

**Sudan**  
**Between Reform and Conflict**

Hayder Ibrahim

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## **Abstract**

Political thought in Sudan generally avoids the issue of reform, since the very notion falls short of the political and developmental ambitions the country has harboured since independence, in 1956. The Sudanese people believe that they are more advanced democratically than other Arab and African countries, since they have known party pluralism, even a Communist Party, and the two popular *intifadas* (uprisings) against dictatorial regimes had been victorious, and had succeeded in reinstating democracy. They also prefer, whenever their democracy is in regression, to use terms like "democratic transformation" or "reinstitution of democracy", though the situation this time around is entirely different, given the nature of the regime, the major political parties' lack of vitality and political imagination, diverse makeup of the population, the impact of armed conflicts and recurrent foreign interventions. Moreover, due to the ensuing interwoven problems and failure to fulfil the general aspiration of the Sudanese people, the present authority has set up a "secocracy" that today controls the course of Sudanese politics. It is a governance system, which does not necessarily use crude repressive methods, but rather a well-measured carrot and stick approach that helps them do both, manage and entrench the current political vacuum in the country. Undoubtedly, the security services are the most modern and well-run institution in the country, as well as the richest, given its open-ended budget that knows no parliamentary or legal accountability. It is therefore able, more than any other government or partisan institution in the country, to control every aspect of civil service and society and thus play, to a certain extent, the traditional role that armies usually play in Arab politics.

## **Introduction**

The current salvation regime came to power, in 1989, as the result of an armed coup d'état engineered by a military and civilian junta belonging to the Islamic National Front (the Sudanese version of the Muslim Brotherhood). This means that the perpetrators of the coup were armed not only with guns and tanks, but also with a strict ideology, an ironclad partisan organisation and, what is more important, the claim that they bring with them a modern project that will transform the Sudanese people, if not the world. To fulfil these lofty ideals, the regime did not shirk from using all means of repression to tighten its control over political power, raising various slogans in the process the most powerful of which was the eradication or burial of partisanship and sectarianism forever! Its mandate began, therefore, with the dissolution of political parties, unions, associations and civil society organisations; the arrest of their leaders and members, and dismissal of a large number of civil service employees who did not profess loyalty to the Islamic Front. As a result, Sudan witnessed in the early 1990s an unprecedented mass exodus from the country, with the result that thousands of Sudanese citizens are currently living in the United States of America and other Western countries. This led to a deliberate and well-planned political vacuum in the country, since those who stayed behind saw themselves deprived of their most basic human rights and forced to live under constant supervision and prohibition. Furthermore, and despite the relative openness that followed the split within the Islamist Movement, in the late 1990, the political opposition was exhausted, weakened and dispersed and, for purely personal reasons, was also unable to take advantage of this period of openness.

For various reasons, the regime made an oblique effort towards peace in the 1990s, chief among which were the mass exhaustion from successive military confrontations, the discovery of large quantities of oil in the south, the regime's need to re-establish its legitimacy and international pressure. The international community succeeded in imposing a comprehensive Peace Agreement on Sudan, in February 2005, which terms include strong and clear benchmarks for democratic transformation. However, although the Agreement directly links the peace process's success to progress towards democracy, neither the opposition political groups nor the Sudan People's Liberation Movement – the junior partner in the government – rose to the challenge. Both, the progress towards democracy and the establishment of peace were very slow in coming, and the National Congress Party – the party in power – was able to successfully place obstacles on their path, and devise various schemes allowing it to reconfigure its totalitarianism under new garb. However, although the expected role of the country's political groups seems quite straight forward, namely the struggle to implement the terms of an agreement that everyone has endorsed both locally and internationally, they were still unable to move the democratic process forward by mobilising the masses, and reenlisting them in political activism. It seems that the absence of the parties' leaders and the lack of organised political activities created a situation where stagnation, carelessness, lack of enthusiasm and disappointment reign supreme. On the other hand, the ruling National Congress Party was able to take advantage of its presence in power to become increasingly active amidst the political vacuum. It is, after all, in control of the economy through banks, loans, development assistance, commercial licensing and customs exemptions, not to mention its monopoly over employment opportunities and appointments, particularly to sensitive posts and companies that grant high salaries, like those in the oil and communications business. At the same time, the media remained the exclusive domain of the ruling party, unrivalled even by the Sudan People's Liberation Movement, its own partner in power. It is no wonder that the political arena in Sudan is in a constant state of turmoil and instability.

The political vacuum and weak partisan scene have revived people's loyalty to their tribal and ethnic origins, and a variety of tribal groups have since emerged in the form of armed political movements. However, once they concluded peace agreements with the government, these groups started gradually transforming themselves into political movements representing particular tribes or regions, though they lacked national vision, since their members came exclusively from specific ethnic groups. These dangerous trends cannot but be at the expense of national unity and integration.

The threat that the current situation poses to Sudan's very existence and unity today, places it at a sensitive crossroads. There is a heavy foreign presence in the country after the government agreed to the deployment of international troop in the unstable region of Darfur, and the Security Council has agreed to train an additional 26 thousand Army and Police members, to be stationed in that region before the end of the year 2007. The flagrant compromising of the national territory's sovereignty is a result of the regime's unrelenting efforts to sideline the opposition from the decision-making process, regarding various existential issues facing the country. Since the government fears that such a move would implicitly recognise these parties' legitimacy and existence, and insists on rejecting any return to party politics, it opted for foreign mediation and intervention in its internal affairs, rather than go back on its decision to sideline the opposition. It is worth noting that the external factor will undoubtedly have a marked impact on future political developments in the country; for example, it would not be farfetched to see the next elections manipulated or steered from abroad.

Both political reform and the democratic transformation process face many complexities; we have here an ineffective regime that has failed, for over 18 years, to find the right basis for a popular or constitutional legitimacy, or the legitimacy that comes from having achieved for one's country. It therefore searches for new ways to use the security services, and relies on them entirely when dealing and interacting with the people. We also have traditional political leaders whose supposed shelf life has expired, and others, more modern, who are mere members of the elite, and totally detached from any popular base. People no longer pin any hopes on the future, when seen with today's eyes.

