



Research Paper: Power-Sharing and the Paradox of State-Building in Sudan: The Case of the Juba Peace Agreement

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Writing Date: 31 May 2024

Affiliation: Published as part of the 2024 AMEL Sudan Democracy Lifeline Fellowship

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Abstract

This paper critically examines the Juba Peace Agreement (JPA) and its implications for state-building efforts. It points out that despite its intention to promote inclusivity and address long-standing grievances, the JPA has led to increased political fragmentation and power struggles. The agreement aimed to create equitable governance through power-sharing among diverse actors; however, it strengthened elite capture and hindered effective governance. The military's strategic maneuvering exploited the JPA, fueling tensions and ultimately leading to the exclusion of civilian actors. Consequently, the JPA's implementation resulted in institutional paralysis, highlighting that successful peace agreements require not only power-sharing but also genuine commitment to reform and inclusivity.



Introduction:

Sudan, since its independence, has witnessed recurrent conflict and civil strife, ranging from civil wars as in South Sudan to multiple insurgencies in Darfur, Blue Nile, and Kordofan. Despite the diverse motivations behind these conflicts - economic marginalization, cultural tensions, and local struggles over resources - a common thread emerges: a lack of effective and inclusive state institutions built upon wide consensus that guarantees stability and equality.

These weak and unstable situation can be traced to a colonial legacy of extractive nature of state institutions, which has shaped the politics and economy of Sudan, fostering patronage networks and centralized power in the hands of a privileged elite in the center, while creating grievances and instability in the peripheries thus encouraging conflicts emerging. To address this recurring theme, Sudan has witnessed a series of peace agreements, notably the 1972 Addis Ababa Agreement, the 2005 Comprehensive Peace Agreement (CPA), and most recently, the 2020 Juba Peace Agreement (JPA). While these agreements vary in their specific provisions and contexts, they share a central theme: its approach of power-sharing between the central government and rebel groups. This approach seeks to address the grievances of marginalized populations by integrating them into decision-making processes and reforming governance structures and institutions to be more inclusive.

The JPA, as the latest attempt at power-sharing in Sudan, holds significant potential for understanding the complex relationship between peace agreements and state building. While existing analyses have focused on the agreement's political economy (Thomas, 2023), actors relationships (ElhagAli, 2024), and implications for democratic transition (Saeed, 2022); (Elbadawi & Bormann, 2021), there is a notable gap in research examining the intersection of state-building and peacebuilding within the JPA framework. This paper seeks to fill this gap by critically analyzing the JPA's power sharing provisions and their subsequent impact on the state's institutions.

This paper is timely and significant for several reasons. Firstly, the JPA is the most recent power-sharing agreement in Sudan, making it a valuable case study for understanding current dynamics. Secondly, it has already profoundly altered political and power structures, and its implications for the ongoing conflict in Sudan, particularly in Darfur, are substantial. By analyzing the JPA's impact on the institutions structure, this research will contribute to the growing body of knowledge on post-conflict state building, with potential lessons for future similar agreements.

Contrary to the high expectations set by the JPA to restructure Sudanese institutions or the process of state-building, this paper argues that the JPA had the opposite effect. The agreement ultimately decreased the resulting coalition's inclusivity by complicating the transition and hindered the effectiveness of the governing institutions by creating a state of gridlock.



Literature Review:

Power-sharing agreements have become a cornerstone of peacebuilding efforts in post-conflict societies, aiming to address grievances, promote inclusion, and foster stability. Theoretical frameworks like consociationalism (Lijphart, 1977) emphasize the importance of power-sharing among rival groups through grand coalitions, proportional representation, and mutual vetoes to manage deep-rooted divisions. However, the effectiveness of power-sharing agreements in facilitating the building of state institutions remains a subject of debate.

Acemoglu and Robinson (2016) emphasized two dimensions of what they call “inclusive political institutions”. First, there must be a state with capacity; second, political power must be broadly distributed in society. They further emphasized the idea that transitions towards inclusive political institutions are the consequence of the mobilization of a broad coalition in society that, if it attains power, has the incentive to move on two margins, creating more state capacity and also making political power more broadly spread. Furthermore, they argue that States with capacity emerge when it is in the interests of elites to create the necessary institutions, usually when they are forced to do so to survive. In the light of this analysis, power-sharing provisions during peace agreements provide an opportunity to negotiate and redesign the aspects of inclusion (broad participation) and effectiveness (capacity) of state institutions.

