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OPTIONS FOR DECENTRALIZATION IN SUDAN: PREPARATORY CONSIDERATIONS

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Executive Summary

Several Sudanese governing and related draft documents address legal bases for the re-establishment of Sudan as a decentralized federal state, the establishment of Darfur as a separate region, and the establishment of Blue Nile and South Kordofan/Nuba Mountains as a separate area with distinct powers. While these documents clearly aim to establish a decentralized system of governance in Sudan, they would benefit from further definition of sub-national government units, as well as further development of the processes for establishing/modifying those units and for resolving jurisdictional disputes between them. The documents would also benefit from greater promotion of public consultation in those processes, as well as improved codification of those definitions and processes through the constitution and legislation.

Many states, such as Nigeria, Germany, Italy, and Canada, have established sub-national government units by defining tiers of government, incentivizing the establishment and defining the number of sub-national units, and specifying how future sub-national governments will be created. Various states specify which tier of government (state or national) local governments are subordinate to, specify any regions with special autonomy or funding, and stipulate which tier of government can enact legislation, including for the creation of new decentralized units. Germany in particular provides for the creation or modification of state territory through referenda or federal law, approval in the national legislature, or through an agreement between the states concerned.

Based on this and other comparative state practice, key considerations for potential amendments to Sudan's 2020 Decentralization Law include: clarifying the number of state governments; defining territorial jurisdictions and processes to form new units; and providing guidance on how to regulate relationships between states. Similarly, although Sudan's 2020 Draft Law on Local Government more clearly establishes levels of local governance, one key consideration for potential amendments to this draft law is clarifying the consequences of these differentiated levels. Both the 2020 Decentralization Law and the 2020 Draft Law on Local Government would also benefit from reducing the level of central state influence over sub-national processes.

In addition to clearly defining the form of sub-national government units and related processes, under international best practices states typically plan for

consultation with the public in order to inform the decentralization process and ensure the viability of sub-national government institutions. States like South Africa and Rwanda have achieved this through local forums, seminars, and workshops between local political organizations and the national government. Based on these best practices, key considerations for Sudan include potentially conducting a formal consultative process specifically within localities, and taking measures to ensure the inclusion of periphery groups in the planning and implementation of the decentralization process. Consultations may also include a national referendum in order to adopt any national legislation or constitutional reforms formalizing decentralization policies arising from forthcoming discussions on governance. If, as the case was for Uganda, provisions for decentralization are included in a (permanent) constitution, supplementary legislation can further articulate the process for decentralization, including the delegation of powers and horizontal relationships between sub-national units.

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OPTIONS FOR DECENTRALIZATION IN SUDAN: PREPARATORY CONSIDERATIONS

Statement of Purpose

This document outlines key preparatory issues and considerations for decentralization processes and proposes options for their application to the current Sudan context. These issues include the definition of subnational units; the processes for establishing, modifying, and resolving disputes among subnational units; the inclusion of local populations in those processes; and the constitutional and legislative codification of those processes.

Legal Basis for Decentralization in Sudan

Several governing or related draft documents address the proposed re-establishment of Sudan as a decentralized federal state. These include documents drafted or adopted by the Transitional Military Council, the former civilian-led transitional government, and other key actors in Sudan's transition, as well as one law that precedes the transition. The following documents provide the central basis by which to analyze Sudan's options with respect to decentralization:

- The Juba Peace Agreement (signed in October 2020) provides that Sudan will be constructed as a “federation” or “federal state”. The Juba Peace Agreement includes extensive detail on how that federation will operate in the parts of the country that are covered by the Blue Nile and Kordofan Agreement and the Darfur Agreement, establishing Darfur as a separate *region* and Blue Nile and South Kordofan/Nuba Mountains as a separate *autonomous area* with distinct and different powers, with the rest of the country governed through decentralized *states* (or regions).
- The 2019 Constitutional Charter (as amended in 2020) clarifies that the Republic of Sudan is a “parliamentary, pluralistic, decentralized state” with three levels of government: the federal level, the regional (or state) level, and the local level, each with concurrent and exclusive powers.¹ The Constitution was later amended to include a supremacy clause outlining that in case of conflict, the Juba Peace Agreement would prevail.

¹ Ch. 3, Art. 9, Constitution of Sudan of 2019.