## Historical background of political reforms

Sudan faces serious difficulties today not only due to the civil war, ethnic conflicts and weak political parties, but also because throughout its history the state never succeeded in forging national unity, or building an integrated entity that enjoys cultural plurality. There is clearly an internal self-generated failure bolstered by negative external factors, which means that the state is heading towards dismemberment. Sudan has also inherited a number of obvious problems, and others no so obvious; it is a modern political and administrative entity, which setup goes back to the Ottoman Egyptian era (1821-1885). Many believe that Sudan's old unconventional nature, i.e., its tribal groups and the alliances between them, or the commercial confederacy system reminiscent of the Fung Sultanate (1504-1821), is largely due to Mohammad Ali Pasha's attempts to govern it as a united political entity, with clearly defined borders and a central authority. For despite the latter's colonial designs he nevertheless tried to change this imprecise entity, in order to make his Sudanese campaign economically and strategically worth his while. Since then, Sudan has had administrative borders, and is divided into directorates, when earlier on writers used the term "Sudan" to indicate a certain geographic area.

The Mahdi Revolution (1881-1898) succeeded in bringing down Turkish rule by successfully taking advantage of its many mistakes, such as its poor management and oppressive measures, and the escalating struggle by the citizens against corruption and an unfair taxation system. Being quite an unusual phenomenon in that particular region, the Mahdi government sparked the antagonism of Sudan's neighbours, and forced it to become a so-called "*jihadist*" state, i.e., in a permanent state of military preparedness or emergency, ever ready to face its internal and external challenges. Caliph Abdallah, who succeeded al-Mahdi (who died in 1885, the same year Khartoum fell), established a state to unite the country and spread the religious call, and because of that, his central authority was very austere and heavy-handed. Despite the religious, unionist and egalitarian nature of the Mahdi revolution, it had clear inherent inequities. For example, bringing certain tribes closer to the regime, while distancing others, and thus provoking an increase in tribal loyalties, and a decrease in the national and religious sentiments that had united the Sudanese people, under the banner of Mahdism, in the early years of the call. This tribal disunity assumed particular shapes and forms, some of which can still be seen today, in the ethnic conflicts raging all over the country.

This is why the first contingent of the Anglo-Egyptian Army to arrive in Sudan (1898), did not encounter any popular resistance worth its name; not only had the people rebelled against Mahdism, the majority of the tribes were exhausted by the constant warfare. The joint Anglo-Egyptian control agreement was signed after the defeat of Karri (north of Omdurman) in 1898, and in January 1899 Lord Cromer and Butros Ghali signed the Anglo-Egyptian Agreement to govern Sudan, or the so-called "Condominium". Based on the terms of the Agreement, Lord Kitchener became Governor General of Sudan, and granted wide-ranging prerogatives, of which he took advantage to establish an administrative system, supported by a powerful and repressive military force. The British also established indirect rule, which meant paying special attention to tribal chiefs and strengthening inter-tribal and clan relations, and to *Sufis*. These widely spread traditional elements, once granted considerable local powers continue to be active on the Sudanese political scene, today.

In the meantime, the middle class was still in its embryonic stage, and few had gone to any of the modern British established schools, at the head of which stood the Gordon Memorial College. Thus, in tandem with the growth of commercial activities, a new social class of civil

servants and graduates developed, and nationalist merchants increased in number, despite the foreigners' control over external trade and exports. The joint government established a pyramidal administrative system at the head of which sat the governor general – as stated above – assisted by Egyptian civil servants in lower administrative positions, like the commissioners and deputy commissioners, in addition to the presence of Egyptian troops in the country. The British tried to take advantage of Sudanese graduates, though the 1924 revolutions marked a setback in relations between the two sides, forcing the British to return to their close cooperation with the public administration, while sidelining educated Sudanese elements, in a clear demonstration of lack of trust.

British fears were borne out as the number of the well-educated Sudanese increased, started organising and showed interest in national issues, starting with the establishment of graduate clubs in various cities. In 1936, the Graduates' Congress was launched officially, and the British administration, at first, welcomed it on the condition that its activities remain confined to the cultural domain. Soon, however, the Congress soon presented in 1942 a memorandum containing a list of national demands, claiming to speak in the name of the Sudanese people. The administration at first rejected their claim, and refused to accept the memorandum on the pretext that the graduates only represented themselves, and therefore had no right to speak in the name of the people. It relented, however, when the notion of a gradual self-government, which would give the Sudanese people the right to govern themselves, started taking shape. The British preferred, in their words, "moderate Sudanese elements" shoulder this responsibility, and considered the Graduates' Congress an apt vehicle to train the people on governance. Thus, that same Graduates' Congress was the first ever source of Sudanese politicians, who later went on to found the first political parties in the country.

British officials decided to look for safe ways to involve the Sudanese people in the government and administration of their country, by using moderate elements, and the announcement of the Consultative Council for Northern Sudan, in 1943, was in line with this new policy. The graduates, however, saw that as an attempt to sideline them from politics, especially since the Council, as its name indicates, did not enjoy any legislative prerogatives. Moreover, the South did not figure among the expertise of the Council's members, meaning that it had no right to discuss issues related to that particular region. The Council went on for four years without scoring any significant achievements, prompting the British administration to seek a more convincing vehicle. A commentator on the issue wrote that in 1948, the Legislative Assembly and Executive Council were a half-way station on the road towards liberal democracy. Half the Executive Council (as ministers) was British, and the other Sudanese. The graduates' boycott, however, weakened its role and diminished its political value.

The first Sudanese political movements date from that period, taking on the various shapes we know today, especially as far as the link between religion and politics is concerned. We notice, within this context, the association that parties have with various religious sects, in particular with al-Khatmiya and al-Ansar (Mahdism). The Sudanese intelligentsia had realised that it would not be able to reach any popular bases in the countryside, the desert or the village, except by allying itself with religious movements spread throughout the country. This is when the historical deal was made, whereby the political elite would offer ideas and organisational capabilities, in return for the support of the religious masses behind the sect. No one deviated from that rule except a handful of small ideological parties, like the Communists, the Muslim Brotherhood, the Baathists and the Nasserites, which failed to reach the masses outside the cities and urban areas. Since then, all the parliaments, from the self-government in 1953, through independence in 1956, up to the third and last

democratic parliament of 1986-1989, have followed the same equation and relationship. The two large traditional parties, al-Umma (backed by al-Ansar) and the Democratic Unionist Party (previously the National Unionist Party, backed by al-Khatmiya) went on to monopolised political power between them.

