



PILPG

A Global Pro Bono Law Firm

Rapid
Response
Analysis

THE REVOLUTIONARY CHARTER OF SUDAN'S RESISTANCE COMMITTEES: COMPARISON WITH THE FOUNDATIONAL DOCUMENTS FROM SUDAN'S 2022-2023 POLITICAL PROCESS

*Prepared by the
Public International Law & Policy Group
June 2023*

TABLE OF CONTENTS

Statement of Purpose.....1
Executive Summary.....1
Background..... 2
Analysis.....4
 Areas of Agreement Between the Revolutionary Charter and the Foundational Documents..... 4
 Key Differences Between the Revolutionary Charter and the Foundational Documents..... 8
 Areas Where the Revolutionary Charter Provides More Detail than the Foundational Documents..... 11
Context for Negotiations..... 13

COMPARISON OF THE REVOLUTIONARY CHARTER AND THE FOUNDATIONAL DOCUMENTS FROM SUDAN'S 2022-2023 POLITICAL PROCESS

Statement of Purpose

Given the paramount importance of Sudan's neighborhood resistance committees in a future, inclusive Sudanese peace process, this Rapid Response Analysis compares the 2023 Revolutionary Charter For Establishing People's Power adopted by Sudan's neighborhood resistance committees ("Revolutionary Charter") with important negotiation documents from Sudan's 2022-2023 national political process: the 2022 Draft Transitional Constitution drafted by the Sudanese Bar Association Initiative, the 2022 Political Framework Agreement, and the 2023 Draft Political Agreement ("Foundational Documents").

Executive Summary

Whether or not Sudanese peace negotiations begin with new zero-draft documents, important aspects of the Foundational Documents from the recent political process may feature in future negotiation documents. Therefore, a comparison of the resistance committees' Revolutionary Charter with the Foundational Documents is an important ingredient of a broadly inclusive, civilian-centered process which includes the resistance committees who were not significantly represented in the negotiations of the Foundational Documents.

There is important common ground between the Revolutionary Charter of the resistance committees and the Foundational Documents produced through the 2022-2023 political process, in their visions for Sudan. The resistance committees and stakeholders from the recent political process broadly agree upon the main goals and reforms that a post-conflict, civilian transitional government would take on.

However, there are also significant differences between the text of the Revolutionary Charter and the Foundational Documents. Civilians – including political actors, resistance committees, professional associations and civil society organizations – would likely have to bridge these differences for a political solution to be inclusive and enduring.

Moreover, the Revolutionary Charter goes into more detail on certain subjects than the Foundational Documents, suggesting that certain concrete proposals found in the Revolutionary Charter could become starting points for negotiations. This could allow the resistance committees to quickly assume a lead role directly in a constructive process towards peace and a political transition.

This Rapid Response Analysis concludes that, overall, despite the challenging differences between the resistance committees and stakeholders from the recent political process, the similarities between their positions are significant and may therefore serve as a starting point for a civilian consensus and a strong selling point to Sudanese civilian stakeholders for broader collaboration among civilians in the political process.

Background

In July 2022, the Sudanese military leadership announced that it would accept a civilian government pending a civilian consensus on the way forward for Sudan's transition. In September, the Sudanese Bar Association Initiative produced a draft interim constitution, which created significant political momentum among civilians with enthusiastic support from regional and international stakeholders. Civilian and military parties used this 2022 Draft Transitional Constitution as a reference point for negotiation and hence a political process commenced in Sudan.

Phase I of the political process culminated in the Political Framework Agreement, signed on December 5, 2022, between the 2021 military coup's de facto authorities and certain civilian actors — principally the Forces of Freedom and Change-Central Council representing most of the dominant civilian actors who negotiated Sudan's 2019 transitional constitution and subsequently formed transitional government in partnership with the military establishment. However, most resistance committees boycotted the process leading to the Political Framework Agreement. That process and the subsequent workshops leading to the 2023 Draft Political Agreement were criticized for the absence of the resistance committees as grassroots actors who played a key role in the December revolution that overthrew the former Islamic military dictatorship.