- The 2022 Draft Interim Constitution drafted under the auspices of the Sudanese Bar Association, the provisions of which largely follow the governance structures proposed under the 2019 Constitutional Charter.
- The 2020 Decentralization Law, which details the structure of sub-national government, the manner in which sub-national government officials are appointed, and the relationship between sub-national and central governments, as well as their exclusive and concurrent powers.
- Two laws on local government:
 - (i) The 2003 Local Government Law, which broadly outlines the competencies of local units and which remains in force today; and
 - (ii) The 2020 Draft Local Government Law, which is due to replace the 2003 Local Government Law but which has not yet entered into force.
- Constitutional Decree no.6 of 2021, which provides that the federal regional system of governance will be established following the System of Governance Conference, where the regions’ “numbers, borders, structures, competencies, powers, and levels of governance and administration” will be defined.²

Process Considerations

Despite the impetus towards establishing a decentralized governing system, there has been comparatively little attention dedicated to preparing the process for Sudan’s implementation of decentralization. In particular, the above documents would benefit from further consideration of:

- (i) Exactly which units of subnational government should assume powers from the national government, how these units will be defined and formed, and ways to resolve territorial disputes between subnational units;
- (ii) Whether decentralization should take place alongside and be informed by a consultative process; and
- (iii) To what extent decentralization processes should be codified in constitutional provisions and/or national legislation.

² Article 3, Constitutional Decree 06/2021 (Sudan).

Defining Units of Sub-National Government

In the majority of decentralized states, constitutional provisions and/or domestic legislation define the tiers of sub-national government and their respective jurisdictions, as well as processes for redefining or creating new units of sub-national government.

Comparative State Practice

- The case of Nigeria's 1976 local government reform highlights the importance of specifying units of local government and their formation process.
 - Nigeria's 1976 Local Government Law incentivized the creation of local governments by guaranteeing the access of so-called Local Government Areas to central government funding and representation in the National Assembly.³
 - However, the law failed to define the number of Local Government Areas, or to specify how further Local Government Areas would come into existence. As a result, between 1979 and 1983, the number of Local Government Areas increased from 301 to 703. The system of local government that emerged was mired in administrative inefficiencies and abuse by local elites, necessitating further reforms.⁴
 - Eventually, the 1999 Nigerian Constitution defined the number of Local Government Areas and provided a multi-step process for the creation of new areas. This process requires:
 - A request supported by at least two thirds majority of members representing the area demanding the creation of a new Local Government Areas, the House of Assembly in respect of that area, and the local government councils in respect of that area;
 - A popular referendum supported by at least two thirds majority of the people of the local government area where the demand for the proposed local government area originated; and

³ Rachael Diprose & Ukoha Ukiwo, *Decentralisation and Conflict Management in Indonesia and Nigeria*, CENTER FOR RESEARCH AND INEQUALITY, HUMAN SECURITY, AND ETHNICITY, 18-19 (Feb. 2008), available at <http://www.crise.ox.ac.uk/pubs/workingpaper49.pdf>.

⁴ Rachael Diprose & Ukoha Ukiwo, *Decentralisation and Conflict Management in Indonesia and Nigeria*, CENTER FOR RESEARCH AND INEQUALITY, HUMAN SECURITY, AND ETHNICITY, 18 (Feb. 2008).

- Approval of the referendum by a two thirds majority of the National Assembly.⁵
 - This process seeks to avoid the marginalization, abuse of authority, and minority disenfranchisement that previously arose in the creation of new Local Government Areas.
- In Germany, sub-national governance is organized hierarchically. Lower tiers of local government are subordinate to governing states, which are in turn subordinate to the national government.
 - The Constitution provides for 16 states (*Länder*) with equal powers, which are each directly subordinate to the national government. State governments are empowered to legislate in all areas not reserved for the national government (such as in the areas of culture, education, and policing) and are also responsible for implementing legislation passed by both the state and the national government.⁶
 - States are divided into municipal districts that deliver the vast majority of public services and are directly subordinate only to the states, not the national government.⁷
 - The territorial boundaries of each state are defined in federal law pursuant to provisions in the Constitution of 1949.⁸
 - Article 29(2) provides that the states may be reorganized territorially pursuant only to federal law, and only if such reorganization is confirmed by a referendum within the territory in question.⁹
 - Article 29(7) provides that territorial revisions to states with populations of fewer than 50,000 can be effected through (i) agreements between the states (without referenda); or (ii) federal law, with the consent of the federal legislative council (*Bundesrat*) and with details regulated under federal law with the consent of the majority of members of the federal parliament (*Bundestag*). Under Article 29(8), states may reorganize the territorial divisions of municipalities within their jurisdiction by agreement and without regard to Article 29(2) or

⁵ NIGERIA CONST. arts. 8(3)-(6) (1999).