Parliamentary experience – which we generously call here democracy – remained incapable of building the basis on which a sustainable democratic system could be built, and political parties failed to write a permanent constitution for the country, despite the election of more than one establishment committee expressly for that purpose. The committee's work, however, was repeatedly interrupted by military coups, dragging it into what we could call, a Sudanese political vicious circle, that led to a state of instability and confusion. This conflict and instability is the result of the gap that separates modern forces from traditional ones, whereby the former failed to transform themselves into movements that enjoy wide popular support; this allowed this unfortunate dual situation to colour all political developments in Sudan.

Given their setup and ideology, traditional parties bear responsibility for the repeated coups d'états in Sudan, and one should not blame this solely on the ambitions of small ideological parties, given that many have questioned the skill and ability of all Sudanese parties to establish democracy in the country. None of them presented unified political or ideological programmes, but relied instead on the support of traditional groups like tribes, clans and *suffi* groups, which the British had previously helped keep in place thanks to the administrative system in effect during the colonial period. All parliaments in Sudan had overwhelming majorities of religious elements and tribal chiefs, especially from those rural constituencies that modern forces had failed to reach. The latter demanded the amendment of the Election Law to allow the allocation of a number of constituencies to the graduates, and the traditional parties accepted responded positively, provided this would bring in a limited number of modern elements without posing a threat to the existing majority. They also received the assurance that they could advance the candidacies of some of their own graduates in the allocated constituencies. Though this is what actually happened, it had no effect, whatsoever, on the conservative and traditional character of successive parliaments; resolutions continued to pass with an automatic majority, without any tangible impact from the few opposition voices won by modern elements.

By banning political parties and unions and attempting to bring their activities to a completely halt, the Numeiri regime (1969-1985) hurt the political and partisan reform process and the transformation towards democracy, despite efforts by higher education institutions and universities to get involved in surreptitious political activities through student union elections. Numeiri's one-man rule, coupled with the unbridled power of the security services, weakened political awareness and stopped its further development, a turn of events that would later affect the progress of the democratisation and political reform processes. However, despite the political parties' sixteen-year absence from the political scene, and from any direct contact with the people, the Sudanese people were able to topple Numeiri's regime through the *intifada* of April 1985, led by the General Union's Association, a number of political parties, and sections of the armed forces that had seceded from the military. The country returned to the third democracy after the 1986 elections, when the Umma and Democratic Unionist Parties won a large majority that enabled them to govern the country.

Sudan, however, did not enjoy political stability for long, since the third democratic experiment ended with the coup of June 30, 1989, by the National Islamic Front. This coup was different from those that had preceded it; the Islamic Front had planned very well for it,

given the austere ideology and unprecedented repressive mechanisms associated with it. Some wondered after the coup if the democratic experiment had failed, once, and for all, in Sudan or if there was still hope that one day the Sudanese people will learn from their past democratic experience. Some researchers believe that the third democracy did not get the chance to nurture democracy's positive aspect, prove its worth or benefit from the lessons, expertise and experience of previous democratic periods. Various political movements had tried to safeguard this experiment through various means, such as negotiating to end the civil war in the south, concluding agreements between political groups and unions on an interim plan, forming a united national front government and amending the Election Law to ensure the representation of more modern elements. On the other hand, they failed to ensure the representation of various political and social organisations in parliament, in a fair and balanced way, which reflects the role they play in public life. Moreover, the influential parties behaved in opportunistic and unprincipled manner, for they neither honoured their promises nor implemented their election platforms. The traditional parties have also failed to apply core principles of liberal democracy, like an acceptable public freedom margin, which made them impatient with strikes and protests, and try to put limits on the freedom of the press, and criticism.

They say that dictators cannot sit on their spears forever! This means that they will have to find proper grounds on which to base their legitimacy, other than the so-called revolutionary legitimacy that justifies repression and violence in the name of safeguarding the revolution. Soon after taking power, the current regime annulled a number of extraordinary laws and held a series of conferences, which it called "national dialogue conferences", as a formula for bringing the Sudanese people together under the umbrella of a single political system that is national in character, and above partisan divisions. Influenced by the Libyan model, the regime adopted the "conference system", which it considers a form of direct democracy that ensures a wider scope of participation. It is, however, clear that the regime's ultimate aim is to ban political parties altogether in the country, despite the different histories of Sudan Libya. The regime continued to fill the Transitional National Assembly's seats by appointment, in 1992, a system it tried to justify on religious grounds namely on the premise that a guardian is responsible for choosing those with the requisite skills to do what is right for the people. Others cited al-Mawdoudi who had legitimised elections in principle, provided there are no tricks or unjust methods used in the process; this prompted some of the regime's theoreticians to conclude that Sudan has never respected this condition, and therefore refused to hold elections. The second National Assembly, 1996-1999, whose seats were also filled by appointed, succeeded in enacting the 1998 constitution that tried to introduce reforms to the political system, provided these were on the right track, and in the right place. The constitution also stipulated the right of succession, with the term "succession" generating a heated debate due to lack of clarity, despite its key importance for the establishment of political parties; the aim, however, was to simply to ensure that no opposition parties would be established. This could be seen as a positive development, within the context of political reforms, given that the regime had shifted from governance by official decree, to a constitutional system, regardless how flawed.

## **Domestic politics and the role of political parties**

The Peace Agreement of 2005 was an opportunity to introduce several political and constitutional changes. The Sudan People's Liberation Movement became a partner in government with the National Congress Party, the very organisation that incorporates the Islamist movement. The Agreement foresaw a transitional period of six years, during which a

referendum would be held in the south to choose between secession and unity, and free internationally monitored elections at the end of it. Therefore, one could view the current period in Sudan as the start of the democratic transformation process, rife with conflict and under the control of a totalitarian regime that has governed single-handedly for more than a decade and the half. It is also a period of preparation for the impending presidential and parliamentary elections, which will reaffirm the legitimacy of the ensuing regime; it will end with a public referendum that shall decide whether Southern Sudan's fate lies in unity or secession.

The upcoming period should be rife with political activities and conflicts, especially given the National Congress Party's control, based on the terms of the Agreement, over 52% of the government, parliament and all other state institutions. This means that the party will maintain its total control over the country, based on the provisions of an agreement sponsored by a long list of regional and international parties. However, despite the criticism levelled at some of its provisions by the opposition, especially for being purely bilateral between the People's Movement and the regime, the Comprehensive Peace Agreement still represents a new phase of hope and challenge. If political parties and civil society prove capable of rising to the challenge and allowing democratic reforms, wide public freedoms and a balanced development to take place, they would be guaranteeing a sustainable democracy and an attractive union between north and south, provided they take fair and reasonable advantaged of the country's paralysed human and material resources.