Phase II of the political process aiming for a final political agreement focused on resolution of five contentious issues between civilians and the military, addressed at the workshops organized in early 2023: dismantling the former

regime, security sector reform, justice and transitional justice, implementation of the 2020 Juba Peace Agreement, and the question of Eastern Sudan. The most notable of these five issues was security sector reform entailing the unification of the Sudan Armed Forces and the Rapid Support Forces in order to build one national army — with leaders of the two forces disagreeing on the integration of the Rapid Support Forces, their survival as a separate force, and the command of forces. In late March 2023, the Draft Political Agreement, including potential compromise language on most of these five and other issues, was completed by a drafting committee consisting of representatives of the civilian signatories to the Political Framework Agreement (which did not include resistance committees) and representatives of the military establishment comprising the Sudan Armed Forces and the Rapid Support Forces. However, the Draft Political Agreement was never signed in the lead-up to the outbreak of the current armed conflict on April 15, 2023.

In parallel to this political process, early in 2023, resistance committees operating widely throughout Sudan, including both Khartoum and peripheral areas which had been marginalized from the political scene, released their Revolutionary Charter setting forth details of their political consensus on a future Sudan.

Since the conflict outbreak, there have been widespread calls for the direct participation of civilians in ceasefire or peace negotiations, including resistance committees. The timing for the start of peace negotiations is difficult to predict. Whereas the Revolutionary Charter was absent from the recent political process, when negotiations do get underway negotiators must consider the positions of resistance committees in future peace negotiations if the process is to be inclusive and lead to durable peace.

Several significant issues are beyond the scope of this Rapid Response Analysis but merit further analysis and are deeply intertwined with the issues discussed below. These include transitional justice, accountability, and a detailed comparison of the Revolutionary Charter and the Foundational Documents with the 2020 Juba Peace Agreement.

Analysis

Areas of Agreement Between the Revolutionary Charter and the Foundational Documents

Transitional Period and Elections

The Revolutionary Charter and the Foundational Documents are in alignment on many of the basic needs and goals of a transitional government. Both state that the transitional period is to be 24 months¹ and call for the eventual drafting of a permanent constitution by a constitution-making commission, and through specific measures culminating in a national conference.² Both the Revolutionary Charter and the Foundational Documents describe the need for a decentralized system of governance.³ The importance of free and fair elections is made clear in both the Foundational Documents and the Revolutionary Charter.⁴ The Revolutionary Charter and the 2022 Draft Transitional Constitution describe some of the steps needed to ensure such elections occur, including the voluntary return of internally displaced persons and refugees to their villages and the completion of the census.⁵ They also both describe the need for an Elections Commission, though the Revolutionary Charter provides more details as to the responsibilities of said commission.⁶

Commissions

¹ Revolutionary Charter (Chapter Three; Subsection: The Transitional Authority and Governance Structure); 2023 Draft Political Agreement (Chapter Four; Subsection: Duration of the Transitional Period); Phase I Framework Agreement (Section Three: Transitional Authority Structures; Point 13). Notably, though, the Revolutionary Charter allows for an extension of the transitional period by another two years by the National Legislative Council, while the Foundational Documents do not discuss the possibility of an extension. The Foundational Documents also disagree on when the 24-month transitional period is to begin, which the Revolutionary Charter does not provide.

² Revolutionary Charter (Chapter Three; Subsection nine: The Constitution-Making Commission); 2023 Draft Political Agreement (Preamble; Subsection two: Transition Issues and Tasks; Point nine); 2022 Draft Transitional Constitution (Chapter Three; Subsection: Delegation of Authority; Point 17). The Revolutionary Charter provides more detail in its discussion of the conference, elaborating that these are to be grassroots, focusing on various levels of government including the administrative units, local units, state units, and national units. Revolutionary Charter (Chapter Three; Subsection nine: The Constitution-Making Commission).

