurally incoherent. These provisions suffer from a vague implementation structure and an acute absence of funding. They also split Sudan into regional tracks. The JPA disaggregated SSR in the peripheries from the most fundamental issue the country faced: national-level SSR discussions over the status of the Sudan Armed Forces (SAF) and the RSF.

The signatories of the JPA had little incentive to integrate their forces into the army, given that the SAF and RSF, their opponents for twenty years, remained unreformed or unintegrated, respectively. The JPA further allowed former rebel groups to leverage violence to obtain political positions in government. Actors such as Minni Minnawi, the leader of Sudan Liberation Army (SLA-MM), were not likely to throw away their principal bargaining card by integrating. So, it proved.

Since the outbreak of the Sudanese war on 15 April, the JPA signatories have been split, with some supporting the SAF and others, the RSF. Despite these political divides, the JPA signatories have largely hedged by remaining as militarily—though not politically—neutral as possible, while hoping that the JPA will endure, despite the war.

The JPA today

The October 2021 coup made the signatories of the JPA even more beholden to the generals. In Darfur, as elsewhere in Sudan, the coup was massively unpopular, undermining support for the leaders of the Sudan Revolutionary Front (SRF)—the signatories of the JPA—and pushing them closer to the RSF. Yet despite the coup, and the signatories' role in it, the prevailing sentiment amongst western diplomats was that the JPA was something that must be held onto. In many parts of Sudan, however, conflict increased after the agreement was signed.

On 5 December 2022, the FFC, some political groups, and the military junta signed the Framework Agreement. While UN and Western diplomats proclaimed their satisfaction with the deal, it was immediately met with protests across the country. Despite its rhetorical commitments to civilian government, it seemed more likely that the Framework Agreement would leave intact the basic formula of military rule. Even if the burden of governing had been handed over to civilians, without a proper programme for SSR, military actors would have been free to recruit and make bilateral security pacts with regional actors. It was precisely the modality of the negotiations over SSR that precipitated the current war, once again indicating the danger of rushing such processes, and not formally making them central to negotiations.

Thus far, JPA signatories have been split by the war, with some—notably Malik Agar—joining Burhan, some remaining ostensibly neutral, and others casting their lot in with the RSF. Central to the position of almost all the JPA signatories, however, is the conviction that the agreement must be upheld in any future negotiations over the future of Sudan. This position represents an understandable desire to hold onto power, but hampers future negotiations, and ties them to an unworkable SSR program that repeats the errors of past peace processes in Sudan, in which the centre and the periphery are dealt with in separate political and SSR tracks. The current war makes this already distinction now wholly obsolete. The RSF's continued military dominance in Khartoum is sufficient to indicate that such centre-periphery divides must now be a relic of past negotiations: the periphery is in the centre, and any future peace process must address Sudan as a whole.

How should the international community respond?

The conflict in Sudan has devastated the country. Yet, the JPA is not yet dead. The SAF are insistent that the agreement holds, despite the deleterious effects of the JPA on the situation in Sudan. The international community should not be beholden to SAF's insistence on the agreement's validity. In order for the international community to productively employ what leverage it has, it must accept that the redeemable elements of the JPA can exist outside the agreement's current form. Continuing to support the JPA as it stands is more likely to increase conflict than solve it, and also helps sustain the militarised nature of Sudan's politics. Instead, the international community should be open to embedding key elements of the JPA into new and alternative peace processes. These should not, as the JPA does, function as militarised peace agreements that see signatories becoming anti-democratic actors who support military ends.

The international community should invest in mutually reinforcing processes that are tied to ongoing political dialogue and include all the actors concerned: armed and unarmed; signatories and non-signatories of the JPA. Revisions to the JPA must focus on building broad-based support for proposals over land reform and displaced persons, amongst other issues, in the peripheries of the country. Such support will only be achieved by putting communities first. Issues of land reform in Darfur or political representation in Eastern Sudan must be debated

by all the communities affected, not merely as spectators to the discussions, but as actors given as much weight and importance as the current set of signatories.

Insofar as the international community, and the US government in particular, will offer formal support to the JPA, and even material support to the implementation of the agreement, it should do so within clear red lines. If JPA implementation fails those benchmarks, then diplomatic energy should instead be directed at ensuring it meets them. Such benchmarks should include whether JPA implementation actually addresses the communities that will be affected by the agreement, and whether it enables substantive SSR, which includes the SAF and the RSF. These benchmarks should be the red lines for the resumption of financial support for the JPA, if the variety of peace processes currently underway include consideration of the agreement.

INTRODUCTION

Sudan is currently experiencing a war the likes of which has not been seen in the country for at least a hundred years: a war for Khartoum. Former president Omar al Bashir's government inoculated the capital by exploiting the peripheries of the country for resources, while repressing unrest by building up a rivalrous series of paramilitary organisations and militias that conducted brutal counterinsurgency operations at Sudan's margins.¹ Bashir's reign builds on a long history of centre-periphery relations in Sudan. Both of Sudan's previous civil wars, (1955-1972 and 1983-2005), repeated the same formula for rule: a centre that dominated and fought against the peripheries of the country. The Comprehensive Peace Agreement (CPA) that followed the end of Sudan's second civil war was based on a bilateral model of liberal peace-making that rewarded two belligerent actors at the expense of the Sudanese people, and fundamentally failed to address the substantive issues underlying conflict in Darfur, Blue Nile, and South Kordofan, leading to continued conflict in all three areas after South Sudan's secession in 2011.²

The JPA has continued the failed legacy of the CPA: it compartmentalised conflict in Sudan's periphery, and was again negotiated by armed belligerent actors, including the SAF and the RSF, the two powers currently at war in Sudan. The JPA was a sprawling set of deals that exemplified the transactional politics of Bashir's regime: armed actors were bought off with positions in government, without changing the nature of governance in Sudan. The JPA continued the basic logic of a security sector at war with the civilian populace. During the current conflict, the security sector, thanks to another failed peace negotiation—the Framework Agreement—is now at war with itself, in a struggle for political and economic control of the country, and the armed signatories of the JPA offer no alternative to this zero-sum conflict. Throughout Sudan's long history of armed rebellion and insurgency, it has only been episodes of nonviolent protest that have toppled military regimes and brought about nascent civilian transitions; armed uprisings have only begotten transactional power sharing and a continuance of baleful centre-periphery relations. The JPA, sadly, has only intensified such relations.

The context to the JPA is given by the fall of the previous regime. After decades of civilian opposition and armed resistance against Bashir's Islamo-military regime in Khartoum, protests by non-violent pro-democracy groups led to his fall from power in April 2019. In August 2019, a transitional government assumed power in Sudan. Among its top priorities was forging a peace agreement with Sudan's rebel groups.³ While the Sudan Revolutionary Front (SRF)—a loose coalition of rebel groups—had been marginalised during negotiations in 2019, repeating a customary Sudanese separation between a political process in the centre and a transactional process in the peripheries, the hope was that with a partly-civilian transitional government in power, all the ingredients were

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- 1 See Joshua Craze, 'Gunshots in Khartoum,' Sidecar, *New Left Review*, 17 April 2023, <https://newleftreview.org/sidecar/posts/gunshots-in-khartoum>.
 - 2 For clarifying accounts of the failures of the CPA see John Young, *The Fate of Sudan: The Origins and Consequences of a Flawed Peace Process*, London: Zed Books, 2012; Sharath Srinivasan, *When Peace Kills Politics: International Intervention and Unending Wars in the Sudans*, Oxford: Oxford University Press, 2021.
 - 3 For a detailed account of this period, see: Willow Berridge, Justin Lynch, Raga Makawi and Alex de Waal, *Sudan's Unfinished Democracy: The Promise and Betrayal of a People's Revolution*, Oxford: Oxford University Press, 2022. Many actors in the SRF, who were excluded from negotiations over the 2019 agreement, did not see the civilian government as prioritising peace in the peripheries.

in place to forge a lasting peace agreement.⁴ The international community hoped that a peace agreement in the peripheries would be made by a government on the cusp of global rehabilitation. Such an agreement would finally be able to deal with the root causes of conflict in Sudan, rather than simply continue Bashir's model of transactional politics, forged over 30 long years of dictatorship, in which political elites and rebel commanders were bought off by dollars obtained by selling resources from the peripheries, to the benefit of the riparian centre of the country, and to the detriment of the people of Sudan.⁵

Soon after its signing, it became apparent that the JPA exemplified, rather than solved, the problems in Sudan. With its many tracks for different areas of the country, it split Sudanese conflicts, walling off the more central questions of national-level SSR and national political transformation from the situation in the peripheries. The JPA reproduced the limitations of Bashir-era peace agreements. Rather than providing an inclusive platform for both military and non-military actors from Sudan's peripheries, it rewarded rebel commanders who had dubious political legitimacy on the ground, installing them at the centre of government, as guns were once again leveraged for political power. Instead of enabling a civilian government to engage with questions of socio-economic justice in Darfur and the Two Areas (South Kordofan and Blue Nile states), the JPA became a lever that enabled the Sudanese military to undermine that very government, laying the groundwork for the October 2021 coup.

JPA signatories, having aligned themselves so closely with the security sector through the agreement, now find themselves embroiled in a war that consumes that same sector. In many senses, the war in Sudan is a war over SSR: over RSF integration into SAF, and the place of these two military monoliths in Sudanese political and economic life. The JPA signatories have been inserted into these struggles, leading to an acute fall in their popular legitimacy. Conversely, it is the non-signatories of the JPA, particularly the Sudan People's Liberation Movement/Army-North (SPLM/A-N) under Abdelaziz Adam Al-Hilu, that may actually affect the conflict, as indicated by current military campaigns by the SPLA-N in South Kordofan and Blue Nile.⁶ The JPA signatories have aligned themselves with either SAF or the RSF, and have signed up to plans created by the two belligerent parties: either SAF dreams of the consolidation of military rule, or RSF aspirations for a new hybrid civilian-militia government. It is the JPA signatories, having forged their alliances under the assumption of the primacy of military rule, who may be one of the biggest obstacles to future civilian government, and the JPA itself that may be a central obstacle to a transition to genuinely civilian government. At present, fidelity to the JPA is a lever that both belligerent parties—but principally Burhan's SAF—are using to purchase the loyalty of former rebels like Mini Minnawi and Jibril Ibrahim.⁷

This policy brief traces the many lives of the JPA: its negotiation in Juba and signing under a military-led transitional government; its status after the October 2021 coup; its place in Sudan following the December 2022 Framework Agreement; and finally its position after the beginning of the current war. This brief will then assess the function

4 On the origins of the SRF see: Andrew McCutchen, 'The Sudan Revolutionary Front: Its Formation and Development', Geneva: Small Arms Survey, 2014, <https://www.smallarmssurvey.org/resource/sudan-revolutionary-front-its-formation-and-development-hsba-working-paper-33>.

