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Conflict
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Paper

CONFLICT IN SUDAN

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BRIEFING PAPER: CONFLICT IN SUDAN

Executive Summary

Sudan is undergoing a power struggle between two factions of the Sudanese military. The Sudanese Armed Forces (SAF), led by General Abdel Fattah al-Burhan, and the Rapid Support Forces (RSF), led by Mohamed Hamdan Dagalo, known as “Hemedti,” are fighting a brutal battle for control over the country.

The two sides, which had cooperated in supporting the regime of Sudan’s longstanding dictator Omar al-Bashir and then in removing him from power in 2019, have turned against one another in a struggle for supremacy. The fighting has caused a massive humanitarian crisis and has triggered reports of widespread atrocity crimes and genocidal attacks on civilians.

While the conflict is largely an internal power struggle, outside support is providing further fuel. There is also a concern that the SAF/RSF fighting—with its crimes against the civilian population, humanitarian crises, and lack of effective government—will reignite domestic regional conflicts in Darfur, the Two Areas (South Kordofan and Blue Nile), and in the East of Sudan. Such regional conflicts could result in an even more total collapse of the country, with armed resistance movements and tribal warlords laying claim to various territories.

As of late 2023, the overall military outlook remains uncertain. Uncoordinated efforts by the international community to help broker a peace have made little progress to date and have resulted in “mediation mayhem.” This lack of coordination has encouraged Sudanese parties to forum-shop among ceasefire initiatives and has diluted the pressure from the international community to create the requisite political will for peace.

Greater coordination of ceasefire efforts by the international community is needed. Civilian participation in such mechanisms would enhance their likelihood of achieving sustainable solutions. An Independent Fact-Finding Mission for Sudan (Sudan FFM) established by the UN Human Rights Council (UNHRC) will be helpful in documenting atrocities, and its formation underlines the international community’s commitment to ensuring that the actors in the Sudan conflict will be held accountable.

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BRIEFING PAPER: THE CONFLICT IN SUDAN

Statement of Purpose

This briefing paper provides an overview of the current conflict in Sudan, which erupted on April 15, 2023. The briefing paper describes its history, the factors leading to conflict, and the outlook for peace.

Introduction

Sudan is currently in the throes of a bitter and violent power struggle between two factions of the Sudanese military. The Sudanese Armed Forces (SAF), led by General Abdel Fattah al-Burhan, and the Rapid Support Forces (RSF), led by Mohamed Hamdan Dagalo, known as “Hemedti,” are fighting a brutal battle for control over the country. The two sides, which had cooperated in supporting the regime of Sudan’s long standing dictator Omar al-Bashir and then in removing him from power in 2019, have turned against one another in a struggle for supremacy.

The fighting between the SAF and RSF began on April 15, 2023. The fighting has since displaced over 4.5 million persons internally, with more than 1.1 million people having fled the country, over 15 million people living in acute food insecurity, and with numerous disease outbreaks across the country.¹ There are reports of widespread war crimes against non-combatants,² sexual violence against women,³ recruitment of child soldiers,⁴ and genocidal attacks on civilians.⁵ The

¹ UN Office for the Coordination of Humanitarian Affairs (OCHA), *Sudan, Six Months of Conflict, Key Facts and Figures*, available at <https://www.unocha.org/publications/report/sudan/sudan-six-months-conflict-key-facts-and-figures-19-october-2023> (last visited Oct. 19, 2023).

² See, e.g., Amnesty International, *Death Came to Our Homes, War Crimes and Civilian Suffering in Sudan* (Aug. 2023), available at <https://www.amnesty.org/en/documents/afr54/7037/2023/en/>.

³ Office of the High Commissioner on Human Rights (OHCHR), *Sudan: Alarming Reports of Women and Girls Abducted and Forced to Marry, Held for Ransom* (Nov. 3, 2023), available at <https://www.ohchr.org/en/press-briefing-notes/2023/11/sudan-alarming-reports-women-and-girls-abducted-and-force-d-marry-held>; OHCHR, *UN Experts Alarmed by Reported Widespread Use of Rape and Sexual Violence Against Women and Girls by RSF in Sudan* (Aug. 17, 2023), available at <https://www.ohchr.org/en/press-releases/2023/08/un-experts-alarmed-reported-widespread-use-rape-and-sexual-violence-against>.

⁴ OHCHR, *Sudan: UN Expert Warns of Child Recruitment by Armed Forces* (Oct. 16, 2023), available at <https://www.ohchr.org/en/press-releases/2023/10/sudan-un-expert-warns-child-recruitment-armed-forces>.