³ Revolutionary Charter (Chapter Three; Subsection: The Transitional Authority and Governance Structure); 2023 Draft Political Agreement (Protocol No. (2); Subsection four: Issues Affecting Peace; Point four).

⁴ Revolutionary Charter (Chapter Four; Subsection ten: The Constitution and Elections); 2023 Draft Political Agreement (Preamble; Subsection one: General Principles; Point three).

⁵ Revolutionary Charter (Chapter Four; Subsection ten: The Constitution and Elections); 2022 Draft Transitional Constitution (Chapter Two; Point nine).

⁶ Revolutionary Charter (Chapter Three; Subsection 10: Elections Commission); 2022 Draft Transitional Constitution (Chapter 11; Point 51(3(4))).

The Revolutionary Charter and the Foundational Documents envision an independent commission for peace, with the Revolutionary Charter establishing the commission to address historical grievances, including by providing reparations to victims and enacting affirmative action policies for conflict areas.⁷ The Peace Commission established by the Revolutionary Charter is also envisaged to organize peace conferences to review issues of war and peace and implement their outcomes, again emphasizing that these conferences would be grassroots.⁸

Outside of these commissions, the Revolutionary Charter and the Foundational Documents describe many of the same commissions to be formed.⁹ For instance they establish the need for civil service reform,¹⁰ through which the Revolutionary Charter and the 2022 Draft Transitional Constitution establish a Civil Service Reform Commission.¹¹ Both the Revolutionary Charter and the Foundational Documents provide a role for the Prime Minister and the Transitional Legislative Council as it relates to the commission, though the Revolutionary Charter is more precise about what that role is.¹² Under the Revolutionary Charter, the Prime Minister shall appoint the heads of the Commissions, whereas the Transitional Legislative Council will provide the mandate and the regulatory framework of each Commission while approving the appointment of the Commissions' heads and councils.¹³

⁷ Revolutionary Charter (Chapter Three; Subsection: Independent Commissions (2. The Peace Commission)); 2022 Draft Transitional Constitution (Chapter 11; Point 51(3(1))).

⁸ Revolutionary Charter (Chapter Three; Subsection: Independent Commissions (2. The Peace Commission)). Note that the 2023 Draft Political Agreement also has many of these responsibilities addressed though does not connect them to a peace commission perse. 2023 Draft Political Agreement (Protocol No. (2); Subsection one: General Principles).

⁹ Some of these commissions include the Transitional Justice Commission (Revolutionary Charter (Chapter Three; Subsection: Independent Commissions (1. The Transitional Justice Commission)) and 2023 Draft Political Agreement Protocol No. (1); Subsection: Declaration of Principles of Transitional Justice; Point 14), the Women's Commission (Revolutionary Charter (Chapter Three; Subsection: Independent Commissions) and 2023 Draft Political Agreement Protocol No. (2); Subsection seven: Women's Issues in the Juba Peace Agreement; Point four) and an Anti-Corruption Commission (Revolutionary Charter (Chapter Three; Subsection: Independent Commissions) and 2023 Draft Political Agreement (Protocol No. (4); Subsection four: Corruption and Recovery of Assets and Funds Obtained Illegally; Point 1(b))). Note that the 2023 Draft Political Agreement does not make explicit a list of commissions though the Revolutionary Charter (Chapter Three; Subsection: Independent Commissions) and the 2022 Draft Transitional Constitution (Chapter 11; Point 51(3)) both do.

¹⁰ Revolutionary Charter (Revolutionary Charter (Chapter Three; Subsection: Independent Commissions (5. The Civil Service Commission))), 2023 Draft Political Agreement (Protocol No. (2); Subsection four: Issues Affecting Peace; Point three).