5 On the transactional basis of Bashir's politics, and the continued transactional logic of the JPA, see: Jean-Baptiste Gallopin, Eddie Thomas, Sarah Detzner and Alex de Waal, 'Sudan's Political Marketplace in 2021: Public and Private Finance, the Juba Agreement, and Contests over Resources', London: Conflict Research Programme, London School of Economics, May 2021, https://eprints.lse.ac.uk/111791/2/Sudan_s_PMF_2021_updated.pdf.

6 Interviews with SPLA-N representatives, Juba, August 2023.

7 Interview with Sudanese intelligence officer, location withheld, August 2023.

that the JPA has in contemporary Sudanese politics, and what the role of the international community should be relative to the agreement.

NEGOTIATING THE JPA

While signing a peace agreement with Sudanese rebel forces was a priority for a few politicians in the civilian part of the transitional government, it was the military (notably Hemedti) that took the lead in negotiations.⁸ The long-standing relationship between Hemedti and some of the rebel groups made marginalising the civilian component of the Sudanese transitional government easier. This task was facilitated by Tut Kew Gatluak, Bashir's adopted son, once the point man for relations between the National Congress Party (NCP) and Nuer militia forces in South Sudan, and now the security advisor for South Sudanese president, Salva Kiir.⁹

A distinction must be drawn here between the formal arrangement of the negotiations and their substantive content. Formally, both civilian and military elements of the transitional government were represented in talks with the SRF. Indeed, with the exception of the discussions over Two Areas, and military arrangements in Darfur, every single negotiation was led by a civilian member of the government.¹⁰ The marginalisation of the civilians occurred behind closed doors. Hemedti himself rarely visited Juba. When he did, he did not attend the talks but stayed at the Pyramid Hotel. He had a team of advisors, however, in constant contact with the rebel groups. They did not meet the rebels during the negotiations, but instead met after-hours. Civilian delegates were excluded from these discussions. As one ministerial aid said, 'We feel like we are battling for information every day. To get anything done we have to go to Burhan.'¹¹ From the beginning of the transition, domestic and foreign policies were bifurcated, with Burhan and Hemedti controlling access and making political decisions to the exclusion of the civilian branch of the government.

The signed agreement is composed of a national agreement and six separate tracks that cover Darfur, Eastern Sudan, the Two Areas, the North, the Centre and the Tamazuj track (relating to groups from the border regions of Darfur and South Kordofan), with separate protocols for each.¹² This regional structure was originally due to the Darfuri members of the SRF. The Darfuri rebel groups realised they had much more experience in negotiating and drafting peace agreements with the government than other members of the SRF, and understood that the other coalition members offered them little in terms of negotiating strength. Such balkanization, however, enabled Hemedti and the Sudan Armed Forces (SAF) to instrumentalize each area, separating different parts of

8 See, inter alia: Jérôme Tubiana, 'Darfur after Bashir: Implications for Sudan's Transition and for the Region', United States Institute of Peace Special Report No. 508, Washington DC: United States Institute for Peace, April 2022, <https://www.usip.org/publications/2022/04/darfur-after-bashir-implications-sudans-transition-and-region>.

9 On the regional realignment between Sudan and South Sudan that facilitated the JPA, see: Joshua Craze and Ferenc David Markó, 'Death by Peace: How South Sudan's Peace Agreement Ate the Grassroots', *African Arguments*, 6 January 2022, <https://africanarguments.org/2022/01/death-by-peace-how-south-sudans-peace-agreement-ate-the-grassroots/>. For Tut Kew Gatluak's role in Salva Kiir's government, see Small Arms Survey, 'The Body Count: Controlling Populations in Unity State', 21 August 2023, <https://www.smallarmssurvey.org/resource/body-count-controlling-populations-unity-state#:~:text=The%20Body%20Count%3A%20Controlling%20Populations%20in%20South%20Sudan's%20Unity%20State,control%20both%20populations%20and%20humanitarian>.

10 Telephone interviews with international diplomats present at the talks, September 2022–January 2023.

11 See: Berridge et al., 'Sudan's Unfinished Democracy', 117.

12 The Tamazuj track has the distinction of not covering an existing unitary geographic area but instead covers parts of Kordofan and Darfur. This track was formed shortly before the negotiations concluded.

the opposition outside of a broader national compact. A striated approach to the peace negotiations reflected an asymmetrical power differential in the SRF. The Darfuri groups in particular were able to use their greater numbers to eke out better terms regarding power-sharing and wealth-sharing protocols. This has since led to smaller signatory groups calling for the review and revision of the agreement.¹³

Once again, a distinction must be made between the formal content of the negotiations and their substance. The formal provisions of the JPA were negotiated by the SRF and the civilian government, with envoys frequently returning to Khartoum to talk to members of Prime Minister Abdalla Hamdok's government. In addition, via UNAMID (African Union-United Nations Hybrid Operation in Darfur), efforts were made to bring a broad variety of stakeholders into the negotiations. These parties—including internally displaced person (IDPs) groups and local administrators—provided input on the JPA protocols. According to those present for the negotiations, the Darfuri actors were able to point to protocols on land reform and other issues as addressing stakeholder concerns.¹⁴ For many of the signatories, however, these protocols were far less important than their own positions in government.¹⁵ It is these positions that have proved the actual legacy of the JPA, and continue to inform the calculations of the signatories during the current conflict.

The final agreement was a hodgepodge: at once a ceasefire agreement, an extremely ambitious set of proposals for land reform and transitional justice, DDR, and SSR, with a vague implementation structure and an absence of any funding, and further commitments to fiscal federalism and decentralised government. The JPA suffered from a lack of support among key communities, including Fur and Masalit groups in Darfur, and Darfuri Arab communities, along with some Beja groups in Eastern Sudan. The exclusion of crucial stakeholders from the agreement drove competition at local and national levels. The lack of comprehensive inclusion in the JPA of the relevant actors in each of the areas of Sudan created winners and losers, nationally and locally, and led the JPA to fuel, rather than reduce, conflict.

These failures were not contingent—they were a feature not a bug. Underneath its formal armature of civilian participation and popular consultation, the core of the JPA was a relic of Bashir-era transactional politics and militarised peace agreements that stood out in an era of broad-based popular mobilizations. The JPA reified ethnic identities (as the main mode of mobilisation for rebel groups) at a time when pro-democracy mobilisation advocated for more inclusive citizenship and political participation. The agreement also focused on power-sharing for elites, rather than bringing the communities in the Sudanese peripheries into the negotiations in a substantive fashion, intensifying the polarised cleavages between groups that have subsequently played out during the current war. While the process leading up to the signing of the agreement involved consultations, its signatories were always intended to be the armed groups of the SRF. Other groups, including women, youth, resistance committees, displaced people, and customary authorities, all lacked a genuine voice during negotiations and were not part of the agreement, despite many of these groups playing important roles in either instigating or curbing violence on the ground.

13 'Sudanese Armed Group Calls for Review of Juba Peace Agreement', *Sudan Tribune*, 1 October 2022, <https://sudantribune.com/article264819/>.

14 Telephone interviews with international diplomats present at the talks, September 2022–January 2023.

15 Telephone interviews with international diplomats present at the talks, September 2022–January 2023; interviews with senior SRF officials, Khartoum, October 2021 and September 2022.

An engine for conflict

The unrepresentative nature of the signatories meant that the JPA was largely unable to prevent violence. In many senses, the agreement has acted as an engine for conflict by antagonising excluded parties, rather than stalling or halting it.¹⁶ The exclusionary nature of the JPA has also made it easy for communities on the ground to lose faith in the agreement, or disavow it entirely, as happened in Eastern Sudan.¹⁷ In Darfur, the exclusion of some communities from the agreement led to increased intercommunal violence, as groups such as the Abbala Rizeigat feared that the provisions of the JPA would lead to a loss of land, despite their implicit representation at the talks, via the figure of Hemedti.¹⁸ A direct line can be drawn between the marginalisation of such groups at the JPA negotiations and the violence perpetrated by members of groups such as the Abbala Rizeigat in West Darfur in the first few months of the war. They attacked groups such as the Masalit, who had seen relative representation through the Sudan Alliance—a political coalition formed in 2022. The Masalit were led by the late Khamis Abakar, who was abducted and then assassinated on 15 June 2023, on the orders of the RSF.¹⁹ The JPA did not resolve local conflict dynamics, but rather paved the way for the settling of old scores, and the inflaming of extant tensions, with devastating effect.

As with many of the Sudanese peace agreements that preceded it, the JPA was not comprehensive.²⁰ The balkanized way in which the agreement was negotiated meant that it could not be seen as a national project. This is reflected in the celebrations of the signing of the agreement in Khartoum in October 2020, which were poorly attended, even by the city's residents. Furthermore, neither of the two rebel groups that hold significant territory in Sudan—the SPLM/A-N under Abdel-Aziz al-Hilu, and the SLM/A-AW under Abdul Wahid al-Nur—were party to the negotiations and refused to be involved.²¹ Both groups were distrustful of the Transitional Military Council, which was, in effect, simply a rebranded version of the transitional military government that took power after the fall of Bashir—and neither thought a deal with a military-led regime would bring about a lasting peace. In addition, the JPA did not include a wide variety of groups that would go on to be some of the most important armed actors on the ground between 2020 and 2023, including Rizeigat militias in the north of Darfur.

In many places in Sudan, in the run up to negotiations in Juba, tensions emerged over who should be present at the negotiations of the JPA. In Eastern Sudan, some parts of the Beja community felt frustrated by what they experienced as their exclusion from the peace process. Under the terms of the negotiations, the SRF was empowered to represent all of Eastern Sudan, despite its limited popular base. Initially, the SRF representatives

16 For a numerical account of the increase in violence across Sudan after the JPA, see: Tiziana Corda, 'Implementing Peace: Continuity and change in Sudan's political violence and protests after the Juba Peace Agreement', *Medium*, 3 October 2021, <https://tizianacorda.medium.com/implementing-peace-db2065b2b7f4>.

17 On the reaction in Eastern Sudan to the JPA, see: Rift Valley Institute, 'What next for Sudan's peace process? Political and security dynamics in the east', Sudan Rapid Response Update 4, London: Rift Valley Institute, 4 June 2022.

18 See Tubiana, 'Darfur after Bashir', 10–11.

19 See 'West Darfur governor abducted, killed as war in Sudan spreads', *Al Jazeera*, 15 June 2023, <https://www.aljazeera.com/news/2023/6/15/west-darfur-governor-abducted-killed-as-war-in-sudan-spreads>.

20 On the problems of the selective nature of Sudanese peace agreements, see Srinivasan, *When Peace Kills Politics*; Abel Alier, *Southern Sudan: Too Many Agreements Dishonoured*, London: Ithaca Press, 1992.