⁵ See, e.g., Declan Walsh & Abdi Latif Dahir, *Seizing Darfur Region, Paramilitary Forces Are Accused of Atrocities*, THE NEW YORK TIMES (Nov. 16, 2023), available at <https://www.nytimes.com/2023/11/16/world/africa/sudan-darfur-fighting.html>; *Dying in Plain Sight, The World Is*

UN Human Rights Council (UNHRC) has condemned the fighting and has established an Independent Fact-Finding Mission for Sudan (Sudan FFM) to investigate human rights violations and the humanitarian situation since the fighting broke out.⁶ The Sudan FFM has a broad mandate to investigate, document, and report on the situation in Sudan since the outbreak of the current conflict, and to make recommendations on how to hold the relevant actors accountable.⁷

This briefing paper begins with a brief discussion of the 30-year al-Bashir era in Sudan. It next describes the turbulent but promising period following the 2019 uprising that saw the negotiation of the Juba Peace Agreement of 2020,⁸ which sought to achieve a comprehensive settlement of various regional conflicts in Sudan and raised hopes that the country would be able to move to democratic rule. The briefing paper then examines more closely the internal and external dynamics that are causing and sustaining the current conflict between the SAF and RSF. It ends by noting the further regional conflicts that could be reignited if the current conflict continues and by describing the outlook for peace.

The al-Bashir Era

Sudan is both large and ethnically very diverse, comprising some 597 tribes and subtribes and speaking some 133 languages and even more dialects. Tribal, racial, and religious divisions—and related resource competition among those divisions—have long acted as ongoing sources of conflict in the country.⁹ Sudan has suffered from conflict and instability since its independence from the United Kingdom in 1956, with brief periods of democracy alternating with military coups and authoritarianism.

Omar al-Bashir came to power by a military coup in 1989. During his 30-year rule, al-Bashir favored Arab over African ethnic groups, sought to impose Islamic sharia law despite Sudan's ethnic and religious diversity, allowed Islamic

Ignoring War, Genocide and Famine in Sudan, THE ECONOMIST (Nov. 18, 2023), available at <https://www.economist.com/leaders/2023/11/16/the-world-is-ignoring-war-genocide-and-famine-in-sudan>.

⁶ UNHRC, *Responding to the Human Rights and Humanitarian Crisis Caused by the Ongoing Armed Conflict in the Sudan*, UN Doc. A/HRC/RES/54/2 (Oct. 12, 2023), available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G23/212/50/PDF/G2321250.pdf?OpenElement>.

⁷ PILPG Rapid Response Analysis, *The Conflict in Sudan: Understanding the UN Fact-Finding Mission* (Nov. 2023), available at <https://www.publicinternationallawandpolicygroup.org/pilpg-sudan-rapid-response-analysis>.

⁸ Juba Agreement for Peace in Sudan Between the Transitional Government of Sudan and the Parties to the Peace Process (Oct. 2020), available at <https://constitutionnet.org/v1/item/sudan-peace-agreement>.

⁹ Andrew Natsios, Sudan, South Sudan & Darfur, What Everyone Needs to Know 8–13 (2012).

extremists—including Osama bin Laden—into the country, and supported international terrorist groups. The administration of U.S. President Bill Clinton designated Sudan as a state sponsor of terrorism in 1993, and the country became subject to economic sanctions and diplomatic withdrawals.¹⁰ Sudan's subsequent involvement in the 1998 U.S. embassy bombings in Kenya and Tanzania and the 2000 USS Cole bombing in Yemen led to more aggressive U.S. diplomacy and increasing isolation of the Bashir regime on the international stage.¹¹ Control over the country's political and financial resources was concentrated in Arab tribes around the capital, Khartoum, leading to long-running unrest and sometimes armed conflict in neglected, more peripheral regions.¹²

Al-Bashir and his regime responded to regional uprisings with extreme brutality. In Sudan's western Darfur region, a series of insurrections culminated in the so-called third Darfur rebellion of 2003–2005 when a coalition of the largest non-Arab, African tribes in Darfur—the Fur, the Masalit, and the Zaghawa—took up arms against central government forces. The al-Bashir regime brutally suppressed the rebellion by conducting what amounted to an ethnic cleansing campaign against the non-Arab population in Darfur, with mass killings, forced displacements and the destruction of food stocks and livelihoods evidencing an intent to remove and redistribute non-Arab ethnic groups to areas where they could be more readily concentrated, confined and controlled by the government.¹³ A commission of inquiry appointed by UN Secretary-General Kofi Anan in October 2004 rendered a detailed report on the al-Bashir regime's atrocity crimes.¹⁴ The report's findings resulted in a referral by the UN Security Council to the International Criminal Court (ICC) and ultimately to ICC indictments for Omar al-Bashir and five other Sudanese government and militia officials for crimes against humanity, war crimes, and genocide.¹⁵

¹⁰ Darin E.W. Johnson, *Revolution, Peace and Justice in Sudan*, 43 UNIVERSITY OF PENNSYLVANIA JOURNAL OF INTERNATIONAL LAW 187, 194 (2021), available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4111665.

¹¹ Herman J. Cohen, *The Roots of Sudan's Upheaval*, COUNCIL ON FOREIGN RELATIONS (May 9, 2019), available at <https://www.cfr.org/blog/roots-sudans-upheaval>.

¹² See, e.g., Darin E.W. Johnson, *Revolution, Peace and Justice in Sudan*, 43 UNIVERSITY OF PENNSYLVANIA JOURNAL OF INTERNATIONAL LAW 187, 194-196 (2021), available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4111665.

¹³ Human Rights Watch, *Darfur Destroyed, Ethnic Cleansing by Government and Militia Forces in Western Sudan* 40 (May 2004), available at <https://www.hrw.org/sites/default/files/reports/sudan0504full.pdf>.