However, the success in doing so depends on how power-sharing is implemented and the broader political context in which it occurs. Scholars like Stedman (1997) have highlighted the potential for power-sharing agreements to entrench existing power structures and perpetuate elite bargains, undermining broader participation and sustainable peace. This 'elite capture' concern is especially relevant in contexts like Sudan, where decades of conflict have fostered a culture of patronage and political fragmentation. Furthermore, the implementation of Power-sharing agreements often faces challenges like lack of trust between parties, limited resources, and the complexities of integrating former combatants into new institutions (Paris, 2004).

In Sudan, a history of failed peace agreements underscores the difficulties of translating written commitments into practical state-building achievements. Previous agreements, such as the Addis Ababa Agreement (1972) and the Comprehensive Peace Agreement (2005), included different power-sharing mechanisms, but their effectiveness has been questioned due to limited implementation and ongoing conflicts (Carolan, 2020).

The 2020 Juba Peace Agreement (JPA) represents the latest attempt at power-sharing in Sudan. It encompasses a broad range of provisions, including power-sharing quotas, regional autonomy, and wealth sharing. While some scholars and actors argue that the JPA offers a new model for inclusive governance, others have raised concerns about its potential to further fragment the state and exacerbate existing tensions.

Saeed (2022) contrasts JPA’s power-sharing approach with the earlier constitutional charter, arguing that the JPA prioritized immediate power distribution over addressing the root causes of conflict and sustainable



peacebuilding, as emphasized in the constitutional charter. This focus on short-term political gains, as Bormann and Elbadawi (2021) note, has resulted in a prolonged transitional period, creating opportunities for elite capture and resource misallocation, thereby jeopardizing the JPA's long-term effectiveness and potentially undermining Sudan's democratic transition.

This literature review demonstrates that while power-sharing agreements can play a crucial role in post-conflict settings, their success hinges on context-specific factors and effective implementation. The case of Sudan presents a unique opportunity to examine these dynamics in a complex and evolving context. By analysing the JPA's provisions and implementation, this study will contribute to the ongoing debate on the effectiveness of power-sharing peace agreements in post-conflict state-building.

This paper examines the impact of the JPA on state-building in Sudan through two distinct lenses. Firstly, it analyzes the specific provisions and underlying principles of the agreement, assessing the prominence of state-building as a central objective during negotiations and in the final document. Secondly, it investigates the JPA's implementation by analysing context-specific events. Taking Acemoglu and Robinson's concept on building inclusive political institutions as a goal to achieve stable states with capacity, this analysis focuses on the agreement's impact on two key factors: inclusivity and the effectiveness (Acemoglu & Robinson, 2016). Ultimately, aiming to answer the central question: How did the JPA influence state-building efforts in Sudan?

The Juba Peace Agreement, Negotiation Context and Provisions:

Following the overthrow of Omar al-Bashir's regime in 2019, a new government was established on basis of a power-sharing agreement between the civilian Forces of Freedom and Change (FFC) and the military's Transitional Military Council (TMC). With the appointment of Abdalla Hamdok as transitional prime minister, securing peace agreements with various rebel movements became a top priority.

Despite the removal of the former regime and the participation of former allies in the opposition in the new government, the path to peace proved to be more complex than anticipated. Tensions arose between the FFC and the Sudanese Revolutionary Front (SRF) due to the SRF feeling excluded from the initial power-sharing negotiations with the TMC that led to the constitutional charter. While the FFC civilian politicians appeared less enthusiastic about pursuing peace negotiations, the military saw an opportunity to weaken civilian influence by introducing a third actor into the government's power dynamics. This was particularly evident in the actions and statements of Hemedti, who frequently emphasized the military's leading role in the peace process. Observers pointed out that although a few civilian politicians prioritized signing a peace agreement with rebel forces, it was primarily the military, led by Hemedti, who actively drove the negotiations. This reveals a complex interplay of motivations and strategies within the transitional government, where peace negotiations became a tool for both conflict resolution and internal power struggles (Tubiana, 2022).



Furthermore, the Juba peace negotiations were notably marked by the absence of two significant rebel movements: the Sudanese Popular Liberation Movement-North (SPLM-N) Al Hilu faction, which holds substantial territory in the Nuba Mountains of South Kordofan, and the Sudan Liberation Army (SLA) Abdalwahid Nur faction, controlling an area in Jebel Marra. Many analysts have observed that the participating rebel groups lacked a strong presence within Sudan, suggesting their primary motivation for joining the JPA was to gain access to power-sharing arrangements and resources to rebuild their movements (Craze & Khair, 2023)

Finally, on 3rd of October 2020, after a long negotiation phase, the (JPA) was signed between the government of Sudan represented by military and civilian sides and the peace parties mainly composed of SRF rebel groups. The agreement seeks to redress the historical imbalance between the country's centre and periphery by devolving power and wealth away from Khartoum (Crisisgroup, 2021). At its core, the JPA is a power-sharing agreement, designed to address the root causes of conflict in Sudan by fostering inclusivity, equitable representation, and laying the groundwork for a sustainable democratic transition. JPA took a thematic approach to negotiations, dividing discussions into multiple paths - Darfur, the Two Areas (South Kordofan and Blue Nile), the North, the East, and the Central path - while also addressing national level issues in separate negotiations. This approach sought to tailor solutions to each region's specific needs and grievances while simultaneously establishing a framework for a comprehensive national agreement.