⁶ *Public Administration in Germany* at 38-39 (Sabine Kuhlmann et al. eds., 2021).

⁷ *Public Administration in Germany* at 24-25 (Sabine Kuhlmann et al. eds., 2021).

⁸ See Art. 29, Grundgesetz (GG) (Germany's Constitution of 1949, Art. 29), translation at https://www.constituteproject.org/constitution/German_Federal_Republic_2012.pdf (new delimitation of the the federal territory).

⁹ Grundgesetz (GG) (Germany's Constitution of 1949), translation at https://www.constituteproject.org/constitution/German_Federal_Republic_2012.pdf.

(7), provided that the populations affected are “afforded the opportunity to be heard”, and the agreement is confirmed by a referendum in the state concerned. If the territorial revision concerns only part of a state (rather than the entire state), then the referendum can be limited to only the population(s) affected.¹⁰

- In Italy, the Constitution provides for overlapping tiers of sub-national government. Provinces and regions represent the highest tier of sub-national government, with provinces encompassing various municipalities (referred to as “communes”), and regions encompassing various provinces. The Constitution identifies an additional five regions to which special autonomy is granted.¹¹
 - Both provinces and regions are directly subordinate to the national government, but regions – which, in contrast to provinces, have their own legislative bodies – can enact legislation and regulations applicable within their respective jurisdictions.¹²
 - Provincial governments are primarily responsible for enacting regulations to implement both national legislation and regional legislation in certain policy areas. Municipal government officials are tasked with executing regulations promulgated by both provincial and regional governments.¹³

- Canada is divided into provinces and territories, and each of these units of sub-national government is directly subordinate to the national government.¹⁴
 - Both provinces and territories are governed by legislative bodies,¹⁵ each responsible for administering their constituent municipalities and delivering a range of public services.¹⁶

¹⁰ Grundgesetz (GG) (Germany’s Constitution of 1949, Art. 29 (8)), translation at https://www.constituteproject.org/constitution/German_Federal_Republic_2012.pdf.

¹¹ Italian Constitution at Art 114.

¹² Francesco Palermo and Alex Wilson, *The Dynamics of Decentralization in Italy: Towards a Federal Solution? A* 8-15 (European Diversity and Autonomy Papers (EDAP 04/2013)).

¹³ *Italy: Regional and Local Government*, Britannica, available at <https://www.britannica.com/place/Italy/Regional-and-local-government>.

¹⁴ See Art 5, Canadian Constitution.

¹⁵ *Provinces and Territories*, available at <https://www.canada.ca/en/intergovernmental-affairs/services/provinces-territories.html>.

¹⁶ See, e.g., *Municipal 101, Association of Municipalities Ontario* (describing governmental structure in the province of Ontario) available at <https://www.amo.on.ca/about-us/municipal-101>.

- Whereas Canadian provinces largely fund themselves, Canadian territories - which typically encompass remote areas in the North of Canada - depend on transfers from the national government to fund their activities and services.¹⁷

Considerations for Sudan

- Although the Juba Peace Agreement, the 2019 Constitutional Charter, the Draft 2022 Interim Constitution, and the 2020 Decentralization Law envision two subnational tiers of government (a local level and a state or regional level), none of these documents identifies the number of states or local administrations or their respective territorial jurisdictions.¹⁸
- Mirroring language contained in the 2019 Constitutional Charter, Article 15(3) of the Draft 2022 Interim Constitution provides: “Until the geographical division and the distribution of powers and competencies among the levels of government are reconsidered, the existing system shall continue to operate and executive governments shall be formed in the regions/states according to the subsequent measures taken”. However, it does not specify the “existing system”, how executive governments “shall be formed”, or the contemplated “subsequent measures.”
- Similarly, although Article 25(b) of the 2020 Decentralization Law proposes a Higher Council of Decentralized Government to “undertake structural amendments in the structure of decentralized government,” it does not specify a process or outline any limitations for the creation of additional states, which are merely described as “existing states with their current geographic boundaries” (Article 3). Although Article 27(j) of the 2020 Decentralization Law empowers the Ministry of Federal Governance (the executive body of the Higher Council) to “complete border arrangements among the states”, there is no further explanation as to what this may entail. Furthermore, the Law does not identify the horizontal relationships between states themselves, except for one provision that provides for free trade between states (Article 29).