¹⁴ UN Security Council, *Report of the International Commission of Inquiry on Darfur to the Secretary-General*, U.N. Doc. S/2005/60 (Feb. 1, 2005), available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N05/225/36/PDF/N0522536.pdf?OpenElement>.

¹⁵ While al-Bashir and four others are still at large, and one of the accused has passed away, one of the group, former Darfur Janjaweed leader Ali Muhammad Ali Abd-Al-Rahman, surrendered himself voluntarily and the trial against him is underway. Information on the cases is available on the ICC website at <https://www.icc-cpi.int/darfur>.

Among other tactics in Darfur, the al-Bashir regime armed local Arab Janjaweed militias, who would then terrorize non-Arab civilians with rape, torture, and mass killings.¹⁶ The Janjaweed militias ultimately evolved into the Rapid Support Forces that are now one side of the current SAF/RSF conflict.¹⁷

Al-Bashir's conduct of the long-running civil war between the central government and the majority-Muslim North of the country, and the largely Christian and animist South, also entailed atrocities ranging from religious massacres to mass torture.¹⁸ The 2003 civil war was ended by the so-called Comprehensive Peace Agreement in 2005, which among other things called for a referendum to be held on whether southern Sudan should remain part of Sudan or become independent.¹⁹ The referendum was held in January 2011 and yielded a landslide majority in favor of independence.²⁰ South Sudan seceded and became an independent state in July 2011.

2019 Uprising to the Current Conflict

The secession of oil-rich South Sudan in 2011 was followed by a period of extended and severe economic decline in Sudan and continuing regional conflicts in Darfur and South Kordofan. Deteriorating conditions led to increasing protests against the al-Bashir regime. When protests culminated in an uprising in April 2019, the military concluded that al-Bashir's rule was no longer tenable and staged a coup that removed him from power.²¹

Following the coup, the military sought to govern through a Transitional Military Council headed by General Abdel Fattah al-Burhan of the SAF, with the

¹⁶ See, e.g., Human Rights Watch, *Darfur Destroyed, Ethnic Cleansing by Government and Militia Forces in Western Sudan* (May 2004), available at <https://www.hrw.org/sites/default/files/reports/sudan0504full.pdf>.

¹⁷ See, e.g., Al Jazeera, *Sudan Unrest: What are the Rapid Support Forces?* (Apr. 16, 2023), available at <https://www.aljazeera.com/news/2023/4/16/sudan-unrest-what-is-the-rapid-support-forces>.

¹⁸ See Darin E.W. Johnson, *Revolution, Peace and Justice in Sudan*, 43 UNIVERSITY OF PENNSYLVANIA JOURNAL OF INTERNATIONAL LAW 187, 199-205 (2021), available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4111665.

¹⁹ Marina Ottoway & Amr Hamzawy, *The Comprehensive Peace Agreement*, CARNEGIE ENDOWMENT FOR INTERNATIONAL PEACE (Jan. 4, 2011), available at <https://carnegieendowment.org/2011/01/04/comprehensive-peace-agreement-pub-42223>.

²⁰ BBC News, *South Sudan Backs Independence – Results* (Feb. 7, 2011), available at <https://www.bbc.co.uk/news/world-africa-12379431>.

²¹ For a detailed review of developments leading to the 2019 uprising and its aftermath, see John Young, *Sudan Uprising: Popular Struggles, Elite Compromises, and Revolution Betrayed* (Jun. 2020), available at <https://www.smallarmssurvey.org/resource/sudan-uprising-popular-struggles-elite-compromises-and-revolution-betrayed>.

support of Hemedti and the RSF.²² But popular protests continued. The military government's handling of the protests—particularly the killing of more than 100 protesters on June 3, 2019, by the RSF under Hemedti, in what became known as the “Khartoum massacre”—undermined its support among the population and the international community.²³

As popular protests continued, the Transitional Military Council negotiated with civilian opposition groups, who had come together to form the Forces for Freedom and Change (FFC).²⁴ The military and the FFC entered into an internationally supported Political Agreement in July 2019 and signed a Draft Constitutional Declaration in August 2019, appointing al-Burhan as chair of the newly-formed transitional Sovereignty Council and Hemedti as his deputy, and Abdalla Hamdok, a prominent economist, as civilian prime minister.²⁵ For the next eighteen months, a civilian would chair the Sovereignty Council, after which elections would be held to return Sudan to full civilian governance.²⁶

Among other things, the transitional government negotiated the Juba Peace Agreement with various armed resistance movements. The Juba Peace Agreement was signed in October 2020, after almost a year of negotiations, with the aim of settling various national and regional conflicts in the country.²⁷ Together with the 2019 constitutional arrangements, the Juba Peace Agreement raised hopes that

²² John Young, *Sudan Uprising: Popular Struggles, Elite Compromises, and Revolution Betrayed* 37-38 (Jun. 2020), available at <https://www.smallarmssurvey.org/resource/sudan-uprising-popular-struggles-elite-compromises-and-revolution-betrayed>.