21 On al-Hilu's relationship to the JPA, see: Rift Valley Institute, 'What next for Sudan's peace process? Evolving political and security dynamics in the two areas', Sudan Rapid Response Update 3, March 2022. Al-Hilu had a separate negotiating track with the government; Abdul Wahid refused to even meet Hamdok and did not participate in any talks at all.

were Osama Saeed, a leader of the Beja Congress Opposition, and al-Amin Daoud of the United Peoples Front for Liberation and Justice. Neither figure was close to key Beja constituencies.²² The SRF selection of these men was as much about personal relationships—such as that between Justice and Equality Movement (JEM) leader Jibril Ibrahim and his fellow Islamist, al-Amin Daoud—as it was about the representativeness of the figures chosen. These selections antagonised members of the Hadendawa group of the Beja, who were not represented at the talks in Juba, and other Beja who felt the agreement neither allowed for a single Eastern region—which would combine Gedaref, Kassala, and the Red Sea—nor was forceful enough in articulating Beja land rights issues, against what they felt was the encroachment of the Beni Amer.²³

In the run-up to the JPA, rallies in Eastern Sudan in support of the process led to violence in Port Sudan and the signing of a *galad* (a customary agreement) with the transitional government, which was supposed to lead to the Eastern track being suspended. In 2020, however, the peace process continued, without increased representation from the disaffected excluded groups, leading to further violence. By August 2020, violence peaked and a state of emergency was declared. Implementation of the Eastern track of the JPA never took off prior to the outbreak of conflict in April 2023, due to fears it would ignite intercommunal violence. In 2020, Beja dissatisfaction with the JPA was mobilised by the military component of the government, which blamed the exclusionary nature of the peace process on civilians—despite the fact that Hamdok’s government never had much control of the JPA negotiations in the first place.

By September 2021, the Beja High Council concluded that it was the civilian component of the government that stood in the way of resolving its grievances, and backed military calls to change the composition of the government, with the council ultimately supporting the military in the lead up to the coup.²⁴ A key interest of the Beja High Council leadership, particularly Nazir Tirik, the chief of the Hadendawa, was to avoid accountability for financial gains accrued during Bashir’s reign, and this avoidance of fiscal oversight was fundamental to his pushback against the Eastern Track. As the agreement didn’t engage a broader Beja constituency, individual actors, such as Tirik, were able to monopolize proceedings, holding the entire process hostage and increasing their veto power not just over the agreement, but on the appointments of the governors of the three eastern states, and the functionality of Port Sudan.

The JPA thus became a political tool for both its supporters and its detractors. Instrumentalized in such a fashion, political actors were able to deploy it to their own ends without needing to proffer an alternative structure or address the substantive problems facing Eastern Sudan. The unrepresentative nature of the JPA negotiations for the Eastern track increased violence on the ground, partly because these negotiations refused to build upon prior existing customary agreements, such as the 2019 agreement between the Beni Amer and the Nuba, the breaking of which set off the larger violence between the Beni Amer and the Hadendawa.²⁵ Moreover, the exclusion of crucial actors from the JPA led them to side with the military and facilitate the coup.

22 Osama is from the Ababda community and does not have a connection with many of the community and traditional Beja leaders. Al-Amin, from the Habab community, is closely linked to the Beni Amer administration in Eastern Sudan.

23 See: Rift Valley Institute, ‘What next for Sudan’s peace process? Political and security dynamics in the east’.

24 Rift Valley Institute, ‘What next for Sudan’s peace process? Political and security dynamics in the east’, 5.

25 According to local civil society actors, the breaking of the *galad* between the Nuba and the Beni Amer by the latter—an agreement that has been brokered by the Hadendawa—contributed to the enmity between the Beni Amer and the Hadendawa. Such enmity was also caused by the fall of the Bashir-era patronage system which engaged both groups and pitted them against each other.

The coup forced the JPA signatories to side with the military. The current conflict pushed the signatories towards one of the two belligerent parties. All the signatories are currently militarily neutralized. It is one of the non-signatories of the JPA that is engaging militarily in the current conflict, in the form of Al-Hilu's SPLA-N forces attacking SAF positions in South Kordofan and Blue Nile. Al Hilu has seized the opportunity to expand the territory under his control while the main armed actors, SAF and the RSF, are preoccupied with the war in Khartoum. In any future political discussions, Al Hilu, along with Abdel Wahid al Nur in the Jebel Marra area, must be included. Having rejected the JPA, it is now highly unlikely that either Abdel Wahid or Al-Hilu would seek to enter into accords underpinned by the agreement.

Payroll peace: Austerity edition

In many respects, the JPA resembles the CPA that brought an end to the Second Sudanese civil war (1983–2005).²⁶ Both agreements leave out major belligerent parties, and both agreements are based around SSR arrangements that were supposed to bring rebels into the army, and power-sharing agreements that would bring rebels into the government. Both agreements have provisions for various forms of federalism that are largely unimplemented. At their core, the agreements functioned as a form of what is termed 'payroll peace', with rebels effectively bought off with the promise of salaries and political positions.²⁷ The JPA thus marks an extension of Bashir's form of transactional politics, rather than an interruption of it.

Unlike the CPA, which was negotiated and signed during the oil boom and in a period of governmental largesse, the JPA lacked any real financing. It took shape during a time of much-reduced governmental capacity to bankroll a payroll peace, even if the political will to do so had existed.²⁸ The JPA was financially backed neither by international actors nor by the Sudanese government. During negotiations in Juba, some signatories surmised that Gulf States would pay for JPA provisions—the UAE is a guarantor of the agreement—while others believed that the Troika would pay, despite protestations to the contrary; both sets of signatories were to be disappointed.²⁹

Despite the military's domination of political decisions in Khartoum and the Juba negotiations, the civilian component of the transitional government had initially set the financial agenda in Khartoum, at least as it related to the funding priorities of the donor community. That funding for the JPA was not a priority speaks to the extent to which the civilian component of the government did not feel ownership of the JPA, and was largely unconcerned with its implementation. It also underscores the extent to which key former rebels, such as finance minister Jibril Ibrahim, once in government, took very few steps to fund the agreement, whose ambitious proposals went unimplemented. For instance, while former rebels were uncomfortably incorporated into the civilian government, there were a number of structural antagonisms that prevented their forces from integrating into the national army. As with similar peace agreements in neighbouring South Sudan, the JPA was predicated

26 For a critique of the CPA peace process, see: John Young, *The Fate of Sudan*.

27 For the concept of 'payroll peace', see: Alan Boswell and Alex de Waal, 'South Sudan: The Perils of Payroll Peace', London: Conflict Research Programme, London School of Economics, 4 March 2019.

28 Sudan's economy shrank 3.6 per cent in 2020; see: 'Sudan Economic Outlook', African Development Bank Group, <https://www.afdb.org/en/countries/east-africa/sudan#:~:text=Sudan-,Sudan%20Economic%20Outlook,of%20Russia's%20invasion%20of%20Ukraine>.

29 The Troika is comprised of the US, UK and Norway, and was formed during negotiations ahead of 2005's CPA. Telephone interviews with international diplomats present at the talks, September 2022–January 2023.

on forms of SSR that would never come to pass.³⁰

The signatories' lack of commitment to the agreement was not only financial. All the grand pronouncements of the JPA about land reform, transitional justice and fiscal federalism have also largely come to naught. The active part of the agreement was its political core: the integration of JPA signatories into the Sudanese government. Minni Minnawi (SLM/A-MM) acceded to the governorship of Darfur while Jibril Ibrahim (JEM) became the minister of finance, and briefly the darling of the international community, after he managed to push through cuts to subsidies that the previous minister could not effectuate.³¹ Both men used the JPA to advance their own personal projects for political power. Thus, while the rebel groups were not made into civilian political actors, either through SSR or DDR processes, the civilian government was militarised by the presence of armed resistance forces.

Many of these groups entered government in a parlous state. Hemedti's RSF had inflicted crippling military defeats on the SLA-MM in campaigns in 2014 and 2015. Following its defeat, some members of the SLA-MM went back to fight in Libya (having already fought there earlier in the conflict), and were eagerly looking for a way to return home.³² The JPA offered a path back to Sudan for Minnawi's forces, while also offering a way for Minnawi to rebuild his legitimacy on the ground. For many of the signatories of the JPA, the agreement offered a way to return to political relevance. Insofar as it was Hemedti who had enabled this road to Damascus, via backroom negotiations in Juba, it was to Hemedti that these groups became indebted. While the Constitutional Declaration signed in August 2019 had already given the military overwhelming power in the transitional arrangement, the JPA enabled the military to incorporate rebel groups in the government, and so tipped the balance of power in Khartoum decisively in their favour. The JPA signatories effectively became the counterbalance to the civilian support base of the FFC, as was manifested in the run-up to the coup, in the creation of a faux protest outside the Republican Palace.³³ Similarly, it was the same JPA signatories that had, after the signing of the Framework Agreement in December 2022, helped lay the groundwork for Sudan's current war by aiding the splintering of the security sector.

At the time of the signing of the JPA, some international actors had hoped that given the ostensible position of the SRF as a revolutionary coalition, the rebel signatories would forge common cause with the civilian element of the transitional government.³⁴ With some ambiguous exceptions, including Yasir Armin, now the leader of the SPLA-Revolutionary Democratic Current, this did not come to pass. The SRF had felt marginalised by the FFC during the negotiations that led up to the August 2019 power-sharing deal, and the following year, the two groups had a lengthy disagreement on the appointment of state governors, significantly delaying the signing of the JPA. Many of the rebel groups had come to see the FFC as only the latest iteration of a political centre that marginalised Sudan's peripheries.³⁵ Furthermore, thanks to personal connections, and due to the fact that the

30 For a critique of SSR in Sudan and South Sudan, see: Joshua Craze, 'The Politics of Numbers: On Security Sector Reform, 2005–2020', London: London School of Economics, 2020.

31 Interviews with foreign diplomats, Khartoum, October 2021 and September 2022.

32 See: Jérôme Tubiana, 'Remote-Control Breakdown: Sudanese Paramilitary Forces and Pro-government militias', Human Security Baseline Assessment, Issue Brief, Geneva: Small Arms Survey, 2017, <https://www.smallarmssurvey.org/resource/remote-control-breakdown-sudanese-paramilitary-forces-and-pro-government-militias-hsba>.

33 Joshua Craze, 'The Persistence of the Old Regime', *n+1* (49), October 2023.

34 Telephone interviews with international actors present for the negotiations in Juba, January–August 2022.

35 Jérôme Tubiana, 'Darfur after Bashir.' Minnawi left the SRF during the negotiations in 2019, only to later rejoin the coalition.

military took control of negotiations early on, the military (and Hemedti in particular) was able to take advantage of the incorporation of JPA signatories into government, not the FFC. Thus, rather than the JPA broadening the political compact created by the power-sharing agreements of August 2019, the deal instead enabled Hemedti to take the transactional political logic deployed by Bashir's regime in the peripheries—in which violence is leveraged for political power, often via peace agreements—and deploy it in the centre, effectively splitting the civilian component of the government, with the military exchanging one dance partner—Hamdok's FFC—for the JPA signatories.