¹⁷ *Territorial Formula Financing*, Government of Canada, available at

<https://www.canada.ca/en/department-finance/programs/federal-transfers/territorial-formula-financing.html>.

¹⁸ The 2020 Decentralization Law defines “State” as “any of the existing states with their current geographic boundaries,” without specifying how those can be ascertained. Ch. 1, The Law on Regulation Decentralization of 2020, Republic of Sudan.

- Article 27 of the 2020 Decentralization Law outlines that the Ministry of Federal Governance is the executive body of the Higher Council with the power to “adjudicate conflicts between levels of governance” to find “appropriate solutions in coordination with the relevant parties” (Article 27(q)). Article 4 defines “levels of decentralized governance” as federal, state, and local, which suggests that the scope of the Article 27 power of adjudication of the Ministry extends to all three levels. However, no further guidance is given as to the meaning of “adjudicate”, “conflicts”, “appropriate solutions”, or “relevant parties”. In addition, the Law also does not indicate what will happen if the Higher Council fails to reach an “appropriate solution” between the parties. Finally, the fact that only a federal body can adjudicate all conflicts between all levels of governance risks undue state interference in the regulation of sub-national entities.

- The 2003 Local Government Law provides that local units of government shall be established by presidential decree following the President’s consultation with state governments; that a local unit must have a population of 100,000; and that the appropriate geographic area and financial resources must be “taken into consideration” during establishment.¹⁹ Article 8 of the 2020 Draft Local Government Law, however, establishes three levels of local government: municipal, city, and rural, and Article 7 prescribes that these councils are established by founding orders issued by the National Council of Ministers upon the recommendation of the Minister of Federal Government.
 - Although Article 8 of the 2020 Draft Local Government Law stipulates some criteria for the formation of these three levels of councils – primarily through population size and degree and type of economic activity – it does not provide guidance on how to address jurisdictional conflicts and overlapping geographical boundaries.
 - Likewise, Article 7 of the 2020 Draft Local Government Law prescribes that the founding orders that establish councils should include the name and level of council, the population, the number of council members, and geographical boundaries; and that on the recommendation of the Minister of Federal Governance the Council of Ministers can amend, suspend, or cancel the order. However, it is not clear whether this refers to the ability to amend geographical borders, and if so, on what basis. Furthermore, vesting all powers of incorporation and suspension of local governments into national

¹⁹ Article 4(1)-(2) 2003 Local Government Law, Sudan.

entities risks replicating state structures in sub-national governments and threatens their autonomy. These governing and draft documents do not presently enable populations that may wish to form a local council.

- The 2020 Draft Local Government Law also does not distinguish between the three levels of local government in any further provisions. This implies that councils representing populations of at least 10% of the state's population are indistinguishable in executive and legislative power from councils representing populations representing just 5% of a state's population (Article 8(2)(a)-(c)), despite the divergence in state population sizes across Sudan. The 2020 Draft Local Government Law also does not outline any procedure by which to address modifications to territory.

Options

Based on the above state practice and considerations, the following options may help inform discussions on Sudan's envisaged future state structure:

- Amending the 2020 Decentralization Law to enumerate the number and names of states and/or regions and their respective territorial jurisdictions, having regard to Decree 06/2021:
 - This may include enumerating the 18 states (and/or specified number of regions) and provinces of Sudan in the permanent constitution, following the state practice of Italy, Canada, and Germany, as well as in the 2020 Decentralization Law.
- Vesting more power in populations to apply for the status of local government (either municipality, city, or rural):
 - State practice from both Nigeria and Germany emphasizes the importance of considering more civilian leadership over the process of incorporating as a unit of local government. Amendments to Sudanese legislation on state and local government could, for instance, empower populations to apply formally for the status of local council through referenda of affected populations (either populations in whole or in part, depending on which territory is affected) and establish the rights of affected populations to be consulted and heard.