A number of researchers arrived at the conclusion that political parties are a natural extension of Sudanese society, or a reflection of how the Sudanese people view politics. The proof is that all dictatorial regimes have so far failed to do away with political parties, despite repeated official decisions to have them dissolved, with Numeiri going so far as to dispatch his fighter aircrafts, in 1970, to bomb Aba Island, the lair of the Ansar sect and the Umma Party. However, after his downfall and the 1986 elections, the Umma party, led by its president Sadiq al-Mahdi, won a majority of 99 votes that allowed it to form a coalition government with the Unionists.

Some people hesitate to describe Sudanese parties as real or modern since they were mostly founded on ethnic and religious relationships, during the period of struggle against colonialism. Their members would not have necessarily joined any political party had it not been for their hatred of colonialism, and the desire to see them leave the country, which explains why traditional Sudanese parties found themselves rather confused and at a loss. The slogan raised by the first president of a majority party to govern Sudan, was "liberation not construction", meaning that its task as a political movement was to liberate the country from colonialism, and were therefore not required to work at developing it. Surely enough, various democratic periods saw political parties immerse themselves in manoeuvrings and conspiracies to ensure their survival by any means, at the expense of development programmes and activities, which provoked the rebellion of remote regions against the capital. These remote areas, or closed constituencies, continued to represent the backbone of these political parties support, a relationship that transcends history, meaning that it remains valid regardless of time and place. Despite their shortcomings, the two largest traditional parties continued to enjoy landslide victories in the elections, and take turns in forming all civilian governments since independence.

We could therefore say that issues of constitutional, legal and party reforms are likely to dominate the scene during the upcoming phase. These issues are so tightly interconnected and complementary, that it would be difficult to separate them, or postpone only one of them, and therefore should be launched simultaneously. It is imperative, during this particular

period, to abide by the 2005 constitution and implement the terms of the Comprehensive Peace Agreement to the letter, despite their inherent gaps that potentially allow partners to the Agreement, the National Congress and the Sudan People's Liberation Movement, to impede the reform process. A good example is Article 13 of the constitution, and the proposed draft of Article 18 of the Parties' Law, which gives the state the right to dissolve or suspend any party that does not respect conditions in Article 13, section B. The latter stipulates that no party platform could contradict the terms of the Comprehensive Peace Agreement, or the Transitional National Constitution of 2005.

The question is, however, what should political parties do to bring about real political reforms or a genuine democratic transformation, based on the circumstances and conditions of the current transitional phase, 2005-2011? Is there anything in their programmes, platforms, activities or discourse that can hasten the pace of democratic transformation during the transitional period?

## **Basic legal amendments**

The Sudanese partisan experiment was the outcome of the Self Determination Agreement of February 12, 1953, though it did not refer directly, in the transitional constitution, to the right to form political parties but only societies and associations. The same goes for Article 5 of the 1956 and 1964 constitutions that made only implicit and indirect reference to the right to form political parties. However, the long tradition of partisan life that allowed political parties the freedom to operate alongside other rights, made it necessary to enshrine this freedom into law. Article 34 of the 1968 constitution stipulated the right to form parties and unions, and Article 7 of the 1985 transitional constitution, amended in 1987, the right to party pluralism, provided all concerned abide by the measures stipulated in the above constitution. Among these provisions is entrenchment the constitutional system, independence of the judiciary and public service, the rule of law, parliamentary democracy and guaranteed public freedoms. Shortly after banning organisations, the current regime issued the Political Succession Law, in 1998, which provoked a lot of debate in the country. This is why soon after the split up between the current President and Sheikh Hassan al-Turabi, it was replaced by a new Political Organisations and Parties Law, giving political parties wide-ranging prerogatives. Among these prerogatives, is the right not to register the party, have its accounts audited, or documents reviewed; the right to issue lists, rules and decrees relevant to the implementation of the law, and the right to dissolve the party and freeze its assets. It, however, also grants the President of the Republic (who is also the President of the National Congress Party) the right to appoint the party registrar, which goes to explain why major opposition parties refused to register themselves.

The opposition's struggle to regain the right to organise and express themselves publicly continued unabated, but had to wait a full year and the half, until 2005 and the signature of the Comprehensive Peace Agreement, for their efforts to bear fruit. The fact that the situation did not change at all earned the Agreement a lot of criticism; some believed that although it did in fact resolve the problems arising from the civil war, it failed to launch the democratic transformation process. Moreover, although the constitution seems democratic enough, today, after a year and the half, the democratic transformation process is yet to take off with the speed and to the extent which the country had been expecting. Many voices calling for the application of the law and some of the articles of the 1999 constitution, in line with the spirit and contents of the 2005 transitional constitution, found support in the

People's Movement, the major partner in government. They pointed out several contradictions that require amendment, based on a thorough constitutional review.

Based on the Agreement signed between the two parties in Cairo, a ten-member committee was formed from members of the opposition National Democratic Alliance and representatives of the National Unity Government. Among the committee responsibilities was the submission of draft amendments to the Elections, Parties, Press and Publication, Unions and National Security Laws. However, despite the two parties' agreement regarding the need to introduce all the legal amendments that will make democratic transformation possible, and speed up the process, the opposition kept complaining about what it called the slow pace and procrastination by the ruling the ruling National Congress Party.

The ruling party's automatic majority that guarantees the passing of all the government's resolutions is one of the serious problems that face the political reform process today. It is obvious that the ruling party often threatens other political factions to revert to the appointment system to fill next parliament's seats; however, the current situation in the country means that disagreements are now resolved by democratic and legal means. Parties hope, however, that elections would still be held, and the people will continue to have their say through the ballot box, despite the fact that they are ill prepared for it, due to internal divisions and poor sources of funding.