The JPA's power-sharing mechanisms are extensive, encompassing quotas for peace parties in all levels and institutions of governance, committed resource allocation to regions, and the establishment of new institutions dedicated to regional development and conflict resolution. This complex power-sharing framework aimed to address historical imbalances, empower marginalized groups, and create a more equitable distribution of power and resources across Sudan. However, the JPA's effectiveness in achieving these goals has been a subject of ongoing debate and scrutiny.

The agreement emphasized decentralization in Sudan's governance system, replacing the existing 18 states with a new regional system. While a governance system conference was planned to determine the specifics within six months of signing, the establishment of the regional system itself was predetermined, with the conference limited to reviewing regional borders, administrative divisions, and governance structures (Juba Agreement, 2020, Title 1 §10.3). Specific provisions for Darfur and the Two Areas (South Kordofan and Blue Nile) detailed the implementation of regional/state institutions. Notably, the Darfur path mandated the formation of a regional government within six months, regardless of the conference (Juba Agreement, 2020, Title 2 Chapter 1 §25.3, 25.4). Autonomy was also granted to South Kordofan and Blue Nile states, with detailed powers (Juba Agreement, 2020, Title 3 Chapter 3 §8). At the national level, the JPA allocated three seats on the Sovereignty Council, 25% of the Executive Council, and 25% of the 300-member Legislative Council to representatives of the peace parties (Juba Agreement for Peace In Sudan, 2020).

To reform state institutions and achieve good governance goals, the JPA established numerous specialized commissions tasked with combating corruption, overseeing financial aspects of the transition, reforming public service and military sectors, addressing internally displaced persons (IDPs) and rehabilitation, developmental projects and other state-building issues. These commissions were spread across different



levels of government, from national to regional. The underlying assumption was that donors would prefer supporting these commissions as parallel project delivery structures, rather than the existing institutions.

Overall, the JPA's approach to state-building as shown in the provisions and the negotiations context was multifaceted, encompassing decentralization in the region's system, transitional power-sharing, and the establishment of specialized commissions to effectively implement state building activities.

Implementation Context: Challenges to state-building activities:

While the inclusion of diverse rebel factions seemed to promote broader representation, it also triggered internal power struggles and resentment among those left out of the agreement. In Eastern Sudan, the JPA's East track, designed to address grievances in the region, was met with fierce opposition from local stakeholders who felt marginalized and misrepresented by the negotiation process. This led to protests and ultimately the suspension of the East track, highlighting the challenges of balancing national-level agreements with local concerns and ensuring that all voices are heard (Asharq-Al-awsat, 2021). Similarly, in Blue Nile state, the SPLM-N's new arrangements under the JPA were perceived as a threat by certain ethnic groups. This perception fueled ethnic conflicts, undermining the legitimacy of the newly established local government and highlighting the complexities of power-sharing in regions with deep-rooted ethnic tensions (Dabangasudan, 2022).

Beyond regional dynamics, the JPA also intensified the power struggle between the military and civilian components of the transitional government. The military, sensing an opportunity to consolidate power, leveraged the JPA's complex power-sharing mechanisms to their advantage. Actions like forming the partner's council were faced by criticism as weakening the civilian actor's power and trying to replace the rule of the legislative council. The result was a total failure in forming a legislative body for the transitional period, the proposed legislative council never materialized, and the partners council dissolved due to internal conflicts.

The JPA profoundly impacted the effectiveness of state institutions and the dynamics of governance in Sudan. The power-sharing arrangements stipulated in the agreement introduced new political leaders into the executive council, with a 25% quota translating to seven ministerial positions. The peace parties strategically negotiated control over resource-rich ministries like finance and minerals, highlighting their distrust of the FFC's commitment to funding the peace process and revealing a prevailing rent-seeking mentality among the political actors.

In response to this power shift, the JPA encouraged the FFC to abandon the technocratic nature of the initial Hamadok government. The FFC brought in politically affiliated ministers in an attempt to counterbalance the political influence of the JPA peace parties in the executive council. This move, however, inadvertently transformed the council into a platform for political infighting rather than a space for collaborative governance and the implementation of a unified agenda.