²³ Amnesty International, “They Descended on Us Like Rain”: Justice for Victims of Protest Crackdown in Sudan (2020), available at <https://www.amnesty.org/en/documents/afr54/1893/2020/en/>; Physicians for Human Rights, “Chaos and Fire”: An Analysis of Sudan’s June 3, 2019 Khartoum Massacre (2020), available at <https://phr.org/our-work/resources/chaos-and-fire-an-analysis-of-sudans-june-3-2019-khartoum-massacre/>.

²⁴ John Young, *Sudan Uprising: Popular Struggles, Elite Compromises, and Revolution Betrayed* 35 (Jun. 2020), available at <https://www.smallarmssurvey.org/resource/sudan-uprising-popular-struggles-elite-compromises-and-revolution-betrayed>.

²⁵ John Young, *Sudan Uprising: Popular Struggles, Elite Compromises, and Revolution Betrayed* 48 (Jun. 2020), available at <https://www.smallarmssurvey.org/resource/sudan-uprising-popular-struggles-elite-compromises-and-revolution-betrayed>.

²⁶ Jehanne Henry, *The UN Must Step Up on Sudan*, MIDDLE EAST INSTITUTE (Sept. 12, 2023), available at <https://www.mei.edu/publications/un-must-step-sudan>.

²⁷ For detailed discussions of the Juba Peace Agreement, see Zaid Al Ali, *The Juba Agreement for Peace in Sudan* (2021), available at <https://www.idea.int/sites/default/files/publications/the-juba-agreement-for-peace-in-sudan-en.pdf>; TRIAS Consult, *Sudan Case Study* (2021), available at <https://principlesforpeace.org/wp-content/uploads/2021/06/P4P-Sudan-Case-Study-A4.pdf>.

after decades of internal conflict, Sudan could transition to a peaceful, multi-ethnic democratic government. Also in 2020, the United States removed Sudan's designation as a state sponsor of terrorism, with the resulting lifting of sanctions expected to help address the country's economic crisis and worsening humanitarian situation.²⁸

Yet turbulence continued. In October 2021, al-Burhan and Hemedti staged a coup against the civilians in the transitional government, effectively dissolving the transitional Sovereignty Council.²⁹ Their alliance soon fell apart, with Hemedti notionally supporting an agreement to set the transition back on course while opposing al-Burhan's plans for integrating the RSF into the SAF.³⁰

In response to the coup, the African Union (AU) suspended Sudan from the Union.³¹ The coup also led to renewed protests, strikes, and campaigns of civil disobedience. Political talks between military and civilian parties continued, facilitated by the Trilateral Mechanism (involving the United Nations Integrated Transition Assistance Mechanism (UNITAMS), the AU, the Intergovernmental Authority on Development (IGAD)) and others, including the Quad (Saudi Arabia, the United Arab Emirates (UAE), the United Kingdom (UK), and the United States (U.S.)).³²

Another milestone was reached in December 2022, when the military leadership signed a new political framework agreement with forty political parties, a range of armed resistance movements, trade unions, and professional associations. The framework agreement called for a 24-month transitional period leading to general elections and democratic, civilian rule. While the framework agreement set out institutional structures for the new government, five broad areas—transitional justice, security and military reform, the implementation of the

²⁸ Congressional Research Service, *Sudan's Removal from the State Sponsors of Terrorism List* (November 9, 2020), available at https://www.everycrsreport.com/files/2020-11-09_IN11531_c36cf5dbd4d7a117892df020d6acacc991052557.pdf.

²⁹ BBC, *Sudan Coup: A Really Simple Guide* (October 25, 2021), available at <https://www.bbc.co.uk/news/world-africa-59035053>.

³⁰ Jehanne Henry, *The UN Must Step Up on Sudan*, MIDDLE EAST INSTITUTE (Sept. 12, 2023), available at <https://www.mei.edu/publications/un-must-step-sudan>.

³¹ Al Jazeera, *African Union Suspends Sudan Over Coup* (Oct. 27, 2021), available at <https://www.aljazeera.com/news/2021/10/27/african-union-suspends-sudan-over-coup>.

³² OHCHR, *Situation of Human Rights in the Sudan, Report of the United Nations High Commissioner for Human Rights*, paras. 15–19, U.N. Doc. A/HRC/50/22 (May 9, 2022), available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G22/337/24/PDF/G2233724.pdf?OpenElement>.

Juba Peace Agreement, the dismantling of the June 30, 1989 regime, and the resolution of the crisis in East Sudan—were left open for further consultation.³³

Negotiations continued and progress was made on open points until early April 2023, when differences over security and military reform proved unbridgeable. An agreement on the integration of the RSF into the SAF, thereby putting the RSF under SAF command, had been reached in principle by the parties but not on timing. A major hurdle was that al-Burhan insisted on a two-year integration process, while Hemedti wanted a ten-year transition. Commentators have also questioned the respective commitment of the SAF and RSF military leaders to transition Sudan back to civilian governance, noting each leader's incentive to avoid accountability for past crimes and preserve their control over the country's lucrative resources.³⁴