Following a long debate, the National Constitutional Review Committee established four different committees, each charged with reviewing a different draft law on its agenda, namely the Parties Law, Human Rights Law, Civil Service Commission Law and the Law pertaining to the Council for the Development and Promotion of National Languages. Professor Abdallah Idris, joint President of the Committee, said that the Committee would select its leader, and submit its recommendations to next general meeting, ahead of their submission to parliament's upcoming second session. He said that all those who spoke at the meeting underline the importance of opening the channels of communication with political groups without, however, sidelining civil society organisations. He added that various recommendations had been proposed, including the establishment of direct contact with leaders of political parties to invite them to present their points of view to the Committee, on various laws on its agenda. He added that hearings will be held with civil society organisations, and all citizens would be invited to submit written proposals, with the aim of arriving at a minimum level of national consensus round the above mentioned draft laws.

The Joint President went on to say that the Committee had discussed the importance of generating a public debate round the draft laws, through the media and in seminars and research centres. Based on that, the Sudan People's Liberation Movement deemed the Committee meeting a good beginning that everyone should endorse and heed. The deputy Secretary General of the Movement and member of the Committee called upon all those interested in promoting national languages to take a special interest in law regarding the Development and Promotion of National Languages. He said that the cultural issue was one of the causes behind the civil war, and that the Movement wanted to see qualitative change and social reconciliation.

This resolution is one of the most important attempts at political reform, which the authorities have proposed ahead of other political groups in the country. It started, though, with the submission of a draft law regarding political parties without discussing it first with the concerned parties. The opposition parties hastened to form a committee, composed of their own members in parliament, charged with developing a unified vision regarding the law, to be presented as part of a detailed memorandum.

Lively discussions ensued regarding the adaptation of the legal amendments to the spirit and text of transitional constitution, to come out with laws round which national consensus could be built. This requires the amendment or cancellation of certain articles, like Article 79 of the Criminal Law related to detention and imprisonment, and others related to investigations, which some have describe as the "worst in Sudan's modern history". One such Law is the Money Laundering Prevention Law, which puts the attorney general at the head of the administrative committee charged with preventing money laundering, which would allow him to learn beforehand of any relevant measures.

As to the invitation of opposition political parties to take part in the Committee's activities, the deputy Secretary General of the National Umma Party considered the National Constitutional Review Committee's decision-making process, based on the ratios stipulated in the Nifasha Agreement, as enshrining the domination of a single opinion, namely that of the National Congress. He also said that big issues do not pass by an automatic parliamentary majority, and that the suppression of the recent peaceful demonstrations by ordinary citizens against the rise in prices, is in clear violation of the constitution. For his part, the deputy secretary general of the National Congress Party called for the formation of an emergency transitional national unity government to find radical solutions to all the country's ills, and propose appropriate legislation for the process of democratic transformation.

#### *A. The Political Parties Law and the Democratic Transformation*

The deputy head of the Unionist Party criticised Article 18, which allows the dissolution of a party , in case of not recognizing the CPA, saying that it paves the way for a future totalitarian regime. In the same context, the political forces' call to annul the provision requiring the registration of political organisations did not receive a positive response from the leaders on the National Congress, or the organisations themselves.

The Parties Law generated quite a lot of debate, even from outside the concerned parties themselves. Questions were raised regarding the law's effectiveness, and the justifications that overemphasise the right of organisation and self-expression, mainly for fear that the ensuing partisan scene, corrupt leaderships and unknown sources of funding would lead to chaos. Those who oppose the Law also wonder whether the mere existence of a law would transform current parties into democratic ones, and prevent them from being mere extensions of foreign parties with unknown sources of funding, or from gaining various privileges.

Supporters of the Law, on the other hand, believe that the main reason behind institutional weakness is the absence of a law that regulates party registration within the framework of a democratic pluralistic system. They also believe that a Law such as this would give the party a legal character, preserve its name, recognise its elected leadership, ensure regular internal leadership elections, and guarantee the transparency of its income and expenditures. Split ups have occurred within most Sudanese parties making it difficult to ascertain which party is the original entity, and which one had seceded. The fact that various branches usually keep the original party name causes confusion among the people, especially at election time. Thus, a candidate could run under the name of a party without the prior approval of its leadership, which sometimes leads to several candidacies running in a given constituency, which is exactly what happened with the Democratic Unionist Party in the 1986 elections. The Party lost a number of guaranteed constituencies because it is not a legal entity in the

eyes of the election committee, which deals with candidates as individuals, not with parties directly. Moreover, political parties find it difficult under the present circumstances to register their assets or open bank accounts in the party's name, which compels them sometimes to register them under the name of a person or persons of trust, thus opening the door to potential disagreements and problems. Nor does it prevent dictators from confiscating the party's property and funds.

Opposition parties believe that a number of the Law's articles advocate a form of trusteeship over political parties, like Section B that obliges political parties to submit their accounts, inclusive of all revenues and expenditures, for a legal review. This review should be the exclusive responsibility of party members, especially since the Council for Party Affairs does not have the right to take punitive measures, but could only register and monitor.

The Council of Ministers approved the Political Parties Law in 2006, and registered a number of reservations. The most important among these centred round whether to exempt already registered parties from having to register again, exempt historic parties from the conditions attached to the registration process and require them instead only to submit official party documentation, and whether to refer the decision to dissolve or suspend parties to the constitutional court.

### *B. The Election Law*

One of the most important aspects of the new draft law is the adoption of a mixed election system, comprising both independent candidatures and electoral lists, i.e., proportional representation. Past elections have shown that systems based on independent candidatures have many shortcomings, which sometimes renders them undemocratic. The law, however, has refused to allocate a number of seats to university graduates, labourers or farmers because it might allow people to vote more than once. It referred to the need of finding the right formula to ensure that women are represented, either through a quota system or by forcing political parties to allocate them a number of seats.

It is worth noting that when it was first submitted for discussion, the draft law was well received with the hope that it would bring stability, since it tries to represent all groups in the country, especially in light of the fact that the electoral list system had never been tried before. The draft law, however, limited the election list system to individual states rather than the nation as a whole. During the discussions, some people were concerned about the low level of participation in the elections, since in the latest elections of 1986 only three million eligible voters, out of 25 million, went to the polls, prompting some of them to propose enacting a law making the vote obligatory.

### *C. The Human Rights Commission*

Article 142 of the transitional constitution stipulated the establishment of a Human Rights Commission; prior to that, a lengthy discussion had taken place round the need to safeguard the commission's total independence, including in the political and financial domains, and the need for it to adhere to the Paris Principles for Human Rights. In a separate discussion session devoted to the Commission's draft law, on October 18, 2006, the Commission's basic provisions were made public.