¹¹ 2022 Draft Transitional Constitution (Chapter 11; Point 51(3(8))). The Revolutionary Charter however uniquely spells out the goals and tasks of such commission (Revolutionary Charter (Chapter Three; Subsection: Independent Commissions (5. The Civil Service Commission))).

¹² Revolutionary Charter (Chapter Three; Subsection: Independent Commissions); 2023 Draft Political Agreement (Chapter Two; Subsection: Competences, Powers, and Term of the Transitional Legislative Council; Point 1(f)).

¹³ Revolutionary Charter (Chapter Three; Subsection: Independent Commissions).

Transitional Legislative Council

The Revolutionary Charter and the Foundational Documents both agree that the Transitional Legislative Council is to enact, review, and amend legislations, ratify bilateral, regional and international agreements and accords, and approve a general budget.¹⁴ The Revolutionary Charter provides additional guidance on what these legislations are to focus on, emphasizing improving the living standards of the Sudanese people, establishing a comprehensive peace, and dismantling the legacy of the 30th of June 1989 regime.¹⁵

Dismantlement of the Former Regime

Relatedly, the Revolutionary Charter and the Foundational Documents underscore the importance of and the continued dissolving of the National Congress Party.¹⁶ The Revolutionary Charter is uniquely explicit, describing the enactment of a political isolation law “that criminalizes and prohibits the participation of its members who held constitutional offices and led any of the National Congress Party bodies in political life.”¹⁷

Security, Economic & Legal Reforms

Other areas of significant reform for the Revolutionary Charter and the Foundational Documents are security, economic and legal. The documents make clear that there must be a unified and professional national army¹⁸ under the control of civilian authority.¹⁹ To this end, the Revolutionary Charter establishes the creation of the Reform and Restructuring of the Armed Forces Commission, tasked with comprehensive reforming and restructuring of the armed forces.²⁰ Potentially related is the 2022 Draft Transitional Constitution’s Disarmament, Demobilization

¹⁴ Revolutionary Charter (Chapter Three; Subsection: Responsibilities of the National Transitional Legislative Council) ; 2023 Draft Political Agreement (Chapter Two; Subsection: Competences, Powers, and Term of the Transitional Legislative Council; Point one).

¹⁵ Revolutionary Charter (Chapter Three; Subsection: Responsibilities of the National Transitional Legislative Council; Point two).

¹⁶ Revolutionary Charter (Chapter Four; Subsection seven: Civil Society) ; 2023 Draft Political Agreement (Protocol No. (2); Subsection four: Issues Affecting Peace; Point two; Protocol No. (4); Preamble); 2022 Draft Transitional Constitution (Chapter Seven; Subsection: Composition of the Transitional Legislative Council; Point 31(1)).

¹⁷ Revolutionary Charter (Chapter Four; Subsection seven: Civil Society).

¹⁸ Revolutionary Charter (Chapter Three; Subsection: Independent Commissions (3. The Reform and Restructuring of the Armed Forces Commission); Point a); 2023 Draft Political Agreement (Preamble).

¹⁹ Revolutionary Charter (Chapter Four; Subsection three: Security and military structures); 2022 Draft Transitional Constitution (Chapter Two; Subsection: Tasks of the Transition Period; Point 7(6)).

²⁰ Revolutionary Charter (Chapter Three; Subsection: Independent Commissions (3. The Reform and Restructuring of the Armed Forces Commission)).

and Reintegration Commission, though there are no details provided.²¹ Both documents call for the dissolution of the Rapid Support Forces though the Draft Political Agreement uses “integration into the armed forces” to describe the process.²²

As it relates to economic reform, the Revolutionary Charter provides substantially more detail²³ than the Foundational Documents though both call for the need to establish relationships with international financial institutions²⁴ and reduce financial spending and political corruption.²⁵ Legal reform is emphasized in both documents, with both the Revolutionary Charter and the 2022 Draft Transitional Constitution establishing a Legal and Judicial Reform Commission.²⁶ The Revolutionary Charter and the Foundational Documents further establish some sort of Judicial Council.²⁷

Human Rights

Lastly, both the Revolutionary Charter and the Foundational Documents mention the need to uphold human rights norms and specifically mention international human rights.²⁸ Uniquely, however, the 2022 Draft Transitional Constitution is the only document that calls for the creation of a Human Rights Commission.²⁹

Potential for a Constructive Political Process Among All Civilians

The above similarities between the Revolutionary Charter and the Foundational Documents suggest a promising entry for the broad participation of

²¹ 2022 Draft Transitional Constitution (Chapter 11; Point 51(3(16))).