This dance continued into 2023, as Burhan and Hemedti each manoeuvred to get their own civilian and JPA partners following the signing of the Framework Agreement, which would have elevated Hemedti's position, and so lit the fuse for the confrontation between SAF and the RSF. This split saw armed groups—including the JPA signatories—mostly favouring SAF, while the SAF's proximity to Bashir's regime saw the FFC lean towards the RSF as a counterbalance to resurgent and emboldened Islamists. This enmity exacerbated existing tensions between the FFC and the JPA signatories around power-sharing, making collaboration on a new peace process more difficult than it would have been in 2020.

Grand designs, structural limitations

The formal commitments of the JPA are not restricted to the power politics that proved to be the agreement's true legacy. Some language in the agreement suggested a more holistic approach to the crises in Sudan, including ambitious, largely un-costed proposals for land reform and federalism. These protocols were initially very popular in the Two Areas, and led to federal derogations of power that were dearly held by both the SPLM/A-N leadership and some political constituencies on the ground. However, the implementation of these protocols soon led to conflict in Blue Nile and elsewhere. It became clear that the protocols of the JPA were not comprehensive enough to actually address the root causes of violence in places such as Blue Nile and West Darfur. Far from being able to usefully address conflict in these areas, the JPA actually made it worse. In Blue Nile, for instance, post-JPA ethnic violence over land issues is directly related to the lack of comprehensive inclusion of the relevant political stakeholders in the JPA.³⁶

As a peace agreement, the JPA is fundamentally not fit for purpose. It is a form of payroll peace signed by largely defeated military groups. Such an agreement, guaranteed domestically by military actors not civilian institutions, cannot be the basis for substantive resolution of the many land issues plaguing Sudan, which must be carried out through inclusion of all those affected by such issues, and not just (some of) those who picked up guns against the government. The JPA was negotiated exclusively by SRF actors and the transitional government (largely the military), and yet contains measures that are supposed to apply to the whole of a given area (for example, Blue Nile) and be implemented by a civilian government.

Some of the other seemingly promising aspects of the JPA were also hamstrung by the very nature of the agreement. A crucial potential bridge between former armed rebels and civilian pro-democracy actors that could have meaningfully engaged the civilian government in Khartoum was transitional justice. The JPA lays the foundation for a menu of traditional commitments to transitional justice, ranging from full and unlimited

³⁶ Telephone interviews with local observers, November–December 2022. Interviews in Juba and Maban County, South Sudan, with SPLA-N representatives and local stakeholders, August 2023.

cooperation with the International Criminal Court (ICC) to setting up special courts (for Darfur), as well as land reform mechanisms in the since-frozen Eastern track, and a national Truth and Reconciliation Commission.³⁷ Support for community-level justice mechanisms, however, is absent from the agreement.

Representatives of the ICC travelled to Sudan several times during the transitional period to coordinate on its four remaining indictments in the country—including for former president Bashir—as well as to collaborate with Sudanese authorities on gathering evidence and testimonies for the on-going case against Ali Abdel-Rahman (also known as Ali Kushayb).³⁸ Each time, the ICC was unable to secure permission to carry out investigations in Darfur, obtain access to victims and witnesses, or get the go-ahead to set up an office in Sudan to more meaningfully engage with the Sudanese authorities.³⁹ These challenges underscore the extent to which the military dominated the justice portfolio during the last transition.

Meanwhile, while the constituencies of JPA signatories in Darfur wanted the ICC to carry out its indictments, the signatories themselves, now in Khartoum, had, through the JPA, obtained a blanket amnesty shortly after the signing of the agreement.⁴⁰ Their entrance to the political compact in Khartoum meant that they were uninterested in seeking redress for crimes committed by Bashir and his officers. Furthermore, the amnesty effectively halted all juridical claims against the signatories under domestic jurisdictions, which effectively cut off transitional justice, and the broader pursuit of justice at every level. The signatories' abandonment of transitional justice was part of the reason for their loss of popularity and legitimacy amongst their constituents.

For many of the JPA signatories, decisively weakened by Hemedti's RSF in 2015-17, the JPA constituted a Faustian bargain, in which justice was sacrificed in exchange for political power. This bargain allowed the signatories back into Sudanese politics, but at a price. Admission to the agreement was determined by military strength and political weakness: it is as rebels, rather than constituency representatives, that the signatories came to the negotiating table. Notably, it is also as rebels in weakened positions that Minnawi and Jibril—amongst others—came to Juba (those with substantial forces on the ground, such as Al-Hilu, stayed away). The rebels came to negotiations to barter their weakened forces into political power. The integration of rebel forces into a national army was thus a non-starter: it was precisely by leveraging violence that they obtained their positions, and Minnawi, for one, was not about to throw away his only bargaining card for a second time.⁴¹ On the ground, many SRF troops were split: some wanted to integrate into SAF, while others held out for positions in the RSF, which were better paid and had, for many rebels, a more welcoming—and less racist—military culture. The JPA was, perhaps intentionally, vague on which entity rebels and other armed troops would be integrated into. Between the Darfur and Two Areas sub-agreements there are discrepancies in the language on integration, noting that integration into one unified army

37 Darfur Agreement, Section 3, Article 2.4.1 and Article 6 of Eastern track.

38 See details of the ICC investigations and their progress see: <https://www.icc-cpi.int/darfur>.

39 See Statement of ICC Chief Prosecutor Karim Khan to the UNSC on 26 January, 2023: <https://www.icc-cpi.int/news/%20statement-icc-prosecutor-karim-khan-kc- united-nations-security-council-situation-darfur>.

40 'El Burhan grants general amnesty to arms carriers prior to rebel leaders' arrival in Sudan', *Radio Dabanga*, 15 November 2020, <https://www.dabangasudan.org/en/all-news/article/el-burhan-grants-general-amnesty-to-arm-carriers-prior-to-rebel-leaders-arrival-in-sudan>.

41 While some higher-ranking members of SAF were eager for the JPA signatories to integrate their forces into the army—and thus effectively disperse them into a wider force—many mid-ranking SAF officers also had a great deal of hesitation about integrating Minnawi's forces, based on both racist dislike of the Darfuri forces and enduring distrust of the rebels that SAF has fought for over two decades. See Tubiana, 'Darfur after Bashir'. Minnawi has been through this before. After signing the Darfur Peace Agreement (2006) he became assistant to President Bashir, only to become frustrated by his lack of political power, resigned and went back to rebellion, joining the SRF in 2011.

should take place without always stipulating which entity, leading both Hemedti and his deputy—his brother Abdel-Rahim Dagalo—to suggest periodically that it was the RSF and not the SAF into which rebels should be integrated. Simultaneously, SAF officers took for granted that integration would be into their own forces. While the SAF and the RSF each had their own strategies for integration, some SRF commanders envisioned building up their own forces, and taking advantage of the wages putatively afforded by the JPA, before integrating them into the Sudanese military further down the line. All these strategies, however, were relative to the formal offers of the JPA, not its substantive reality. When the Covid-19 pandemic massively disrupted the Sudanese economy, and created barriers to the implementation of the agreement, there was even less possibility for meaningful SSR.

However, such contingent blockages to the implementation of the JPA should not obscure its more structural limitations. The JPA defined the military's mandate expansively, both geographically and in terms of oversight, by stating that the army is charged with protecting 'Sudan in accordance with the constitution and the law'.⁴² Instead of limiting the army's outsized role in the political marketplace economically, the JPA gave many reasons for rebel signatories to be dubious about the prospects of comprehensive SSR and DDR. The SSR and DDR provisions of the JPA were balkanized: they focused on Darfur, for instance, but not the broader Sudanese security services. Disconnected in such a way, it was always unlikely that rebel groups would commit to absorption into a national army, because the SAF—their putative enemies—had not themselves been reformed. Neither politics nor violence in Darfur and the Two Areas take place outside of the actions of national military forces like SAF and RSF, but in large part due to the actions of those very same forces.⁴³ In such a context, the SSR and DDR provisions of the JPA could not contribute to peace in Darfur and the Two Areas without reform of the SAF and RSF at a national level.

Instead, the SSR and DDR provisions of the JPA functioned as recruitment tools, as groups attempted to secure the meagre resources on offer under the agreement and funnel them to their supporters. According to the JPA, a Darfuri security force should have been set up, numbering 12,000 men—6,000 government personnel from the SAF, the General Intelligence Service (GIS) and the RSF, and 6,000 former rebels. The SAF—and especially military intelligence—was reluctant to create the force. Joint training did not even begin until January 2022 and then petered out. In September 2022, for instance, in Nyala, 2,000 members of the SRF had graduated as part of the promised unified force. However, they were not given weapons and had to return their uniforms after graduation, once visiting international diplomats had returned to Khartoum.⁴⁴ The SSR and DDR provisions of the JPA were a show—as much for the diplomats making one of their occasional sorties outside Khartoum as for Minnawi's constituents, many of whom had returned from Libya, attracted by the promise of salaries and uniforms they could keep. They were to be disappointed.

Even if the Darfur security force had been created, it would have been unlikely to bring peace to Darfur. The SAF, the RSF, and many rebel groups have an extensive history of violence against civilians, and the JPA did not contain a vetting process for the men joining the force. In addition, 12,000 people is far too few to meaningfully operate in an area as large and militarised as Darfur. Furthermore, without national-level SSR, it is unlikely that the force could have had a clear enough command-and-control structure to be effective: the history of the Joint Integrated

42 Darfur Peace Agreement, Article 26.2, Section 8.

43 See: Claudio Gramizzi and Jérôme Tubiana, 'Forgotten Darfur: Old Tactics and New Players', Human Security Baseline Assessment Working Paper 28, Small Arms Survey, 2012, <https://www.smallarmssurvey.org/resource/forgotten-darfur-old-tactics-and-new-players-hsba-working-paper-28>.

44 Multiple interviews with SSR experts, Khartoum, September 2022.

Units (JIUs) following the signing of the CPA is instructive in this regard.⁴⁵

The SSR and DDR provisions of the JPA were vague. The JPA does not specify how many rebel combatants should be integrated into existing security forces, or indeed which security forces; neither does it indicate how many should have benefited from DDR, nor did it give a timeline for these processes.⁴⁶ Given these vagaries, and the lack of commitment by the Sudanese armed forces, even the rebel signatories of the JPA—not to mention holdouts such as Abdul Wahid and al-Hilu—put little faith in the security provisions of the agreement. Instead, the JPA provided a lifeline for defeated groups that had been looking to reanimate their contestation of the centre, and does not give these groups a clear pathway to subsequent disarmament. Without root and branch reform of the security services that brutalised the peripheries of Sudan for so many decades, it is perverse to imagine that the signatories of the JPA would have integrated, let alone committed serious forces into a DDR process, beyond those they would need to commit in order to obtain the financial rewards offered by the processes. In fact, it is on the basis of these rewards that JPA signatories recruited, rather than demobilised, after the signing of the agreement.