- Amendments to the legal framework (including amendments to the 2020 Draft Law on Local Government) to vest more power in Sudanese populations may also include safeguards to prevent rapid and harmful fragmentation. This may include setting a limit on the number of local government councils that can be formed in any given territory or state.
- Clarifying the processes for defining and modifying geographic boundaries of subnational entities:
 - The governing framework in Sudan would benefit from clarifying how to draw geographical boundaries of states and/or regions, including clearly outlining the processes to establish and amend the formation of such sub-national government units, as well as delineating the relationship between levels of sub-national governance. State practice from Germany may be particularly instructive here, and this clarification could include whether Sudanese states/regions may make agreements between themselves on the modification of territorial boundaries, as well as the role of the central government in those agreements.
 - The governing framework would further benefit from consideration of the parameters of any such arrangement, including whether to open up this option to states/regions of all population sizes, whether approval in national legislation is necessary under any circumstances, and how to ensure any modification is accepted by the populations affected.
 - Similar considerations would apply to the establishment or modification of local government units. The 2003 Local Government Law and the 2020 Draft Local Government Law assign prominent roles to the President and Council of Ministers in defining local units, but the framework would benefit from further delineation of those roles as well as clarification of differences between different levels of local government. Decentralization processes are more likely to be regarded as legitimate by the populations concerned if there are clear limits set in legislation on central government roles in decision-making; and if local government, civilian leadership, and public consultation are part of the process.
- Establishing an entity or mechanism to address territorial boundary disputes for states and/or regions, and local government units:

- The Sudanese legislative framework on sub-national governance would benefit from outlining a procedure to address any territorial disputes between levels of sub-national government; for example, in situations where populations may disagree about the council to which they are assigned. It is currently unclear whether Article 27(q) of the 2020 Decentralization Law is intended to apply here, and in any case empowering an independent body to adjudicate disputes rather than a federal ministry may help protect the autonomy of sub-national governments to operate without undue central interference.

Public Consultation

Effective decentralization tends to involve some form of consultation with sub-national communities to help ensure the legitimacy and viability of sub-national government institutions, particularly in diverse, multi-ethnic states. Regardless of whether sub-national consultations precede or follow reforms to national laws, there are advantages to subjecting a proposed decentralization law to some form of national referendum. Much like formalized consultative processes, such referenda help ensure popular participation and buy-in to the decentralization process, as well as strengthen the legitimacy of sub-national governments.

Comparative State Practice

- In South Africa, consultations between local political organizations (in local forums) and the national government directly informed constitutional amendments concerning local governance. These consultations also helped shape the contents of the Local Government Transition Act of 1993, which established a timeline for progressive devolution of government powers to local authorities.²⁰
- In Rwanda, the national government formulated a clear set of decentralization policies aimed at empowering local governments prior to consultations with local communities. Over the course of three years, consultations – which included seminars and workshops held across the country – informed subsequent reforms to the decentralization process, including reducing the number of local governments.²¹

²⁰ John Mary-Kuazya, *Political Decentralization in Africa: Experiences of Uganda, Rwanda, and South Africa*, UNITED NATIONS DEPARTMENT OF ECONOMIC AND SOCIAL AFFAIRS, 9 (Dec. 2007).

²¹ John Mary-Kuazya, *Political Decentralization in Africa: Experiences of Uganda, Rwanda, and South Africa*,

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- None of the governing documents specifically provides for consultations with sub-national communities as part of the decentralization process. However, the Juba Peace Agreement does mandate the holding of a System of Governance Conference to define the allocation of powers at different levels.²²
 - Although the technical workshops of the Higher Committee of the Conference commenced work in April 2021, this process lost traction and was suspended following the October 2021 coup. In addition, non-signatories to the Juba Peace Agreement expressed their disappointment at not being invited to the workshops conducted in the east of the country.²³

Options

- A formal consultative process – as part of future decentralization initiatives – may help sub-national units understand their roles in a decentralized state, and to increase legitimacy by giving grass-roots stakeholders (including periphery groups) a voice in shaping further reforms to Sudan’s sub-national governance system. These consultations can take place in advance of the forthcoming governance and constitutional conferences to help ensure that any reforms follow democratic processes.

Implementation and Codification

Another key process consideration is whether to implement decentralization via constitutional reform, through stand-alone legislation, or a combination. Constitutions providing for decentralization are usually supplemented by legislation, which establishes a specific legal framework for the state to follow.

UNITED NATIONS DEPARTMENT OF ECONOMIC AND SOCIAL AFFAIRS, 9 (Dec. 2007).

²² The Juba Peace Agreement mandates a “System of Governance Conference” to define the allocation of powers between the different levels. Juba Agreement for Peace in Sudan Between the Transitional Government of Sudan and the Parties to Peace Process, Title I, Art. 10.