The draft law indicates that, except in cases where an official is caught red-handed, neither the Commission's President, his deputy nor its members could be arrested, or criminal and legal measures brought against them, for reasons relevant to the exercise of the duties accorded to them by the law, except upon a written letter from the President of the Republic. The law also stipulates the independence of the Commission's budget

Based on the workshop's recommendation, the committee proposed a number of amendments to Article 9, Chapter 3 that delineates the Commission's prerogatives. A paragraph was added stating, "The Commission is hereby mandated to propose legislation and submit studies and recommendations to adapt various existing laws and administrative measures to the fundamental principles of human rights;" another new paragraph states, "Attracting the attention of the relevant authorities to any human rights violations, and bringing them to an end." The Committee had never before agreed to grant the Commission the right to investigate human rights violations, because the Comprehensive Peace Agreement had dropped the provision regarding retroactive accountability. It is obvious that the Committee had dropped a paragraph stating that, "a comprehensive process would be launched to promote national reconciliation and heal wounds, to ensure national consensus and peaceful coexistence." Legislators justified the move by saying that according to the constitution and the Comprehensive Peace Agreement, this was the responsibility of the national unity government.

#### *D. The Unions Law*

Those who call for a review of the Unions Law refer to Article 40-A of the transitional constitution which guarantees the right of individuals to join organisations and associations, i.e., the freedom to organise. The Comprehensive Peace Agreement and the Cairo Agreement have both recognised the role of unions in forging peace and bringing about democratic change, and highlighted their independence and the freedom of their activities. The two agreements also allowed the submission of draft laws that do not contravene the provisions of the interim constitution, though some consider the current Unions Law itself as being in violation of the constitutions. They cite several reasons among which are, linking the establishment of a union to its location rather than to regulations relevant to each profession, official interferences in the elections and shortcomings in the election process. A large number of professionals, workers and employees kept claiming the right to establish new unions, saying that existing ones do not represent them. In many cases, workers took the initiative of establishing their own independent unions, like Doctors and Khartoum University Professors, and considered them entirely legitimate.

Several parliamentary and political groups called for the radical amendment of the current Unions Law. They sought agreement either on a number of projects and laws, or on a single project that includes all the amendments that they consider vital to the reaffirmation of their democratic right to establish unions.

The National Congress Party seems to have adopted a flexible attitude in this regard, and accepted the premise of amending the law, provided it goes through the "the proper legislative process", as the President of the Party's Parliamentary Committee stated in the National Assembly. He means by that the approval of the National Assembly, in which the ruling Congress Party enjoys an automatic majority, since the Agreement granted it 52% of

the seats; other political groups will also exert pressure to get necessary amendments approved.

#### *E. The National Security Law*

The Security Law was amended several times since its enactment in 1973, depending on the policies of each given period. However, after the April 1985 *intifada*, the Law was abrogated and the security services dissolved due to escalating political opposition against their actions, before being reinstated by the third democracy. Under the salvation regime, four different amendments were introduced to it, some fundamental others just pro-forma, annulling the judiciary's supervisions over the law and extending the period of detention. In 2004, its name was changed to "the National Security Service and Intelligence Law", and the two services, one related to military supervision and the other to civilian issues and information gathering, were integrated.

Judging by its general outline, the National Security draft law annuls the current National Security Law, limits the service's prerogatives and reduces the period of detention to one week, on certain conditions. In chapter Two, and based on Article 150/1 of the constitution, the law calls for the formation of a council, entitled "the Popular National Security Council", under the chairmanship of the President of the Republic. The Council would formulate general security policies relevant to the state's regional protection, guiding and steering the security services, coordinating with them regarding their activities and contacts, and setting the parameters of their responsibilities. It will also receive and evaluate security reports from various agencies, and issue relevant decisions and guidelines, in addition to establishing a permanent technical committee that represents all branches of the security services. The law also provides for the establishment of another security service, under the name of "the Popular National Security Service", to act as an independent regular security force under the general aegis of the presidency, and the supervision of the Popular Legislative Council and the judiciary. The latter would have several responsibilities, including safeguarding the state's internal and external security, and conducting the necessary searches and investigations to uncover events and activities that could potentially threaten its security, whether from inside or outside the country, without, however, violating any of the relevant international human rights charters and agreements. The law also made the new service's search and investigation prerogatives contingent on their adherence to the provisions of the interim national constitution of 2005.

At the People's Conference, the Secretary General of the Justice Department confined his criticism of the law to the provisions of Article 31, which grants the security services the power to detain people from one day to nine months at a time. He added that the worst aspects of the law were the absence of any kind of monitoring over the service's activities, and that people could be rearrested several times. He highlighted the fact that the law violated the provisions of the 1998 constitution that granted the individual the presumption of innocence and freedom, and said that Article 31 as good as renders criminal processes and laws moot, leaving only the Security Law in effect.

Both, the country's political forces in and outside the power structure, and civil society's organisations agree that the National Security Law should be high on the list of laws that need to be amended in the upcoming period, and adapted to the constitution in line with democratic principle. Observers, however, dismiss the possibility that the law would figure among the laws that will be submitted to Parliament, especially since the National Congress

is loathe to cede the only service protecting it, and the stick with which it keeps the opposition in its place.

The National Security and Defence Committee of the National Assembly held a workshop, in cooperation with the rule of law unit at the headquarters of United Nations' mission to Sudan, entitled "Parliamentary Supervision over the Security and Defence Sector". Several issues relevant to the security services' activities were discussed at the workshop, including supervision over their activities and the laws that regulate them. Despite their difference, the participants agreed on the need to establish the rule of law, as well as the need for strong security services that respects the law, and are subject to parliamentary supervision.

In the meantime, a decision was taken to annul special security departments, or the "targeted crimes department", and establish three specialised departments, a system established by order of the Minister of Justice, on July 7, 1998. The decision was considered to be in violation of the judiciary's independence, and the government was accused of using the special courts to scare and terrorise the population. However, although legal specialists and politicians welcomed the decision as a step towards democratic reform, they nevertheless saw it as a result of international pressure, meaning that the regime could use the special courts to circumvent it, and that the ordinary courts would have been amply sufficient for the purpose.

The National Security and Intelligence Service Law was submitted to the Attorney General for approval, before being submitted in turn to political parties, the council of ministers and to parliament.