Further differences and competition between the parties of peace and the FFC led to the formation of FFC2 led by Jibril Ibrahim and Minni Minnawi. This new faction, locked in political rivalry with the FFC, organized a sit-in at the Republican palace, explicitly calling for a military intervention and takeover of the government. This culminated in the October 2021 coup, which ousted civilian leaders and further eroded the JPA's initial goal of inclusivity. The coup not only excluded civilian voices from the decision making process but also reversed some of the progress made towards good governance and institutional reform, while drastically decreasing the local and international legitimacy of the transitional institutions.

Consequently, the JPA's power-sharing arrangements, while intended to promote inclusivity, created a system where competing interests and political maneuvering took precedence over effective governance. The focus on securing control over resources and positions overshadowed the need for coordinated action and policy implementation. This not only hampered the effectiveness of state institutions but also contributed to the political instability that ultimately led to the October 2021 coup.

Naturally, the period following the coup witnessed increasing in the trend of eroding state institutions. A 2022 Afrobarometer survey reveals that a majority of Sudanese citizens (68%) perceived a significant increase in corruption levels between 2021 and 2022, further indicating widespread dissatisfaction with the government's anti corruption efforts and shows the decrease in its effectiveness (Elawad, 2022). Also, with the now over empowered military in the sovereign council, the restructuring reforms were resisted and halted.

A telling example of the many negative impacts of the JPA is the resignation of Buthina Dinar, the Minister of Local Governance following the coup. Dinar, as a representative of the peace parties to lead a crucial ministry which is charge of the governance management, cited disagreements with the military-dominated Sovereignty Council regarding the convening of the governance conference, as well as the lack of progress in implementing the JPA's provisions. She highlighted that less than 1% of the agreement's stipulations, including the establishment of crucial commissions, had been enacted. Furthermore, Dinar pointed to the challenges posed by the asymmetrical governance structure envisioned by the JPA, which created difficulties in coordination and management. (Sudantribune, 2022)

In essence, the JPA's impact on state-building was a double-edged sword. While it successfully brought new actors into the political arena and held the promise of significant reforms to state institutions, its introduction into the already complex military-civilian power struggle context inadvertently fueled distrust, competition, and political fragmentation. This political climate created a gridlock within the government, severely hampering its ability to function effectively and deliver on its promises, and ultimately resulted in the exclusion of key stakeholders, further eroding the JPA's initial goal of inclusivity and contributing to the continued deterioration of the state's effectiveness.



Conclusion:

Despite the initial promise of the JPA of ushering in a new era of peace and stability for Sudan, it became a cause for further fragmentation and political instability. The agreement's ambitious goals of inclusivity, equitable power-sharing, and decentralized governance were undermined by a complex interplay of factors, including internal power struggles, the marginalization of certain groups, and the strategic exploitation of the agreement's provisions by powerful actors.

The JPA's attempts to integrate various rebel factions into the governing political coalition fueled existing divisions and created new grievances among those excluded from the process. The protests in Eastern Sudan and the eruption of ethnic conflicts in Blue Nile are reminders of the challenges of achieving genuine inclusivity in a country with a long history of marginalization and conflict. Moreover, the JPA's complex power-sharing mechanisms, while intended to balance power between different actors, ultimately became a tool for political maneuvering and competition. The military leveraged the agreement to consolidate its power, culminating in the 2021 coup that ousted civilian actors and reversed much of the progress made towards more democratic and inclusive institutions in Sudan.

The JPA's impact on governance and institutional effectiveness was equally problematic. The absence of a comprehensive plan for implementing the agreement's decentralization provisions left critical questions unanswered and created a vacuum filled by political competition. The focus on short-term political gains and the failure of establishing the numerous commissions, alongside key governance institutions like the legislative council, created a system where competition for resources and positions overshadowed the collaborative effort needed for effective governance.

The JPA's experience underscores the challenges and potential pitfalls of power sharing agreements in post-conflict settings. While such agreements can offer a pathway towards state-building, their success depends on the political context, a commitment to genuine inclusivity, and a focus on long-term institutional development. In the case of Sudan, the JPA's failure to adequately address these factors led to a complete failure in delivering the promises of stability and development.

The lessons learned from the JPA are crucial for future peacebuilding efforts in Sudan, especially in guiding any upcoming negotiations in the current context of total state collapse and civil war. A successful peace process requires more than just power sharing; it demands a holistic approach that addresses the root causes of conflict, fosters trust and cooperation among all stakeholders, and prioritizes the establishment of strong and accountable institutions. It also requires a recognition of the inherent power dynamics at play and the potential for peace agreements to be exploited for political gain. By acknowledging these complexities and learning from past mistakes, Sudan can chart a new path towards lasting peace, stability, and inclusive governance.



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