²³ Dabanga Sudan, Governance Workshop Kicks off in Sudan Capital, *available at* <https://www.dabangasudan.org/en/all-news/article/governance-workshop-kicks-off-in-sudan-capital>.

Comparative State Practice

- States will often create supplementary legislation to clarify or further articulate the process for decentralization. These types of supplementary legislation can serve to more specifically define the process of decentralization and authority of sub-national government entities.
 - Chapter 11 of Uganda's 1995 Constitution provides a constitutional basis for decentralization, while the 1997 Local Government Act explicitly transfers specific responsibilities – including passing local bylaws, collecting revenue from local taxes, and implementing local development projects²⁴ – to local government institutions.
 - Similarly, Spain's Constitution provides the basic framework for decentralization and leaves it to the Autonomous Communities and the central government to negotiate the laws providing for specific decentralization policies.²⁵

- Some states have enacted decentralization through stand-alone legislation. Although this methodology of providing for decentralization avoids the often-onerous process of constitutional amendment, it tends to subvert consensus-building and public participation in the debate on how decentralization should be implemented, and the political party that holds the majority of the seats in parliament can pass legislation that protects its political interests.
 - In Papua New Guinea, the central government passed the Organic Law on Provincial Governments and Local Level Governments of 1995, which aimed to empower local government by reserving additional sources of revenue and creating new political and administrative local government institutions.²⁶
 - Some states benefit from providing for decentralization through legislative action, as the process can be more clearly articulated in legislation than in constitutional provision and still has a measure of accountability to the public through the election process.

²⁴ See e.g., Arts. 39, 69, Constitution of the Republic of Uganda of 1995.

²⁵ SPAIN CONST. sect. 2. (1992), *available at* http://www.senado.es/constitu_i/indices/consti_ing.pdf.

²⁶ See No. 29 of 1998., Organic Law on Provincial Governments and Local-level Governments, Papua New Guinea.

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- Sub-constitutional legislation carries significant advantages, most notably avoiding the process of constitutional reform. However, reforms enacted through legislation alone may be subject to roll-back by subsequent legislation (in contrast to constitutionally-protected provisions) and may also risk injecting national and partisan politics into decentralization processes. An element of public accountability can, however, still be maintained through free, fair, and democratic local elections.

Options

- If Sudan formalizes a constitution similar to the 2019 Constitutional Charter or the Draft 2022 Interim Constitution, it would likely need to implement decentralization through additional legislation, given that the 2019 Constitutional Charter simply calls for the establishment of different levels of governments “as determined by the law” (Article 9.2).
- Article 15(2) of the Draft 2022 Interim Constitution similarly provides that “The different levels of government shall have exclusive and joint competencies, powers and resources for each level of government determined by this interim constitutional declaration, provided that the law defines the structures and boundaries”. In addition, aside from detailed provisions on the Blue Nile/South Kordofan and Darfur regions, the Juba Peace Agreement envisions further national legislation to clarify the basic structures of the rest of the federation’s decentralized structure.
- While adopting a model similar to that of Spain may be an option – whereby local and state/regional governments in Sudan would be left to negotiate specific decentralization policies – this approach relies on a clear framework that delineates roles and responsibilities between governance institutions and harmonizes processes.
 - The current framework would benefit from structural improvements. Some of the most pressing issues include the failure of the governing documents to clearly outline the processes to establish (and amend) the formation of local governments and state governments, as well as the failure to delineate the relationship between levels of governance.
 - As these issues are likely to be addressed, it will be crucial that any subsequent domestic legislation establishes the roles of local

governments, states and/or regions within the context of a federal state. Whether the 2020 Decentralization Law remains applicable in light of Constitutional Decree no.6 of 2021 is unclear, and extensive amendments may be required to accurately reflect the levels of governance in Sudan.

Conclusion

The current governing framework in Sudan would benefit from more clearly delineated foundations for decentralization processes. For instance, the framework would benefit from amendments to national law to more clearly outline the criteria and implications of, and processes for, forming local and state/regional governments; amendments to establish the horizontal relationships between subnational governing units; and amendments to safeguard against excessive central influence over sub-national processes. Public consultations at local and state levels will be crucial to ensuring that decentralization processes are inclusive of the plurality of Sudanese society, including periphery groups and non-signatories to the Juba Peace Agreement.