Coherence among the JPA signatories should not be overstated. One of the problems with the sort of payroll peace that the JPA instantiates is that it creates no unity between the signatories. Instead, it incentivizes each signatory to try and maximise what they can get out of the deal (hence the preference for balkanized tracks). At every stage after signing the JPA, from the signing of the Framework Agreement to the beginning of the current war, the motivations of the signatories markedly diverged. For Jibril Ibrahim's JEM, for example, the JPA was a chance to try to expand the national platform it was building for a renewed Islamist political movement, a fact Jibril announced upon his arrival in Khartoum, after signing the deal, where his first port of call was the house of Hassan al-Turabi, the deceased Islamist leader. Jibril is now performing the role of de facto Prime Minister, based in Port Sudan, a role that the JPA, and his allegiance to the national Islamist movement, made possible. Minnawi, in contrast, understood the JPA as a way to build up regional power in Darfur. As a governor, his record has been mixed. Prior to the current war, he spent little time in the region, and given the fighting now raging in Darfur, he has been able to do little to protect any constituency he might claim.

Broadly understood, the regional–national split in the Darfuri movements was repeated among the other signatories, pointing to tensions over the shape of the Sudanese state that were not addressed by the agreement; Malik Agar pushed for as much autonomy as possible for Blue Nile, while Yasir Arman's politics remained focused on Khartoum. The trajectory of the JPA signatories from the SPLM/A-N factions under Malik Agar has been the most exemplary of the divergence among signatories. The political process that preceded the war saw Agar ally with the SAF and Arman get closer to the RSF. Agar has since surpassed even his geographically-limited ambitions. In May 2023, he was appointed deputy head of the Sovereign Council, a position that has little meaning, in a body that is more or less defunct, but gives Agar a national platform. Agar was originally given the role in order to function as an internationally acceptable spokesperson for the SAF abroad; a role that is now imperilled by Burhan's audacious escape, in August 2023, from the military bunker in which he had been entombed since the beginning of the war.

45 See: Small Arms Survey, 'Neither "joint" nor "integrated": The Joint Integrated Units and the future of the CPA', Human Security Baseline Assessment Sudan, Issue Brief, Geneva: Small Arms Survey, 2008, <https://www.smallarmssurvey.org/resource/ neither-joint-nor-integrated-joint-integrated-units-and-future-cpa-hsba-issue-brief-10>.

46 This is a point that is raised by an SSR expert with Sudanese authorities in 2023. The SAF assumed that they would be the body into which other armed groups, including the RSF, would be subsumed but the JPA does not specify this, leaving the door wide open for interpretation; also see: Tubiana, 'Darfur after Bashir'.

Hastening fragmentation

The nature of the Sudanese national compact has been contested since the beginning of the twentieth century. Is Sudan simply Khartoum and its satellites? Is there a viable national project that includes Darfur, Eastern Sudan and the Two Areas? After four decades of civil war, and the disappointments that followed the 2019 revolution, many in the peripheries didn't understand the JPA as the beginning of a national process to address the root causes of war in the peripheries of Sudan. Instead, they saw it as the beginning of a process of self-rule—echoing developments in South Sudan—delinked from political struggles in Khartoum. Rather than reverse this tendency to fragmentation, the JPA served to accentuate it: the balkanized track model of the JPA encouraged a tacit acceptance of the separation of the country. It also allowed the military to more easily instrumentalize the divided actors in the periphery. The lack of a national project underlying the Sudanese political process has now come to a devastating conclusion: a war wrought on the capital between centralised forces (SAF) and regionalised forces (RSF) from the same security project.

In theory, the most rhetorically promising part of the JPA was a variety of commitments to change the structure of centre–periphery relationships in Sudan by moving to fiscal federalism and a more decentralized system of government, addressing some desires for self-rule in the periphery.⁴⁷ These elements of the JPA were not funded, however, and remained the rhetorical bluff that enabled the substantive political consequences of the agreement: the incorporation of the JPA signatories into the government and the side-lining of the civilian component of the transitional administration.⁴⁸ In general, the only elements of these grand promises that came to fruition—such as Minnawi's governorship—were part of the personal power politics that were the primary engine of the JPA.

The approach of the international community to the commitments to federalism in the agreement was overly procedural and technocratic. Fiscal federalism was a series of boxes to be ticked on the way to JPA implementation—boxes that remained miraculously unblemished. What this approach elides are the enormous political–economic challenges to Sudanese federalization. The federal provisions of the JPA address the peripheries, yet what has caused the marginalisation of the peripheries in Sudan is the system that connects these peripheries to the centre.⁴⁹ Since Bashir took power in 1989, the Sudanese political system has been predicated on the violent extraction of resources from the periphery of the country in order to service the foreign exchange demands of the riparian elite in the centre.⁵⁰ The opposition between the urban centre and the rural peripheries is not contingent nor is it simply based on racism. The rural and the urban are actually opposed: it is a class relation expressed as a geographical antagonism.

For fiscal federalism to work in Sudan requires a wholesale re-thinking of Bashir's model. It cannot be achieved by

47 Such moves included the restoration of the former status of Darfur as a single region, improving national representation for Darfuri groups, increasing control over natural resources at a federal level and granting greater political autonomy to the two regions.

48 See: Edward Thomas and Magdi el-Gizouli, 'The Costs of Peace: Understanding the political economy of the Juba Peace Agreement', London: Rift Valley Institute, February 2023.

49 See: Edward Thomas and Magdi el-Gizouli, 'Creatures of the Deposed: Connecting Sudan's Rural and Urban Struggles', *African Arguments*, 11 November 2021, <https://africanarguments.org/2021/11/creatures-of-the-deposed-connecting-sudans-rural-and-urban-struggles/>.

50 See: Magdi el-Gizouli, 'Counter-revolution in Sudan: A history of military coups and mass struggle', *Spectre Journal* 7, November 2021, <https://spectrejournal.com/counterrevolution-in-sudan/>.

treating the peripheries as separate problem to the centre because the problem is in their very interrelation.⁵¹ As with prior peace agreements in Sudan, the JPA failed to align changes in the periphery with national-level political reform, and in so doing, opened itself up to instrumentalization by military actors in Khartoum who wanted to continue Bashir's era of transactional politics and the exploitation of the peripheries, rather than transform it. International actors might rightfully question whether it is their role to re-articulate the political economy of Sudan. What is clear, however, is that their interventions should not accentuate a centre-periphery divide that has had such baleful consequences for the country.

51 For further details on the fate of fiscal federalism, see: Edward Thomas and Magdi el-Gizouli, *The Costs of Peace*.

INTERNATIONAL RESPONSES TO THE JPA

The approach of the international community to the JPA was a classic case of mixed messaging. Representatives from the Troika were present at the negotiations of the agreement, and in public greeted it positively. In fact, the Troika was so quick to rubber-stamp the JPA that they did so before an official English language translation was produced. This indicates the degree to which the JPA was supported merely because it existed, as a box to be ticked: peace in the peripheries had been achieved. Having been burned by too many failed peace agreements, however, few international actors were willing to substantively fund the most important parts of the agreement. As one diplomat summarised, the approach was to ‘give lip support to the agreement, but expect nothing from it’.⁵² Such an approach was almost guaranteed to lead to confusion among Sudanese actors. The approach of the international community to the JPA was also marred by two errors that have continued to characterise international diplomatic engagements in Sudan: 1) overemphasis on the formal nature of the JPA; and 2) self-interested, selective funding.

Overemphasis on the formal nature of the JPA

The need to get some sort of an agreement has too often meant that the international community has backed—however minimally—whatever is on the table, even if what is offered is fundamentally unworkable, as in the case of the JPA. The international community gave insufficient thought to how the JPA would work in Khartoum and the role the JPA signatories would play in government. The agreement was understood technically, rather than as a site for political manoeuvring, which is what it became, and arguably, all it ever was. This blind insistence on not looking at the political dynamics of the JPA continues to dominate much of the approach by the international diplomatic community to the agreement. Diplomats insisted that the agreement was fine in theory, and that only implementation had been a challenge.⁵³

There are two problems with this position. The first is that it is not true. Even formally, the JPA was an incoherent mess. It was a ceasefire agreement that was also a land reform bill—but without the necessary participants—and an SSR document—though partial and unfunded—as well as a plan for federalism that excluded major political actors affected by the political transformations it portended. Even if the JPA was a coherent document, an emphasis on its formal elements elides the way that peace agreements in Sudan have always been matters of creative unsettlement—less roadmaps for bureaucrats than arenas for politicians to fight for future concessions from their opponents.⁵⁴ The international community has consistently overemphasised the paper, and not spent long enough trying to understand the dynamics of the signatories.

52 Interview with European diplomat, Khartoum, September 2022.

53 Interviews with diplomats, Khartoum and by telephone, January–September 2022.

54 See: Jan Pospisil, *Peace in Political Unsettlement: Beyond Solving Conflict*, London: Palgrave Macmillan, 2019.

Self-interested selective funding

The JPA required extensive funding to be even nominally workable. The transitional government put the cost of implementing the agreement at USD 13 billion over a decade, with USD 7.5 billion of that going to implementation in Darfur. From the beginning, the international community shied away from funding the JPA, as it was correctly dubious about its viability and did not want to pour money into militia forces by funding SSR and DDR. This ‘clean hands’ approach was not so much a means of engaging with the JPA as a means of avoiding thinking through its actual consequences. In Darfur, for instance, the Permanent Ceasefire Committee (PCC) was considered safe for EU funding, although its efficacy was deeply circumscribed, as it was only able to monitor conflict between the signatories of the JPA, whereas much of the violence in Darfur after the signing of the JPA, prior to the current war, had occurred between non-signatories of the agreement, leaving the PCC relatively useless.⁵⁵ In a similar ad hoc, piecemeal fashion, the US government promised to support a civilian-led military with targeted training in March 2021. This sort of minimal investment did nothing to address the deep structural problems with the SSR provisions of the JPA; sadly, it is the same sort of clean-hands minimal intervention that also characterized the EU’s position.⁵⁶

The international response to the JPA has been to find the small inoffensive spaces in which funds can be spent without doing any harm, rather than thinking through the serious structural problems that rendered the agreement untenable. Despite its limits, this approach has re-emerged following the outbreak of war in Sudan, as witnessed by innumerable failed ceasefires and political meditation that was never likely to go anywhere. The position of the international community has so far, once again, been to look for what is safe to support and fund (satellite observation, but also local monitoring, and documentation of abuses), rather than to push for a genuine ceasefire linked to the wholesale reform of the Sudanese security sector. It is such wholesale reform that is necessary, both to end the current war, and to implement the sort of ambitious reforms that were entertained by the JPA.

The October 2021 coup

Due to the refusal of the international community to think through the substantive consequences of the JPA, it has failed to come to terms with the fundamentally anti-democratic and regressive nature of the agreement. From September 2021 onwards, the JEM and the SLA-MM reunited—after the JEM continued attempts to build itself up as a political party in Khartoum—and formed a breakaway FFC, known as the FFC2 or FFC-National Charter (later FFC-Democratic Bloc), opposed to the FFC around Hamdok. This move paved the way for the later alliance of the JEM and SLA-MM with Hemedti and the SAF during the coup in October 2021. By that point, both Jibril and Minnawi were frustrated by the lack of progress in implementing the JPA, and angry about what they saw as the racist desire of the FFC to push the JPA signatories away from the cabinet and any sort of decision-making authority, something which both groups have desired since the Darfur agreements of almost two decades ago.⁵⁷ The FFC-National Charter split from the FFC and their demonstrations in front of the Republican Palace were

55 Interview with international diplomat, Khartoum, September 2022. For an analysis of the violence in Western Darfur in the first quarter of 2022, see: Suliman Baldo, ‘What Happens in Darfur Doesn’t Stay in Darfur’, Sudan Transparency and Policy Tracker, 9 May 2022, <https://allafrica.com/stories/202205120096.html>.