²² Revolutionary Charter (Chapter Three; Subsection: Independent Commissions (3. The Reform and Restructuring of the Armed Forces Commission); Point d); 2023 Draft Political Agreement (Chapter Four; Subsection four: Regulatory Mechanisms (Rapid Support Forces); Point two).

²³ Revolutionary Charter (Chapter Four; Subsection five: Economy and the development vision; Chapter 6; Subsection: Appendix (1)(The Economic Program)).

²⁴ Revolutionary Charter (Chapter 6; Subsection: Appendix (1)(The Economic Program); Point nine); 2023 Draft Political Agreement (Protocol No.(3); Subsection four: Economic and Sustainable Development; Point seven).

²⁵ Revolutionary Charter (Chapter 6; Subsection: Urgent Requirements; Point one); 2023 Draft Political Agreement (Preamble; Subsection one: General Principles; Point 15; Protocol No. (4); Subsection four: Corruption and Recovery of Assets and Funds Obtained Illegally; Point one).

²⁶ Revolutionary Charter (Chapter Three; Subsection: Independent Commissions (4. The Legal and Judicial Reform Commission)); 2022 Draft Transitional Constitution (Chapter 11; Point 51(3(5))).

²⁷ Revolutionary Charter (Chapter Four; Subsection four: Legal and justice structures); 2023 Draft Political Agreement (Chapter Four; Subsection: Justice Mechanisms); 2022 Draft Transitional Constitution (Chapter Eight; Subsection: High Judicial Council).

²⁸ Revolutionary Charter (Chapter Four; Subsection nine: The rights and freedoms), 2023 Draft Political Agreement (Preamble; Subsection one: General Principles; Point six).

²⁹ 2022 Draft Transitional Constitution (Chapter 11; Point 51(3(7))).

civilians in an inclusive peace or political process. The main goals and reforms that a transitional government would take on are broadly agreed-upon between political actors (who were much better represented in the process that gave rise to the Foundational Documents) and other influential civilian actors (like the resistance committees). As a starting point for civilian consensus, the significant overlap in the vision for Sudan could be a strong selling point to civilian stakeholders for broader collaboration in the political process.

Key Differences Between the Revolutionary Charter and the Foundational Documents

Juba Peace Agreement

Critically, while the 2022 Foundational Documents accept the 2020 Juba Peace Agreement as part of the transitional constitution,³⁰ the Revolutionary Charter calls explicitly for the repeal of the Juba Peace Agreement.³¹ The Revolutionary Charter calls for its abolishment while the Foundational Documents call the agreement “an integral part” of their constitution.³² The peacemaking process as envisioned by the Foundational Documents is deeply tied to the Juba Peace Agreement. In fact, one of the responsibilities of the Foundational Documents’ version of the peace-making commission would be to promote cooperation with groups not included in the Juba Peace Agreement and a national committee containing the transitional government and signatories to the Juba Peace Agreement to evaluate and correct the peace agreement.³³

Council of Ministers

Outside of the Juba Peace Agreement, other key differences include positions or bodies that mainly or only exist in one of the documents reviewed for this Rapid Response Analysis. For instance, while both the Revolutionary Charter and the Foundational Documents mention a Council of Ministers, the Revolutionary Charter does not provide many details, except with respect to the Ministry of Finance, beyond describing the Council of Ministers as one of the executive bodies, along with commissions and state governments, which operates

³⁰ 2023 Draft Political Agreement (Preamble; Subsection one: General Principles; Point 17), 2022 Draft Transitional Constitution (Chapter 13; Subsection: Juba Agreement for the Peace of Sudan; Point 85).