SAF/RSF Conflict: Internal Power Struggle and External Actors

Fighting between the SAF and RSF broke out on April 15, 2023. Each side accused the other of firing first. Neither party has been able to gain the upper hand, and there is currently no clear end of the fighting in sight. The two factions control different parts of the country, with the SAF based in Port Sudan and the East, and the RSF controlling most of Khartoum and Darfur. The parties have resisted efforts to negotiate cease fires.³⁵

While the current conflict is primarily an internal power struggle for control between two military factions, the conflict has also been fueled by outside actors. The interim regime dominated by al-Burhan (SAF) and Hemedti (RSF) reportedly was heavily financed by Saudi Arabia and the UAE. The SAF has close historical ties to Egypt, which reportedly has stepped up its support. Meanwhile, Hemedti and the RSF have reportedly profited significantly from sending fighters to the

³³ OHCHR, *Situation of Human Rights in the Sudan, Report of the United Nations High Commissioner for Human Rights*, paras. 18–23, U.N. Doc. A/HRC/53/19 (May 12, 2023), available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G23/092/02/PDF/G2309202.pdf?OpenElement>.

³⁴ See, e.g., Mohamad Hage Ali, *The Generals in Their Labyrinth*, CARNEGIE MIDDLE EAST CENTER (Apr. 28, 2023), available at <https://carnegie-mec.org/diwan/89634>; Jan Pospisil, *Post Architecture: The Competitive Marketplace of Transition Management in Sudan 6–9* (2023), available at <https://peacerep.org/publication/post-architecture-transition-management-in-sudan/>.

³⁵ See Center for Protective Action, *Power Struggle in Sudan* (updated Nov. 6, 2023), available at <https://www.cfr.org/global-conflict-tracker/conflict/power-struggle-sudan>; United States Institute of Peace, *After Six Months of Civil War, What's the State of Play in Sudan?* (updated Oct. 19, 2023), available at <https://www.usip.org/publications/2023/10/after-six-months-civil-war-whats-state-play-sudan>; Alex de Waal, *Sudan's Descent into Chaos*, FOREIGN AFFAIRS (Apr. 27, 2023) (describing the conflict as a “mobster shootout” with al-Burhan and Hemedti being best understood as “bosses of kleptocratic cartels”), available at <https://www.foreignaffairs.com/sudan/sudans-descent-chaos>.

Saudi- and UAE-led war efforts in both Yemen and to Libya, where a number of outside powers have been involved, including the UAE, Qatar, and Russia. The RSF has reportedly been developing ties with the Russian Wagner Group (a Russian mercenary group), and Russia and others are interested in Port Sudan, with its strategic location on the Red Sea.³⁶

Possible Reignition of Regional Conflicts

One of the dangers of the current conflict is that the fighting between the SAF and RSF could reignite other conflicts in Sudan. That could lead to an even more total collapse of the country, with armed resistance movements and tribal warlords laying claim to various territories.³⁷

Sudan has a long history of regional conflicts. One often-cited root cause has been the longstanding domination of ethnic Arab elites in Khartoum over the country's politics and resources, which has led to resentment, and often armed resistance, in neglected regions away from the capital.³⁸ The three main regional conflicts have been those in Darfur in the West, in the "Two Areas" of South Kordofan and Blue Nile in the South, and in the Eastern states of Red Sea, Kassala, and Gedaref.

After almost a year of negotiations following al-Bashir's removal from power in 2019, the joint military/civilian Transitional Government and armed resistance movements sought to settle those conflicts with the signing of the Juba Peace Agreement in October 2022. The Juba Peace Agreement has not, however, been implemented, and there is a concern that the SAF/RSF fighting—with its crimes against the civilian population, humanitarian crises, and lack of effective government—will reignite those regional conflicts.

³⁶ See, e.g., Comfort Ero & Richard Atwood, *Sudan and the New Age of Conflict, How Regional Power Politics are Fueling Deadly Wars*, FOREIGN AFFAIRS (May 26, 2023), available at <https://www.foreignaffairs.com/sudan/sudan-and-new-age-conflict>; Ishaan Tharoor, *Behind the Chaos in Sudan is a Broader Global Power Struggle*, THE WASHINGTON POST (Apr. 18, 2023), available at <https://www.washingtonpost.com/world/2023/04/18/sudan-global-power-struggle-hemedti-burhan/>; Jan Pospisil, *Post Architecture: The Competitive Marketplace of Transition Management in Sudan* (2023), available at <https://peacerep.org/publication/post-architecture-transition-management-in-sudan/>.

³⁷ See, e.g., International Crisis Group, *A Race Against Time to Halt Sudan's Collapse* (Jun. 22, 2023), p. 15–23, available at <https://www.crisisgroup.org/africa/horn-africa/sudan/b190-race-against-time-halt-sudans-collapse>.

³⁸ See, e.g., AU Peace and Security Council, *Report of the African Union High-Level Panel on Darfur (AUPD)*, Doc. PSC/AHG/2(CC VII) (Oct. 29, 2009), paras. 48–54, available at <https://archives.au.int/handle/123456789/8263>.