56 ‘US Army plans to support building civilian-led military in Sudan’, *Sudan Tribune*, 24 March 2021, <https://sudantribune.com/article67458/>.

57 On the Darfur Peace Agreement see *War in Darfur and the Search for Peace*, Alex de Waal ed., Cambridge, MA: Harvard University Press, September 2007.

part of an astroturfed crisis that laid the rhetorical foundations for the coup.⁵⁸

In Darfur, as elsewhere in Sudan, the coup was overwhelmingly unpopular. A mobilisation against it led to a wave of arrests. The protests against the coup challenged the position of the JPA signatories. Almost without exception, the signatories had ended up backing the coup, either tacitly—by not declaring themselves against it—or explicitly, in the case of Jibril and Minnawi. Almost immediately after the coup, many of the signatories attempted to backtrack rhetorically, with Minnawi calling for the release of political prisoners, but the damage had been done. None of the signatories left their newly acquired positions on the reshaped Sovereign Council—the civilian FFC had been swapped out for an FFC2 composed of rebel leaders.

Due to the manner in which the JPA had been negotiated, many of its signatories felt beholden to the military for their positions.⁵⁹ That they sided with the military during the October 2021 coup caused the signatories to lose support amongst their constituents, which only increased their dependence on the military. Those that supported the military coup did so for different reasons. Minnawi saw no reason to trust the FFC and was invested in regional autonomy for Darfur (and his place as governor). Agar, equally invested in autonomy for Blue Nile and in shoring up his beleaguered support in the state, made a pragmatic calculation—as did al-Hadi Idriss and al-Taher Hajar—and accepted his reappointment to the Sovereign Council, although without offering ideological approval of the coup. Others such as Yasir Arman—who is personally disliked by Minnawi and much of the rest of the SRF—backed the FFC, creating further divisions in the SRF. After the coup, the rebel alliance had no coherent agenda beyond that created by the signing of the JPA, and that agenda only extended to maintaining the signatories' positions in power.

What the October 2021 coup revealed was that the basic antagonism of the Sudanese revolution remained intact. On one side was Bashir's security council, now rid of Bashir, but only nominally transformed. The political economy of the security services had effectively been restructured during the transitional period without a lessening of its power.⁶⁰ On the other side, once the civilian FFC had been removed from the equation, were the urban citizens of Sudan, wedded to civilian rule and represented by the resistance committees. Thus the coup effectively returned the country to the position in which it found itself in April 2019, when urban protesters confronted the military. The forces of the peripheries of Sudan were the wild card in this structurally antagonistic relationship. Urban protesters, mostly wheat consumers, had failed to form a unified front with the country's sorghum eaters, mostly from its rural or peripheral areas.⁶¹ The continued racism of the centre, and the scepticism of the FFC towards the JPA signatories, were two of the major reasons the rebel groups could be co-opted by the military. However, those who were co-opted were part of the military elite in the peripheries, and the distance between these signatories and their constituencies should not be ignored, as the mass protests in Darfur against the coup make clear. Discontent with the continuation of military rule was not a phenomenon confined to Khartoum and its satellite cities.

58 Craze, 'The Persistence of the Old Regime.'

59 See: Rift Valley Institute, 'What next for the Juba Peace Agreement?', Sudan Rapid Response Update 1, London: Rift Valley Institute, December 2021.

60 For details on this restructuring, see: Catherine Cartier, Eva Kahan and Isaac Zukin, 'Breaking the Bank: How Military Control of the Economy Obstructs Democracy in Sudan', C4ADS, 29 June 2022, <https://c4ads.org/reports/breaking-the-bank/>.

61 See: Edward Thomas and Magdi El-Gizouli, 'Sudan's Grain Divide: A Revolution of Bread and Sorghum', London: Rift Valley Institute, February 2020. While wheat is the staple of urban areas in Sudan, sorghum and millet are the staples of the rest of the country.

After the coup, prior to the outbreak of the war, the general approach of the international community was to attempt to reset the clock and restore a civilian–military transitional government. According to the prevailing wisdom, the military wasn’t going anywhere, and so the task at hand was to find a civilian face for the government, which would allow international funding to be restored and a façade of legitimacy to be constructed. Prior to the war, the prevailing assumption among Western diplomatic missions had been that the Sovereign Council’s military leader, Burhan, was not an Islamist, was reasonably malleable and was therefore someone with whom the West could do business. What this ignored was that any agreement that retained a military component to government, and did not address, as a precondition for future negotiations, the status of the political economy of the armed forces, would be absolutely unacceptable to the resistance committees, not just in Khartoum but across the country. Any agreement between the FFC, or any other civilian bloc, and the army (or any other armed group), that does not address SSR at a national level is likely to be as short-lived as Hamdok’s second brief tour as prime minister, when he was brought down by protests in the streets barely six weeks after his reinstatement. The seeming realism of Western diplomats, in which the military ‘must’ be engaged with, is actually a form of idealism that is out of touch with both the desires of the Sudanese people and political realities on the ground.

As part of this Western diplomatic ‘realism,’ during the period following the signing of the JPA, the agreement had to be retained, as it was the ‘agreement we had,’ and therefore ‘better than nothing’.⁶² Unfortunately, this realism is not just an idealism but also demonstrably false. In many cases, the JPA was worse than nothing. Research conducted on the aftermath of the JPA and its impact on levels of violence across the country unequivocally showed that conflicts actually increased after the JPA was signed.⁶³ The situation in Darfur is exemplary.⁶⁴ Bashir’s fall and the formation of a transitional government did not prevent violence in Darfur. Indeed, the level of violence actually increased after 2018, with more than 77,000 people newly displaced between mid-2019 and mid-2020 and a 17 per cent increase in civilian fatalities.⁶⁵ According to the UN Office for the Coordination of Humanitarian Affairs (OCHA), the number of violent incidents in Darfur doubled during the second half of 2020 compared to the same period in 2019.⁶⁶ Insecurity increased in the year after the signing of the JPA. Between January and September 2021, more than 330,000 people were displaced in Darfur, approximately seven times more people than were displaced during the whole of 2020.

In some cases, attacks in Darfur were carried out by those nominally allied to the signatories of the JPA, rather than the signatories themselves, making the JPA ineffective as a ceasefire agreement. In other cases, the conflict was not directly between signatories. For instance, in West Darfur in May 2022, the conflict was between pro-

62 Interview with a Western diplomat, Khartoum, September 2022.

63 See: Corda, ‘Implementing Peace’.

64 Also see: Rift Valley Institute, ‘What next for the Juba Peace Agreement? Evolving political and security dynamics in Darfur’, Sudan Rapid Response Update 2, London: Rift Valley Institute, January–February 2022.

65 See: ACLED, ‘Riders on the Storm: Rebel soldiers and paramilitaries in Sudan’s margins’, 27 August 2020, <https://acleddata.com/2020/08/27/riders-on-the-storm-rebels-soldiers-and-paramilitaries-in-sudans-margins/>.

66 OCHA, ‘Inter-communal violence increased in Darfur during the second half of 2020’, 17 January 2021, <https://reports.unocha.org/en/country/sudan/card/1R5yoxqxpR/>; OCHA, ‘SUDAN: Intercommunal Conflicts and Armed Attacks January- September 2021’, 30 September 2021, <https://reliefweb.int/map/sudan/sudan-intercommunal-conflicts-and-armed-attacks-january-september-2021>.

NCP Arab militias and Masalit civilians.⁶⁷ Prior to the current war, conflict in the Dar Masalit area of West Darfur and in the Jebel Moon area of El-Geneina was rooted in land issues. At the same time, such conflict was also fundamentally about political representation and the shape of a future political compact in Darfur. In regard to both situations, the JPA made the situation worse. The prospect of land reform had alarmed the northern Rizeigat communities that form part of Hemedti's support base, while the Zaghawa supporters of Jibril and Minnawi expected greater rewards following the JPA. Given the narrow and unrepresentative group of Darfuris from which the JPA signatories are drawn, under current circumstances, the implementation of the provisions of the agreement would actually intensify extant cleavages on the ground and thus the JPA itself—if given diplomatic and political importance—might jeopardise opportunities to end the current violence presented by ongoing mediation efforts.⁶⁸ In this respect, as in so many others, the JPA is such a flawed agreement that it cannot (and should not) be resuscitated.

Rather than pushing for future implementation of the JPA, the international community must emphasise the need for a more holistic process in Darfur, starting with a separate, but complementary, ceasefire track there. Subsequent political processes would then actually have to include the groups whose lives would be affected by land reform (including those who have fled to Chad), and not merely elite actors who are unresponsive to their communities and only represent some but not all of the communities in question. The limitations of the JPA in Darfur are paralleled by its lack of representativeness in Blue Nile, Eastern Sudan and elsewhere.

The Framework Agreement

On 5 December 2022, members of the FFC-Central Council (FFC-CC), some Sudanese political groups (but not the Communist Party or the resistance committees) and the military junta signed the Framework Agreement.⁶⁹ While the UN and Western diplomats proclaimed their satisfaction with the deal, the Sudanese people did not agree. The agreement was immediately met with protests across the country, as the FFC was considered to have undermined true democracy in order to gain political power in Khartoum.⁷⁰ The deal itself contained little of substance. In theory, it would have established a two-year civilian transitional government, leading to elections in 2024. Everything of consequence was relegated to a Phase II of the negotiating process, which was given the absurdly short timeframe of one month to: 1) resolve SSR issues; 2) agree the place of the military in government; 3) create consensus on solutions to governance challenges in Eastern Sudan; 4) resolve issues related to the patronage network of Bashir's regime; 5) create consensus on transitional justice measures; and 6) conduct a review of the JPA, amongst other measures.

67 See: FIDH and the African Centre for Justice and Peace Studies, 'Delays and Dilemmas: New Violence in Darfur and Uncertain Justice Efforts within Sudan's Fragile Transition', Paris: FIDH and the African Centre for Justice and Peace Studies, November 2021; Jérôme Tubiana, 'Darfur Is Bleeding Again. Sudan's New Government Confronts Old Problems', *Foreign Affairs*, 25 May 2021, <https://www.foreignaffairs.com/articles/africa/2021-05-25/darfur-war-sudan-new-government>.

68 The struggle between SAF and the RSF has also changed the nature of the clashes in Darfur, and explains, in part, the alignment of Jibril and Minnawi with SAF as early as June 2022, at the outset of the political process. The deepening violence between settled Arab tribes following the 2003-2005 displacement, and non-Arab groups, has forced a realignment between dominant non-Arab groups like the Zaghawa against the RSF and their Arab allies.