³¹ Revolutionary Charter (Chapter Two; Subsection two: Overthrowing the Coup Regime).

³² 2023 Draft Political Agreement (Preamble; Subsection one: General Principles; Point 17); 2022 Draft Transitional Constitution (Chapter 13; Subsection: Juba Agreement for the Peace of Sudan; Point 85(1)).

³³ 2023 Draft Political Agreement (Protocol No. (2); Subsection one: General Principles).

under the oversight of the Transitional Legislative Council.³⁴ The Foundational Documents provide various significant responsibilities for the Council of Ministers, including initiating draft laws and the state's general budget draft, working to stop wars, and forming various independent national commissions.³⁵

Sovereign Level

The Sovereign Council is described by the Foundational Documents as civilian members who serve as the head of state and supreme commander of the armed forces.³⁶ The Sovereign Council is to appoint the prime minister, sign laws approved by the legislative council, and appoint the Chief Justice and the Commander-in-Chief of the Armed Forces.³⁷ Late in the political process between negotiating parties, an understanding appeared to be reached that the sovereign level would consist of a single civilian individual rather than a collective Sovereign Council. By contrast, the Revolutionary Charter does not include a sovereign level. With respect to the Commander-in-Chief, the Revolutionary Charter abolishes the role, assigning its function to the Ministry of Defense while the Prime Minister is assigned the role of the Supreme Commander of the armed forces.³⁸

Transitional Legislative Council

The Revolutionary Charter also differs from the Foundational Documents in describing the Transitional Legislative Council. First, the Revolutionary Charter provides far more depth on how the seats should be allocated, proposing a total of 240 democratically elected members within the council compared to the 2023 Draft Political Agreement's 150 or 300.³⁹ The Revolutionary Charter uniquely gives the Transitional Legislative Council the power to organize and oversee the development of a proposed permanent constitution, nominate and confirm a

³⁴ Revolutionary Charter (Chapter Three; Subsection: Structure of the Transitional Authority; Chapter Six; Subsection: In the field of the Ministry of Finance's mandate over public money, tax revenues, and customs; Point two).

³⁵ 2023 Draft Political Agreement (Chapter Four; Subsection: Functions and Powers of Council of Ministers); 2022 Draft Transitional Constitution (Chapter Five; Subsection: Functions and Powers of the Council of Ministers; Point 23).

³⁶ 2022 Draft Transitional Constitution (Chapter Four; Subsection: Council of Sovereignty; Point 18).

³⁷ 2023 Draft Political Agreement (Chapter Three; Subsection: Terms of reference of the Transitional Sovereignty Council/Head of State); 2022 Draft Transitional Constitution (Chapter Four; Subsection: Functions of the Sovereignty Council; Point 19).

³⁸ Revolutionary Charter (Chapter Three; Subsection: Responsibilities of the National Transitional Legislative Council; Point three).

³⁹ Revolutionary Charter (Chapter Three; Subsection: Mechanism of Formation of Legislative Council; Point c(The National Legislative Council)); 2023 Draft Political Agreement (Chapter Two; Subsection: Formation of the Transitional Legislative Council; Point one).

governor of the Central Bank of Sudan, endorse a full or partial state of emergency recommended by the Prime Minister, and nominate and confirm the board of the Auditor General's Chamber.⁴⁰ One of the 2023 Draft Political Agreement's most distinguishable contributions to the Transitional Legislative Council is ensuring that it consists of 25% of the parties to the peace process and 75% nominated by the political, civil and professional forces that signed the final political agreement and the resistance committees.⁴¹