Conflict in Darfur

As noted above, in 2003 the three largest African tribes in Darfur—the Fur, the Masalit, and the Zaghawa—joined together to fight against the central government and the SAF in what became known as the third Darfur rebellion. The causes of the conflict were complex. The African tribes in Darfur felt neglected and disadvantaged by the Arab-dominated central government. Farmers came into conflict with pastoralist and nomadic tribes over land use, exacerbated by population movements caused by drought and climate change. Lack of effective law enforcement caused people to rely on local and tribal militias for security, and weaponry became readily available from the armed conflict in neighboring Chad.³⁹

The African tribes organized in two major resistance movements, the Sudan Liberation Movement (SLM) and the Justice Equality Movement (JEM), and attacked SAF facilities. Al-Bashir’s central government responded with indiscriminate bombing and by arming Arab Janjaweed militias that engaged in widespread atrocities and ultimately evolved into today’s RSF. As noted above, the brutal repression of the rebellion led to a referral by the UN Security Council to the ICC and to al-Bashir’s indictment for war crimes and genocide.

Negotiations led to the conclusion of an initial Darfur Peace Agreement (DPA) in 2006.⁴⁰ But the DPA was not supported by all rebel movements, and fighting continued. A further agreement, the Doha Document for Peace in Darfur (DDPD), was negotiated in 2011.⁴¹ The DDPD addressed matters ranging from power and wealth sharing to the return of internally displaced persons and refugees, transitional justice, and human rights. But again, the al-Bashir regime failed to implement the DDPD, which contributed to the grievances that led to the 2019 uprising.⁴²

³⁹ See, e.g., ACHPR, Report of the African Commission on Human and Peoples’ Rights’ Fact-Finding Mission to the Republic of Sudan in the Darfur Region (July 8–18, 2004), available at <https://achpr.au.int/sites/default/files/files/2022-10/misrepfactfindsudan2004eng.pdf>; AU Peace and Security Council, Report of the African Union High-Level Panel on Darfur (AUPD), Doc. PSC/AHG/2(CCVII), paras. 41–83, available at <https://archives.au.int/handle/123456789/8263>.

⁴⁰ Darfur Peace Agreement of May 5, 2006, available at <https://www.un.org/zh/focus/southernsudan/pdf/dpa.pdf>.

⁴¹ Doha Document for Peace in Darfur (DDPD), available at https://unamid.unmissions.org/sites/default/files/ddpd_english.pdf.

⁴² Darin E.W. Johnson, *Revolution, Peace and Justice in Sudan*, 43 UNIVERSITY OF PENNSYLVANIA JOURNAL OF INTERNATIONAL LAW 187, 216–21 (2021), available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4111665.

The Darfur conflict was again addressed in the Darfur Track Agreement as part of the Juba Peace Agreement.⁴³ Yet the security situation there remained fragile,⁴⁴ and implementation of the Darfur Track Agreement cannot proceed while the current SAF/RSF conflict continues. Moreover, the RSF has been committing atrocity crimes in Darfur in the current conflict, such as the mass killings of ethnic Masalit civilians by the RSF and affiliated militias in West Darfur.⁴⁵ These crimes by the RSF appear as a continuation of the ethnic cleansing campaigns of their Janjaweed militia predecessors during the 2003–2005 Darfur rebellion⁴⁶ and could result in Darfuri resistance movements taking up arms again in renewed fighting.

The Two Areas: South Kordofan and Blue Nile

The “Two Areas” are the South Kordofan and Blue Nile states of Sudan. Both are in the South of the country on the border with South Sudan. As in Darfur, indigenous tribes in these areas felt neglected and marginalized by the central government, with political and economic control often being exercised by Arab-Muslim groups with ties to Khartoum. These indigenous groups had participated in Sudan’s North–South civil wars on the side of the South but were “left behind” when South Sudan became independent in 2011.⁴⁷

Renewed fighting in South Kordofan and Blue Nile broke out shortly following South Sudan’s secession. The Juba Peace Agreement sought to settle the

⁴³ See Title 2, Darfur Agreement between the Transitional Government of Sudan and the Darfur Parties to Peace.

⁴⁴ See, e.g., UN Security Council, Letter Dated 7 February from the Panel of Experts on the Sudan Addressed to the President of the Security Council, UN Doc. S/2023/93 (Feb. 7, 2023), available at <https://www.un.org/securitycouncil/sanctions/1591/panel-of-experts/reports>.

⁴⁵ OCHCR, *Sudan: At Least 87 Buried in Mass Grave in Darfur as Rapid Support Forces Deny Victims Decent Burials* (Jul. 13, 2023), available at <https://www.ohchr.org/en/press-releases/2023/07/sudan-least-87-buried-mass-grave-darfur-rapid-support-forces-den-y-victims>; Human Rights Watch, *Sudan: New Mass Ethnic Killings, Pillage in Darfur* (Nov. 26, 2023), available at <https://www.hrw.org/news/2023/11/27/sudan-new-mass-ethnic-killings-pillage-darfur>.

⁴⁶ Kate Ferguson, *The RSF Are Out to Finish the Genocide in Darfur They Began as the Janjaweed. We Cannot Stand By*, THE GUARDIAN (Jul. 24, 2023), available at <https://www.theguardian.com/global-development/2023/jul/24/rsf-janjaweed-hemedti-out-to-finish-darfur-sudan-genocide-uk-cannot-stand-by>.