69 The FFC-CC is made up of political parties and groups that opposed the 2021 coup and was the main civilian and pro-democracy group to undertake negotiations with the coup forces. The most influential parties in the FFC-CC today are the National Umma Party (NUP), Sudan Congress Party, Democratic Alliance (split from DUP), Ba'ath Party, SPLMN-Revolutionary Democratic Current, one faction of the Sudan Professionals Association (SPA), and civil society groups.

70 Hala al-Karib, 'Sudan Should Not Settle for Anything Other than True Democracy', *Al Jazeera*, 11 January 2023, <https://www.aljazeera.com/opinions/2023/1/11/sudan-should-not-settle-for-anything-other-than-true-democracy>.

Despite its rhetorical commitment to civilian government, the Framework Agreement would, more likely, have left intact the basic formula of military rule. Shortly after the signing of the agreement, Burhan declared in an interview with the Saudi Al-Hadath news channel that civilians would not have oversight of the SAF, or appoint its head—a central requirement of a substantive SSR process. The Framework Agreement ignored the basic demand of Sudanese protesters for an entirely civilian transition, and not merely civilian government. Consequently, the Framework Agreement led to a widespread loss of legitimacy for the FFC-CC.

Even if the burden of governing, which the post-coup Sovereign Council accepted that it could not meet, were to be handed over to civilians, without a proper programme for SSR during the transition—including transitional justice measures and economic accountability—military actors would have been free to recruit and make bilateral security pacts with regional actors. The SAF and the RSF would have retained places on the Security and Defence Council, and would have perhaps also featured on a Supreme Council for the Armed Forces, the terms of reference for which had not been decided prior to the outbreak of war. Significantly, the internal tensions between—and differing interests of—Burhan and Hemedti, and indeed the rest of the generals in the remaining husk of the Transitional Sovereign Council, were consequently not mitigated by such political agreements, but rather catalysed by them.⁷¹

Any future agreements that follow the contours of the Framework Agreement would allow the generals to continue to have a role in civilian politics. In the climate of mistrust that currently exists between SAF and the RSF, the possibility of a ceasefire and then national-level SSR, requires pressure from a united civilian bloc and the international community. Current negotiations—as fragmented as they are—have instead driven wedges between the two military forces and allowed them to continue contesting, rather than resolving their issues. It is also worth noting that the belligerents are unlikely to agree to a ceasefire until they know the broad outlines of the future political framework: something that should be determined by Sudanese civilians, not the military. A holistic SSR strategy will be most successful if it can provide the SAF and RSF leadership with the following: physical security, legal certainty and a stake, not a position, in the future of the country. Such assurances must be accompanied by both legal and financial accountability measures that will allow for sufficient public confidence to enable root and branch reform of both forces to take place.⁷² Until then, SSR will be heavily resisted by all parties.

In many respects, the war currently destroying Sudan resulted from years of brinkmanship between the security sector's largest groups: the SAF and the RSF. Neither side wanted to meaningfully contemplate SSR, and feared diluting their political power. Regardless of the trajectory of the war, a military victory for either side will likely remain elusive. Furthermore, even as both belligerent parties vie for a military advantage on the battlefield, a political victory for either, in particular for the RSF, is improbable. With both generals having jettisoned whatever legitimacy they previously had by waging a destructive war, both have, to varying degrees, forfeited claims to future political positions. Even prior to the war, the coup's leaders were desperately casting about for a civilian figurehead for their government; Burhan and Hemedti know that they cannot rule Sudan in perpetuity. Both men lack the necessary social base and popular support. There is an opportunity here to engender civilian rule and make a civilian government, with international stakeholders acting as the guarantors. This would also require a new constitutional basis that would enshrine fully civilian rule in Sudan.

71 See: Kholood Khair, 'A Coup Cannot Serve Two Masters', Arab Centre Washington DC, 22 February 2022, <https://arabcenterdc.org/resource/a-coup-cannot-serve-two-masters/>.

72 Interview with SSR expert, Khartoum, November 2022.

Constitutional challenges

One of the key selling points of the JPA to rebel signatories, and one that broke a political impasse between the FFC and the SRF during negotiations in Juba, was the legal ability of the JPA to supersede the Constitutional Declaration of 2019. This meant that JPA signatories did not see a contradiction in remaining in their positions after a coup that abrogated so much of the Constitutional Declaration as to render it moot. Following the signing of the Framework Agreement, the signatories' positions turned again. The JPA could and would have been superseded by the new agreement and while the unwritten deal that accompanied the agreement accorded the JPA signatories a place on the Security and Defence Council, the JPA itself had always had an uncertain status in the Framework Agreement, which at once recognized the JPA as an integral part of the transition (Clause 1.1.5), yet also stated that the JPA would be evaluated and potentially revised (Clause 2.6). The Framework Agreement thus outlined the legal and political basis for the revision of the JPA.

It is this potential revision of the JPA that led to Jibril and Minnawi vociferously denouncing the political process that led to the Framework Agreement, and subsequently forming the FFC-Democratic Bloc (FFC-DB) in November 2022, along with a number of other interested parties, including Nazir Mohamed Al-Amin Tirik from the Beja Congress,⁷³ the DUP-Original faction led by Jaafar Mirghani, members of factions of larger parties, and a smattering of smaller groups affiliated with the JPA signatories. The political process in Khartoum had managed to flip allegiances forged in Juba between Hemedti and Jibril and Minnawi, who subsequently backed Burhan, and continue to do so: the SAF, for now, is thought of as the one force that will guarantee the JPA, and thus is backed by those—such as Jibril and Minnawi—who have benefited the most from its existence. (Other figures, such as Al-Hadi Idriss, who benefited less from the JPA, were successfully bought out by the RSF).⁷⁴ The overarchingly transactional nature of the JPA means that these switches may not be permanent. It is precisely the transactional logic of the JPA signatories—and their desire to retain the JPA, as a means of retaining power—that has the potential to cause great instability to any future transition to civilian rule.

The perceived potential of the Framework Agreement to undermine the JPA, and thus Jibril and Minnawi's access to power, led to their vigorous support for a parallel Egyptian-led negotiating track that held a summit between 1–8 February, 2023, in Cairo. The Cairo track attempted to reconcile itself with the negotiations in Khartoum with a joint political declaration.⁷⁵ Such a resolution, however, was fraught with complications. Jibril and Minnawi underscored the importance of the JPA, while Nazir Tirik—who also supported the parallel negotiating track—disavowed it. Tirik was heavily invested in the revision of the Eastern track of the JPA. This seeming contradiction between FFC-DB members is resolved when one attends to the other demands of the coalition: namely, the continuance of their joint patron, the military, in power. Jibril and Minnawi were desperate for an agreement that would keep them in their JPA-begotten positions; Tirik wanted to maintain his own power-base in Eastern Sudan.

As with other negative coalitions (united against not for a cause) such as the SRF, and to a lesser extent the FFC-CC, the FFC-DB lacked internal cohesion and was easily dominated by strong political actors. In the case

73 The Beja Congress later split due to discontent with Tirik's support for the coup and advocacy for a revised JPA.

74 Interview, Sudanese intelligence officers, location withheld, August 2023.

75 According to diplomats familiar with the matter, Jibril and Minnawi were very close to signing up to the Framework Agreement, with minimal revisions, until the Egyptian track appeared, giving them the ability to both buy time and seek greater leverage. Since the Cairo talks, however, interviewees have said that language has been added around minimising SSR requirements for SAF (and therefore the potential for SSR more broadly as well as, consequently, DDR for former rebels) and maintaining the balance of power between Burhan and Hemedti in the final agreement.

of the FFC-CC and the FFC-DB, the strongest actors are Hemedti and Burhan, respectively. Since the signing of the Framework Agreement, the basic civilian–military opposition at the centre of Sudanese politics has become considerably more complicated. Both Burhan and Hemedti searched for and found both civilian and JPA-signatory support, while also looking for regional backing. This development made SSR and DDR even more difficult to envisage following the signing of the Framework Agreement, as the junta’s leader effectively split, leaving few incentives to disarm or reform, as the SAF and the RSF became increasingly opposed to each other.

As this policy brief has set out, if the JPA were to have any chance of achieving its aims, then it would need such wholesale root and branch revision that it would effectively become a different agreement. Most fundamentally, any revision of the JPA would have had to incorporate a much broader set of actors from the periphery—if measures such as land reform and fiscal federalism were to be effective and not just deeply destabilising. In addition, SSR and DDR in the periphery could not have been meaningfully undertaken in isolation from other priorities, such as transitional justice and a broader SSR programme for the entirety of Sudan. National-level SSR had already been announced by al-Hilu as a fundamental condition ahead of future talks, and by Hemedti as a necessary condition for the integration of his forces. Only if there had been a program for root and branch reform of the SAF could Hemedti have countenanced the break-up of the RSF. Thus, it would not have been idealistic or impractical for the international community to push for wholesale SSR, including the dismantling of military control of the political economy in Sudan. Rather, such measures had already been announced as a necessary condition for a successful peace process in Sudan by two of the most important military actors in the country.

At present, however, neither the SAF nor the RSF is committed to even a ceasefire, let alone a root-and-branch SSR reform program, despite Hemedti’s recent peace proposal, launched on 27 August, which included ambitious words about a unified army. Hemedti’s rhetoric is a political ploy, designed to give himself a semblance of respectability, and thus the international legitimacy he so covets. Meanwhile, his forces are continuing to wage a ground campaign against the SAF. Both sides, at present, see military victory as the only way forward. Burhan, after his triumphal escape from the bunker in which he had been trapped since the start of the war, gave a speech to troops in Port Sudan, warning that he would never make a deal with the RSF.

With both parties committed to a victory on the battlefield, extant international efforts to broker a peace agreement have been no more successful than the contorted, complex efforts that led to the Framework Agreement, which involved the United Nations, IGAD, and the African Union, and the ‘Quad.’ Initial efforts at talks in Jeddah, led by the U.S. and Saudi Arabia, to broker a short-term ceasefire, led to a series of agreements that were broken almost as soon as they were signed. Alternative initiatives, including one led by Kenya, have also gone nowhere.

Regional interests in Sudan make a short-term resolution of the crisis even more unlikely: Egypt has backed Burhan, while the UAE, though it has close ties to both generals, armed the RSF at the beginning of the war and remains supportive of Hemedti. The extant peace processes competing for political space have reproduced all the baleful tendencies of the CPA. They have largely focused on the RSF and the SAF, at the expense of all of Sudan’s other political actors: once again, belligerent parties are rewarded for violence with exclusive seats at the table, just as, during JPA negotiations, it was armed actors that were allowed to dominate proceedings. Negotiations have been piecemeal and not focused on the important structural issues that would actually force a change in Sudan’s security sector.