Security & Judicial Reforms

Lastly, there are a few potential differences whose extent is unclear based on the detail included in the Revolutionary Charter and the Foundational Documents. First, the Foundational Documents propose a Security and Defense Council as opposed to the Reform and Restructuring of the Armed Forces Commission proposed by the Revolutionary Charter.⁴² The Security and Defense Council is to be headed by the Prime Minister, while the Reform and Restructuring of the Armed Forces Commission is to be made up of retired and abusively terminated army and police officers. However, both entities are tasked with taking the lead on comprehensive security sector reform, including dissolving the Rapid Support Forces.⁴³ Second, both the Revolutionary Charter and the Foundational Documents propose a Legal and Judicial Reform Commission; however, the 2023 Draft Political Agreement also stipulates a temporary judicial council tasked with choosing the Chief Justice and his deputies, the Attorney General and his assistants, and the President and members of the Constitutional Court.⁴⁴ It remains to be seen to what extent this temporary council may conflict or harmonize with the Legal and Judicial Reform Commission.⁴⁵

⁴⁰ Revolutionary Charter (Chapter Three; Subsection: Responsibilities of the National Transitional Legislative Council).

⁴¹ 2023 Draft Political Agreement (Chapter Two; Subsection: Formation of the Transitional Legislative Council; Point two).

⁴² 2022 Draft Transitional Constitution (Chapter 10; Subsection: Security and Defense Council; Point 50); 2023 Draft Political Agreement (Chapter Four; Subsection: Security and Defense Council); Revolutionary Charter (Chapter Three; Subsection: Independent Commissions (3. The Reform and Restructuring of the Armed Forces Commission)).

⁴³ The 2023 Draft Political Agreement enumerates additional responsibilities, particularly regarding the actual implementation of and follow-up on national security strategy, the Juba Peace Agreement, and other agreements. 2023 Draft Political Agreement (Chapter Four; Subsection: Security and Defense Council).

⁴⁴ Revolutionary Charter (Chapter Three; Subsection: Independent Commissions (4. The Legal and Judicial Reform Commission)); 2022 Draft Transitional Constitution (Chapter Nine; Subsection Three, Art. 67(4)(5)); 2023 Draft Political Agreement (Chapter Four; Subsection: Justice Mechanisms).

⁴⁵ On the other hand, the Revolutionary Charter states the areas and issues for which the Legal and Judicial Reform Commission will implement reforms. Revolutionary Charter (Chapter Three; Subsection: Independent Commissions (4. The Legal and Judicial Reform Commission)).

Challenges Stemming from Key Differences

Perhaps the most evident challenge arising from the differences between the Revolutionary Charter and the Foundational Documents from the 2022-2023 political process is their opposing perspectives on the Juba Peace Agreement, with the former calling for its repeal and the latter integrating it into any future constitution. Given the constitutional status of the Juba Peace Agreement, which already superseded the terms of the 2019 transitional constitution, and its continuing importance to signatory armed groups, the Revolutionary Charter's rejection of the Juba Peace Agreement could be a source of significant tension and a priority point of negotiation in a future peace process.

Another potentially significant challenge is reconciling the structures of the transitional bodies. While the Revolutionary Charter does not include a sovereign level, a Sovereign Council (or a single civilian at the sovereign level) plays an important role in the government envisioned by the Foundational Documents.

Areas Where the Revolutionary Charter Provides More Detail than the Foundational Documents

There are three main areas in which the Revolutionary Charter provides significantly more detail than the Foundational Documents.

Legislative System

First, regarding the legislative branch, the 2023 Draft Political Agreement commits to developing a legislative system that enhances the participation of all local components in regional, state, and local governance institutions, and prevents the domination of single social components.⁴⁶ The Revolutionary Charter shares a similar sentiment but also goes on to detail the implementation of legislative councils to achieve this goal. According to the Revolutionary Charter, Local Legislative Councils would be formed by the democratically elected administrative units and trade unions in local administrations.⁴⁷ Because the Foundational Documents are aligned with the Revolutionary Charter's goal of a decentralized legislative branch, the proposals in the Revolutionary Charter (and lacking from the Foundational Documents) could serve as starting proposals in political negotiations.