⁴⁷ For a detailed discussion see Khalid Ammar Hassan, *Spilling Over: Conflict Dynamics In and Around Sudan’s Blue Nile State, 2015–2019* (Mar. 2020), available at <http://www.smallarmssurveysudan.org/fileadmin/docs/reports/HSBA-Report-Sudan-Blue-Nile.pdf>; International Crisis Group, *Sudan’s Spreading Conflict (I): War in South Kordofan* (Feb. 14, 2013), available at <https://icg-prod.s3.amazonaws.com/sudans-spreading-conflict-i-war-in-south-kordofan.pdf>; International Crisis Group, *Sudan’s Spreading Conflict (II): War in Blue Nile* (Jun. 13, 2013), available at <https://icg-prod.s3.amazonaws.com/sudans-spreading-conflict-ii-war-in-blue-nile.pdf>.

conflict,⁴⁸ but implementation has been lacking, and there are reports that armed resistance groups are again taking up fighting in the context of the current SAF/RSF conflict.⁴⁹

The East: Red Sea, Kassala, and Gedaref

Much as has been the case in Darfur and the Two Areas, the East's economic resources—including large-scale agriculture and Port Sudan—have been exploited by the central government and its Arab elites, while much of the local population has been left to live in poverty.⁵⁰ The East is politically fragmented, with some factions not supporting the Juba Peace Agreement and threatening war if the central government does not agree to engage in talks on self-determination.⁵¹

In the context of the current conflict, the East has become a stronghold of the SAF, where it maintains its grip over the oil terminal in Port Sudan, large mining areas, and agricultural lands. Port Sudan has also developed into some kind of administrative capital following the destruction of Khartoum. The SAF has also launched a recruitment drive, with many locals volunteering to join to receive arms and training. But those weapons and training could end up being used in inter-tribal fighting or in an uprising against the SAF itself, and some clashes between tribal militias and the SAF in Port Sudan have already been reported.⁵² In light of these risks, a recent news report described the East of Sudan as a “powder keg” that could explode.⁵³

⁴⁸ See Title 3, Two Areas Track Agreement between the Transitional Government of Sudan and Sudan People's Liberation Movement-North / The Revolutionary Front.

⁴⁹ Zeinab Mohammed Salih, *Thousands Flee Homes after Rebel Attack in Southern Sudan City*, THE GUARDIAN (Aug. 20, 2023), available at <https://www.theguardian.com/world/2023/aug/20/thousands-flee-homes-after-rebel-attack-in-southern-sudan-city>; Khalid Abdelaziz, *South Kordofan Residents Flee as New Front in Sudan War Develops*, REUTERS (Jun. 22, 2023), available at <https://www.reuters.com/world/africa/south-kordofan-residents-flee-new-front-sudan-war-develops-2023-06-22/>.

⁵⁰ For a detailed review, see International Crisis Group, *Sudan: Preserving Peace in the East* (Nov. 26, 2013), available at <https://www.crisisgroup.org/africa/horn-africa/sudan/sudan-preserving-peace-east>; International Crisis Group, *Sudan: Saving Peace in the East* (Jan. 5, 2006), available at <https://www.crisisgroup.org/africa/horn-africa/sudan/sudan-saving-peace-east>.

⁵¹ UN Security Council, Situation in the Sudan and the Activities of the United Nations Integrated Transition Assistance Mission in the Sudan, UN Doc. S/2023/154 (Feb. 28, 2023), para. 12, available at <https://digitallibrary.un.org/record/3926638>.

⁵² Center for Preventive Action, *Power Struggle in Sudan* (updated Nov. 6, 2023), available at <https://www.cfr.org/global-conflict-tracker/conflict/power-struggle-sudan>.

⁵³ Matt Nashed, Analysis: Port Sudan Fighting Reflects Tribal-Army Tensions, Some Eastern Tribes Fear the Sudanese Army's Dominance Threatens Their Ownership of Land and Could Lead to an Escalation in Violence, AL JAZEERA (Sept. 21, 2023), available at <https://www.aljazeera.com/news/2023/9/21/analysis-port-sudan-fighting-reflects-tribal-army-tensions>.

Outlook: Internal Politics and the Role of External Actors

The outlook for the conflict in Sudan remains highly uncertain. Neither the SAF nor the RSF appears to have gained the upper hand militarily, and there are risks that the conflict will continue to spiral, with armed militias in Darfur, the Two Areas, and in the East joining the fighting.

Multiple uncoordinated efforts by the international community to help broker peace have made little progress to date. The AU and IGAD have put forward initiatives, and Egypt has pushed for a forum for all neighboring states. The United States, Saudi Arabia, and IGAD have cooperated to facilitate talks between the SAF and RSF in Jeddah. A first round of meetings led to commitments to protect civilians⁵⁴ and a short-term ceasefire and humanitarian arrangements.⁵⁵ Those commitments have not been met, but another round of talks was held in late October and early November 2023.⁵⁶ South Sudan's President, Salva Kiir, is seeking to host talks as well.⁵⁷ The uncoordinated "mediation mayhem" encourages Sudanese parties to seek out whichever forum they think will be most favorable to them and dilutes the pressure from the international community to create the requisite political will for peace.⁵⁸

In Sudan, and as part of the civilian effort to forge consensus, the Coordination and Communication Body of the Civil Front to Stop the War and Restore Democracy in Sudan, led by the FFC-Central Council, held a meeting in Addis Ababa on August 17–18, 2023. This meeting stressed the need to redouble the efforts to build an anti-war democratic civilian front. It designated a preparatory committee to reach out to political and civil groups and actors to lay the groundwork for a broader meeting in October.