## **Contradictions in the constitution and the laws**

The most vexing obstacles are the contradictions inherent in the text of the transitional constitution of 2005, clearly endorsing the conditions and requirements of the democratic transformation, and in the plethora of repressive and totalitarian laws that the Salvation Regime has enacted since the coup of June 30, 1989. The struggle to amend these laws, in line with the spirit and provisions of the constitution, became the main challenge of the country's democratic forces. The latter's representatives in the appointed National Assembly became the vehicle through which these issues were raised, whenever laws were submitted for approval. However, the allocation of seats according to the Nifasha Agreement, whereby 52% went to the ruling National Congress Party, 28% to the Popular Movement, and 20% to the rest, of which 12 were allocated to the northern parties represented by the opposition National Democratic Unionist Party, made it difficult to pass any resolution that the government did not like. It is worth noting that the ruling National Congress party often threatens to submit issues to the vote, a seemingly democratic ploy whenever a disagreement takes a turn for the worse. Even if the Popular Movement, the partner in power, votes in favour of the opposition, the automatic majority will still tilt the result in favour of the National Congress.

Despite the long period since Sudan's 2005 transitional constitution came into effect, over 60 laws still await amendment, chief among which are the laws related to the armed forces, criminal procedures, the police, national security, the elections, press and publications, unions and local government.

During her visit to the country, the United Nations' Special rapporteur on Human Rights in Sudan, Sima Samar, made a number of remarks regarding the Comprehensive Peace Agreement. She said that though the Agreement is still in effect, the implementation of the special provisions relevant to the democratic transformation, is slow. She expressed her concern regarding the ongoing arrests of politicians, and clampdown on the freedom of expression through government decrees banning publication. She referred to the ongoing pursuits and arrests of journalists for days, newspapers closures and the banning of political party activity, despite the approaching election period.

The slow pace of the National Security Law's amendment means that, in the meantime, the security services continue to arrest and detain people without trial, and for long periods. In June 2007, Mr. Mubarak al-Fadel al-Mahdi, President of the Umma Party (Reform and Renewal), a number of his aids and 15 retired officers, were arrested and accused of planning a military coup, without ever being indicted. A ban was imposed on everything that has to do with the case, and a number of journalists were arrested for publishing information about the clash that took place between the police and citizens in the Sad Kajbar district of northern Sudan.

It is clear that the National Security Service enjoys wide extraordinary powers, especially in the absence of any accountability for its actions, since this would be seen as interference in high matters of the state's sovereignty. It was therefore not that strange for the Justice Minister to declare, when asked about the recent arrests, that he had read about them in the newspapers like everyone else. It is obvious that the judiciary has relinquished, or was stripped of some of his prerogatives and responsibilities, in favour of the security services. The judiciary and the attorney general's struggle to catch-up with events, is one of the major impediments on the path towards democracy, namely absence of the rule of law, despite the relative political openness of recent times, compared with the early days of the salvation regime in the early 1990s.

In recent years, the National Security Service emerged as one of the strongest and most influential institutions in Sudan's political life, and we could say, based on that, that Sudan's reform and democratic transformation are linked directly to either, a change in the service's role, or its submission to the dictates of the transitional constitution. This is, however, a difficult if not an impossible proposition because the regime is more depended on it than its own National Congress Party. The latter has failed to connect with the masses or actively operate among them, and it is has become quite clear now that it has also changed its mind about challenging the opposition by political means, and that is once again dragging the central authority into a domestic conflict.

#### *A. the "secucracy" phenomenon*

We could say that "secucracy" determines Sudan's political path today, by which we mean the presence of a strong, modern and effective security service that does not necessarily use traditional repressive methods, like physical torture and pursuits, but rather soft power based on a carrot and stick approach. The increasing role of secucracy in this large political void is due to the fast expiring mandate of the big traditional political parties that are no longer able to lead the country in the current phase. They lack both, inspired programmes and a strong leadership endowed with vivid imagination, a necessary ingredient to tackle Sudan's present dilemmas. It is obvious that the security services are the most modern and well-organised institution in the country, as well as the richest, thanks to its unlimited budget and the lack of any supervision over it, whether parliamentary or legal. The security services

also play the role that Arab armies usually play in the political sphere, given that in the 1950 and 60s, the cadre of officers was the most modern and well-organised group, leading some to see them as an "intelligentsia in military uniform". The nature of their profession gives them an air of restraint, which only adds to the advantages of their foreign training and use of the most modern weapons and machinery.

This exactly describes the status of the national security services in Sudan, whose qualifications and attributes allowed them to move right up, and fill the existing political void. What is strange, however, is that they met no resistance whatsoever in the process, and were able to infiltrate the political scene, virtually undamaged, whereby it became entirely normal to attend an *iftar* in Ramadan, or a dissident singer's patriotic concert upon the invitation of the service's director general. It became also normal to attend the various press conferences that the latter holds on certain occasions, and see the newspapers full of his pictures, news, trips and activities.

The security services do not operate in secret under the present secucracy, but are out there in the open, spreading far and near in an effort to establish contact with the people. Newspapers often carry their telephone numbers asking the people to call on them directly whenever they have a complaint, or need certain information. The director general also often performs duties that should be the responsibility of the Minister of Foreign Affairs, such as contacting foreign countries or acting as mediator in the region. It also seems that the issues of Darfur and Eastern Sudan also became the security services' responsibility, since their director held meetings with the leaders of armed groups in neighbouring countries and Europe, and spoke about the close cooperation between the Sudanese security services, the CIA and the FBI, including an exchange of visits. In April 2006, a special plane carried the Sudanese security delegation to the USA, in view of strengthening the partnership between Khartoum and Washington; it was disclosed later that an exchange of information was also going on between them, regarding the global war against terror.

We can also discern the impact of the Sudanese National Security Service in the economic sphere and on the media, since more than five newspapers are connected somehow to it, in addition to a very active and widespread news agency capable of accessing information and news more readily than SUNA, the government's own news agency. Some believe that the security service even has some kind of link to a number of new satellite channels in Sudan, and there are a number of companies operating both in the country and abroad, whose establishment and operations betray a possible link to the service. Moreover, employees, students, workers and professionals are recruited as collaborators in various domains, meaning that the service's pervasive presence could be felt at all levels of the civil service and society, as a whole, thus enabling it to control and steer other governmental and partisan institutions.