In all this, the JPA has two baleful consequences. It remains, for its signatories, an important mechanism for the accessing of political power, even under the transformed conditions of the civil war. Given the current situation,

with its multiple abrogations of all Sudan's political and constitutional agreements, international actors should not push for the JPA to be upheld in any future negotiations—though of course the interests of the signatories to the JPA themselves need to be addressed, for such an abandonment of the agreement to be politically viable. Moreover, the JPA has problems as a structure: it is sadly indicative of the lack of imagination of the international community, and its repeated tendency to fall into the errors of liberal peacebuilding that this paper has examined. These tendencies are to be avoided, and the manner in which they can be avoided will be examined in the next section of this paper.

RECOMMENDATIONS

The JPA has been rendered all but practically defunct. Though the transactional politics that underpin it remain an essential part of the current war, the agreement itself cannot be implemented. The agreement's only formal remnants are the positions that some JPA members hold within Potemkin governmental structures. Jibril, Minnawi, and Agar all maintain their post-agreement positions, though Agar is now the deputy head of Sudan's Sovereign Council, while Al-Tahir Hajer and Al-Hadi Idriss are in limbo. Some signatories have joined the RSF, while others have been assassinated by them, such as Khamis Abakar (who signed the JPA on behalf of the Sudanese Alliance). The JPA was signed by Hemedti on behalf of the government of Sudan. He is now considered an enemy of the state, drawing into question the validity of the agreement. Regardless, since the coup, there has been no effective government in Sudan to speak of—since the war began in April 2023, that has been even more the case.

Though some JPA signatories, including Jibril, Minnawi, and Agar, may see no necessary contradiction between the war and continued relevance of the JPA, the political positions of many signatories are transformed: both Jibril and Agar have experienced splits within their movements, and there are now breakaway factions that are not bound by their erstwhile commanders, further eroding the relevance of the agreement. The war has transformed the political landscape of Sudan. Inevitably, the war will conclude in a political process, as all Sudan's civil wars have in the past; there is little possibility of an outright military victory for either side. This means that all political groups, armed and otherwise, will have to contest anew for political legitimacy and for post-war dispensations. The JPA signatories may attempt to look to the agreement as a source of legitimacy, and claim it is a constitutionally-binding document, despite the possibility of its revision being included in the Framework Agreement.

The JPA thus emerges as a double archaism. It is at once a remnant of the era of Bashir's transactional politics, and as such a blockage to a genuine transition to civilian governance, and a legacy of a failed effort to separate national SSR from the struggles in the periphery. Furthermore, given that it is Al-Hilu's forces that are actually consequential on the battlefield, and as the SPLA-N did not sign the JPA, a continued emphasis on the agreement—rather than a new, actually comprehensive agreement addressing SSR as a whole—means that holdouts like Al-Hilu have little incentive to agree to a ceasefire or a new political arrangement. At present, the JPA, to the extent it still exists, is a blockage on the emergence of a genuinely civilian transitional government, both in its structure, and in the role it plays for JPA signatories during the current conflict.

The recommendations below are designed to assist the international community, in particular the United States government (USG), in thinking about how to engage with the JPA under the current conditions.

Strategic recommendations

- Accept that the few redeemable elements of the JPA do not need to exist in the current form of the agreement: The JPA is too problematic to be able to resolve conflict in the Sudan. Not only is there ample evidence that implementation of the JPA led to greater violence, but even formal support for the agreement provides rhetorical legitimacy to what is fundamentally an unworkable proposal, especially in the context of this war.

JPA signatories, some members of the Sudanese political class and the international actors who engaged with it, regard the agreement as a legitimate document. On the ground, however, the JPA has lost most of its legitimacy. While there are some genuinely important elements of the JPA—such as the provisions for transitional justice, the permanent ceasefire committees and some aspects of the security arrangements—that should be salvaged and expanded, such elements should be distinguished from support for the JPA as a whole.

- Develop a common understanding of the political ramifications of the JPA: The USG, supported by a broad range of international community actors, should cultivate a common understanding of the JPA and its lack of viability under the current circumstances. This will require a rethink of the assumptions around the role of the military and the militarised nature of Sudan’s history of deal-making, which has given rise to warlordism, rewarded armed rebellion over peaceful protest, and resulted in increasingly out-of-touch political processes. Particular attention should also be paid to nomenclature. For example, former rebels who have not yet disarmed should not be defined as civilians, yet they often are, by the military as well as the international community. Such a classification lessens the incentives to disarm: why disarm when you can maintain leverage in both civilian and military spaces and gain a position in a civilian government while maintaining armed troops? Similarly, with developments around returned soldiers from Libya, the use of ‘rebel group’ versus ‘militia’, used largely to position militias to gain the privileges of negotiating rebel groups, also needs to be evaluated and a better-defined nomenclature used consistently with all stakeholders, Sudanese and otherwise.
- Invest in a separate, but mutually reinforcing, ceasefire track for Darfur. The impact of the JPA on the unresolved conflict dynamics of the Arab and non-Arab groups in Darfur needs a special focus vis-a-vis the ongoing ceasefire discussions. For a Darfur track, local and customary reconciliation agreements and their relative successes since the outbreak of war are especially instructive but need to be buttressed by a region-wide track. This track must not be allowed to balkanize the country even further and will need to be complementary and must run concurrent to nationwide ceasefire discussions.
- Attention must be paid to the sequencing of the ceasefire and the political agreement. As with previous wars in Sudan (like the Second Sudanese Civil War) the ceasefire protocol was only signed once the practical arrangements had been clarified and socialised with the conflict parties. Issues of justice and security sector reform are central drivers of armed conflict in Sudan and must feature into political agreements in an open and transparent way that can allow for ceasefires to be honoured.

Programmatic recommendations

Insofar as the international community, in particular the USG, will offer formal backing to the JPA (and material support to its implementation), it should only do so within the confines of clearly drawn red lines. When dealing with the JPA as a whole, the international community should consider the following observations and questions in order to determine whether implementation of specific parts of the agreement should be supported.

- For each JPA track, and for each of the processes in these tracks, a holistic set of benchmarks needs to be established, based on thorough research and consultation, which will determine whether a given aspect of the JPA will be supported.
- Does JPA implementation actually address the local drivers of current conflict in Sudan? If not, how must it be expanded to do so? If JPA implementation will actually intensify violence on the ground, then its

implementation should not be supported.

- Does JPA implementation actually address the communities that are affected by the agreement? Does it address the priorities of the local communities involved? If not, then pressure must be brought to bear to ensure that it actively addresses the root causes of conflict and places the affected communities at the centre of JPA implementation.
- Does JPA implementation contribute to a more accountable and representative democratic government? Does this apply to both national and local government?
- A clear red line would be whether any of the sides are engaged in targeted atrocities and human rights abuses.

The following programmatic recommendations build on the principles for strategic engagement with the JPA outlined in the strategic recommendations.

- Engage signatories to focus on rebuilding trust with their constituents and the rest of the country and show that they can align themselves with democratic norms by championing the transitional justice stipulations they signed on. Signatories should be supported to implement articles in the JPA related to transitional justice, even outside the bounds of the JPA, including supporting cases currently under indictment by the ICC and go beyond them, with a particular focus on community justice mechanisms. Reconciliation agreements in Darfur are not working. The central contradiction of having armed (JPA signatories) or security actors (Hemedti), themselves implicated in justice claims, as guarantors for justice mechanisms instead of civilian justice and rule of law mechanisms or institutions is not a workable solution. Robust rule of law frameworks, in collaboration with the mandated Transitional Justice Commission, should be a priority for a new transitional government. The framework agreement provides for greater emphasis on the setting up commissions, transitional justice and the land reform commissions must be prioritised from the first days of a civilian government.
- Only support partial JPA implementation in a post-war Sudan if it is truly based in the affected communities: JPA implementation must broaden the range of actors involved in the process to include a genuinely wide range of civil society and community groups from the affected areas, and demonstrate genuine benefit for the communities involved. Greater inclusivity would answer a question frequently posed by the international community: How can we find more legitimate leaders and incorporate them into Sudanese political processes? Broader discussions, such as through inter alia, town halls, discussion sessions, and university debates, with excluded groups – especially women and youth – at the community level will help to indigenize the JPA with those it may impact the most, and pressure signatories to seek mutual peace dividends, in Khartoum as well as in conflict zones.
- Ensure that implementation of peace agreements (including SSR and DDR) begins from the centre: An overall programme that involves the SAF and the RSF, and which is transparent and includes the reform of the military economic empire, should be developed to learn from the structural deficiencies of the security arrangements provisions of the JPA, which were destined to fail. The main armed actors in Sudan, including in the peripheries, remain the SAF and the RSF. Along with other Sudanese security organs, the SAF and the RSF must be included if SSR is to succeed in the peripheries of Sudan—whether dealt with in the JPA or in a new agreement. This should be the principal red line drawn by the international community.
- Support the revision of the JPA to such an extent that it is actually a new agreement that is more inclusive: Such revision of the JPA must offer sufficient buy-in for its initial signatories so that a new agreement does not lead to fresh conflict. This is, however, unlikely given the military weaknesses of the signatories, as well

as their increasing dependence on military patrons in the RSF and the SAF. More importantly, revisions to the JPA must focus on building broad-based popular support in the peripheries for such a process. The way to do this is by putting communities first. Issues of land reform in Darfur, or political representation in Eastern Sudan, must be debated by all the communities affected, not merely as spectators to the discussions, but as fundamental actors given as much weight and importance as the JPA signatories. The USG and the international community should support signatories and excluded groups to invest in drafting a bill of rights and engaging in the constitutional processes that would see that bill of rights enshrined.

- Avoid piecemeal support for a JPA that is not fundamentally revised: Such support would help legitimize the military without addressing any of the root causes of violence in Sudan. Worse, support for such an agreement significantly undermines the prospects of achieving a comprehensive peace agreement through negotiations with al-Hilu and al-Nur, both of whom have made comprehensive SSR—not just in the peripheries—and a civilian-led government the sine qua non of their participation in future talks. Piecemeal support for an unrevised JPA would also likely further intensify violence in the peripheries of Sudan. The history of peace agreements in Sudan illustrates that they lead to further violence and do not create durable peace. This is because peace agreements in Sudan have tended to: exclude key armed groups; leave the root causes of conflict unaddressed; overlook or ignore the needs and priorities of local communities; and lack corresponding national-level reform and political change. It is, however, these very measures that must be the priorities of the international community. These issues must serve as the red lines for the resumption of funding and must be explicitly and transparently tied to them.
- Develop benchmarks that govern the terms of engagement for peace agreement implementation: If implementation of future peace deals fails those benchmarks, then diplomatic energy should instead be directed at ensuring it does meet those benchmarks. Having worked out a process or framework to develop these benchmarks across concerned US government agencies – incorporating the suggested guiding questions given above – efforts should be made to ensure that the international community writ large (the Troika, the Tripartite Mechanism, South Sudan, Chad, the US, the AU, the EU, Saudi Arabia, Egypt, the UAE, the International Monetary Fund and the World Bank) share these benchmarks, and take a unified position.

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