⁵⁴ Jeddah Declaration of Commitment to Protect the Civilians of Sudan (May 11, 2023), *available at* <https://www.state.gov/jeddah-declaration-of-commitment-to-protect-the-civilians-of-sudan/>.

⁵⁵ Agreement on a Short-Term Ceasefire and Humanitarian Arrangements in Sudan (May 20, 2023), *available at* <https://www.state.gov/agreement-on-a-short-term-ceasefire-and-humanitarian-arrangements-in-sudan/>.

⁵⁶ Joint Statement on Commitments from Jeddah Talks Between Sudanese Armed Forces and Rapid Support Forces (Nov. 7, 2023), *available at* <https://www.state.gov/joint-statement-on-commitments-from-jeddah-talks-between-sudanese-armed-forces-and-rapid-support-forces/>.

⁵⁷ Alex Rondos, *After Six Months of Civil War, What's the State of Play in Sudan?*, UNITED STATES INSTITUTE OF PEACE (Oct. 19, 2023), *available at* <https://www.usip.org/publications/2023/10/after-six-months-civil-war-whats-state-play-sudan>.

⁵⁸ Ameer Chughtai & Theodor Murphy, *Conflict and Interests: Why Sudan's External Mediation is a Barrier to Peace*, EUROPEAN COUNCIL ON FOREIGN RELATIONS (Sept. 8, 2023), *available at* <https://ecfr.eu/article/conflict-and-interests-why-sudans-external-mediation-is-a-barrier-to-peace/>.

Subsequently, in mid-October 2023, a group of 100 Sudanese civilians convened in Addis Ababa to begin preparing for a civilian conference on negotiations to end the conflict. A wide spectrum of political, civil, and labor forces attended the meeting, and the agenda focused on preparing for the general conference of civil forces, outlining a common political vision to be agreed upon at the conference, and identifying the participating groups in the anticipated inaugural conference to be held in November. The meeting also sought to establish an agreement on unifying negotiation platforms to halt the war, such as the AU initiative and the Jeddah platform.

The Preparatory meeting facilitated in-depth discussions among the participants on the following axes: political, economic, humanitarian work, and the media. The meeting also developed drafts of working papers that will be presented to the Founding Conference.

Conclusion

Recent reports indicate that the RSF has been making gains on the battlefield against the SAF.⁵⁹ While the future of the conflict is uncertain, a few conclusions may be drawn from recent experience. First, greater coordination of international mediation efforts is needed, with talks including other external actors—such as Egypt and the UAE—that have been involved in the conflict, and thus not limited to the United States, Saudi Arabia, and IGAD in the current Jeddah format.⁶⁰ Second, civilian participation in such mechanisms would enhance their likelihood of achieving sustainable solutions, by furthering the establishment of fully representative institutions that have broad support among the civilian population and provide a sound basis for long-term stability and success.⁶¹

Finally, the international community should support the work of the recently established UNHRC Fact-Finding Mission for Sudan. By documenting atrocities,

⁵⁹ Ashish Sumar Ken, *Civil War Pushes Sudan to the Brink of Humanitarian Disaster*, UNITED STATES INSTITUTE OF PEACE (Nov. 22, 2023), available at <https://www.usip.org/publications/2023/11/civil-war-pushes-sudan-brink-humanitarian-disaster>; The New Arab, *Darfur Massacres Mark a Grim Turning Point in Sudan's War* (Nov. 15, 2023), available at <https://www.newarab.com/analysis/darfur-massacres-mark-grim-turning-point-sudans-war>; Cameron Hudson, *Avoiding the 'Libya Scenario' in Sudan*, CENTER FOR STRATEGIC & INTERNATIONAL STUDIES (Nov. 14, 2023), available at <https://www.csis.org/analysis/avoiding-libya-scenario-sudan>.

⁶⁰ See Alex de Waal & Abdul Mohammed, *The War the World Forgot*, THE NEW YORK TIMES (Dec. 4, 2023) (suggesting that the U.S. support efforts by Kenyan President William Ruto), available at <https://www.nytimes.com/2023/12/04/opinion/the-war-the-world-forgot.html>.

⁶¹ PILPG Rapid Response Analysis, *Civilian Participation in a Sudan Ceasefire: Sustaining an Inclusive Truce* (Aug. 2023), available at <https://www.publicinternationallawandpolicygroup.org/pilpg-sudan-rapid-response-analysis>.

identifying perpetrators, analyzing root causes, and formulating recommendations, the Fact-Finding Mission can lay the groundwork for justice, accountability, and ultimately reconciliation in Sudan.