⁴⁶ 2023 Draft Political Agreement (Protocol No. (2); Subsection four: Issues Affecting Peace; Point four).

⁴⁷ Revolutionary Charter (Chapter Three; Subsection: Mechanism of Formation of Legislative Council).

Elections

Second, the Revolutionary Charter elaborates on the elections process in a way that the Foundational Documents do not, even though they do also call for elections.⁴⁸ The Revolutionary Charter calls for an independent National Elections Commission,⁴⁹ and, under the Revolutionary Charter, the Revolutionary Council would be tasked with endorsing the elections committees formed by the resistance transitional legislative councils.⁵⁰ The elections would be organized by the end of the transitional period under public, regional and international supervision, after a census is completed and the election law endorsed.⁵¹ There are also certain restrictions under the Revolutionary Charter on who can be elected to the permanent government: chairpersons at all three levels of the legislative councils, the prime ministers, the governors, the commissioners, and the heads of commissions would not be entitled to run for elections after the transitional period.⁵² Though the Revolutionary Charter and the Foundational Documents share the goal of holding post-transition elections, the details of the elections process elaborated in the Revolutionary Charter have a clear focus outside the center (e.g., empowering the resistance transitional legislative councils).

Economic Reform

Lastly, only the Revolutionary Charter provides details for achieving the common goal among all the documents of economic restructuring. While the 2022 Draft Transitional Constitution calls for developing and implementing a national strategy and effective programs for economic development, combating corruption, promoting equality and transparency, and focusing on the support of production and balanced economic growth,⁵³ only the Revolutionary Charter details how to achieve this goal, including through assigning economic reform powers to the National Transitional Legislative Council, creating a Commission of Combating Corruption and Recovery of Looted Public Funds and Assets, developing a national economic program that manages public debt, creating an Economic Recovery Program to recover misused funds, developing a plan to restructure Sudan's debt, and endeavoring to organize the informal sector.⁵⁴ As with the topic of legislative reform, on the topic of economic sector reform, the Revolutionary

⁴⁸ 2023 Draft Political Agreement (Preamble; Subsection one: General Principles; Point three).

⁴⁹ Revolutionary Charter (Chapter Three; Subsection: Independent Commissions (10. Elections Commission)).

⁵⁰ Revolutionary Charter (Chapter Two; Subsection: The Revolutionary Council's Responsibilities; Point two).

⁵¹ Revolutionary Charter (Chapter Four; Subsection 10: The Constitution and Elections).

⁵² Revolutionary Charter (Chapter Three; Subsection: Regulatory Matters; Point six).

⁵³ 2022 Draft Transitional Constitution (Chapter Two; Subsection: Tasks of the Transition Period; Point two).

⁵⁴ Revolutionary Charter (Chapter Four; Subsection five: Economy and the development vision).

Charter and the Foundational Documents appear entirely aligned in terms of goals, allowing for the specific proposals in the Revolutionary Charter to serve as potential starting points for political discussion.

Context for Negotiations

The timing for a start of peace negotiations is difficult to predict, and it is too early to tell how heavily the Revolutionary Charter and the Foundational Documents will weigh in a Sudanese peace process. However, most of the subjects they cover will be crucial to a political solution for Sudan. When peace negotiations do take place, understanding the points of agreement and divergence between the positions of various civilian groups will be central to forming an effective civilian delegation. A comparison of the Revolutionary Charter and the Foundational Documents shows that although the positions of resistance committees and other Sudanese civilian actors differ in some important respects, there is significant potential for reaching a broad political consensus among civilians based on the text of these documents. This may be encouraging news for all Sudanese civilian stakeholders – including political actors, resistance committees, professional associations and civil society organizations – who are seeking broader collaboration among civilians.