## **5. Partisan reforms**

Shortcomings that go back to the foundation stage have left their imprint of the development of Sudanese political parties. Old, deep-rooted problems such as there are very difficult to disregard, including the fact that parties founded on sectarian or religious bases will find it impossible now to change their nature or fully reform, for it would be tantamount to political suicide. Two different attempts in this direction have failed, the first of which happened when Ismail al-Azhari seceded from the Unionist Party (sponsored by the Khatmiya sect) and formed the National Unionist Party, but was soon compelled to revert to the very sectarianism he had rejected and reviled. The second attempt was by Sadeq al-

Mahdi, when the party seceded under the name of the People's Umma Party. Does this mean that sectarianism's hegemony over the two largest parties in Sudan is inescapable, or is there a way by which they could be reconfigured and reformed? So far, these two parties have failed to reconfigure themselves and, at the same time, avoid divisions and splits given that each branch or group considers itself the original party, and the other the renegade. Based on that, differences rarely revolve round programmes or visions; disagreements are always personal, though they appear sometimes camouflaged as issue-driven conflicts.

This shortcoming could be due to the very reason that had caused these parties' to be weak in the first place, namely the fact that they were founded as broad national fronts rather than political parties or organisations, per se. As mentioned above, they led and galvanised the masses against colonialism and foreign domination, meaning that they did not represent any given social class or economic group. They had achieved their primary objectives, which admittedly was ending colonialism and achieving total independence, but failed to achieve the objectives that should have followed independence, i.e., development and united multi-cultural statehood.

After half a century of failures, the Sudanese political parties have no choice but put their houses in order in a manner that would enable them to stand up to the current circumstances and challenges, the most important of which is the question as to how they could become democratic and modern parties.

Although there are continuous calls for party reforms and the parties themselves have expressed the wish to reform internally, the process failed to materialise for purely personal reasons. The leaders are so deeply entrenched in their positions that it is now difficult to dislodge them by democratic means, but only if die or split from the party. Though in the case of the traditional parties there is a certain inherent right to leadership, new and so-called ideological parties have only succeeded in producing a "great" or "legendary" leader. The latter also lack educated and well-trained cadres, the very necessary middle leadership level that links the head of the party to its base, and most still think in old traditional ways. Civil war, internal and external migration and globalisation have placed new responsibilities on their shoulders, in particular the need to rebuild themselves, bring about peace and spare the country a series of military coups, all of which hinge on their efforts to become entirely democratic. It seems, however, that Sudanese parties are now aware of these challenges, and have in fact started preparing for the upcoming phase by launching the call for partisan reforms. Following are some examples from the three main parties' attempts at self-examination and reform.

#### **A. The Democratic Unionist Party**

The Democratic Unionist Party's constant internal split are compounded by the absence of its leader, Mr. Mohammad Othman al-Mirghani; and although the party conference, held in Cairo from 4-7 May 2004, instituted a decision-making process based on a foundational system its internal disagreements did not come to an end. Party leaders in and outside the country tried to reach an agreement to stop any further deterioration in a situation bound, if unchecked, to hurt the future cohesion of the party. It is within this context that it held a meeting in Alexandria, in September 2006, in the presence of its leader, his deputy and five other high-ranking leaders. The meeting addressed the issue of the ultimate source of decision making in the party, namely its key dilemma of how to deal with the role a spiritual leader who embodies religion and politics, relies on his charismatic personality and acts as the first and final reference point in the party. At this point, the question becomes whether the leader would relinquish some of his absolute powers, and delegate his decision-making

prerogatives, in content rather than only in form, to the executive bureau, which would then not have to wait for Mr. al-Mirghani signal or blessing in matters that do not involve a major risk.

The Unionists' anger became public through various statements and side meetings; they forgot in the process all about the party's constitution and structural organisation since the party, according to what one of its leaders told the press, functions based on a "signal from a single individual", and therefore does not need any written texts. For example, Article 4 of the party constitution limits the role of the ten-member executive bureau to carrying out the political bureau's decisions, managing the day-to-day affairs of the party, preparing interim reports and submitting them to the political bureau, which would be presided over by the party's secretary general. In practice, however, matters are entirely different and written texts are rarely applied. The political bureau, which according to the party constitution is the highest political authority, has only met once, four years ago, to discuss the situation in Darfur. As a result, its prerogatives shifted altogether to the executive bureau, which began holding regular meetings to deal with various internal issues, make decisions regarding the political situation in the country, and delineate the party's position regarding them. This led to clashes between the executive bureau and the deputy leader of the party, who usually does not hesitate to express his open opposition to any violation of the party's rules and regulations. The deputy leader tries to fill the vacuum resulting from the party's poor management by representing it at various political conferences and seminars, which is what his rival and leader of al-Umma Party, Mr. Sadiq al-Mahdi, does.

Some party members in the London branch submitted a memorandum, in October 2006, comprising a 21-step solution to extricate the party from the bottleneck, and introduce genuine reforms. The party leaders discussed the memorandum and agreed to hold an urgent conference a month later. It seems, however, that financial problems, like travel and hospitality costs, prevented the meeting from taking place, since it was necessary to hold it outside Sudan, for example in Cairo, to allow the party leader, Mr. Mohammad Othman al-Mirghani, to attend, which only underlines the importance of al-Khatmiya's leader to the party. There were already divisions within the party on account of this particular situation, and the undemocratic internal set up, making it seem as if it is worthless without Mr. al-Mirghani presence, which goes to explain why the idea of holding the conference without him, in Sudan, did not get much traction.

A group of renegade secessionist party members, who oppose al-Mirghani's leadership style, announced the formation of the so-called "Unified Democratic Unionist Party", comprising three different movements. These are the General Congress Movement, led by Haj Modwi Mohammad Ahmad and Mirghani Abdel-Rahman, the Extraordinary Congress Movement, and the movement that split up from Sharif al-Hindi's current, who himself split from the main party a few years ago, and is now a partner in the government.

The Unified Democratic Unionist Party formed an executive committee, approved its internal cadre and delineated its operational structure. The fourth meeting of its political bureau, however, ended in Cairo on December 4, 2006 amid intense arguments and disagreements round the party's vision on a number of issues on the agenda. It almost split again when its leader was accused of imposing his hegemony over the party, and making decisions single-handedly. The meeting's final declaration, issued in the presence of Mr. al-Mirghani the party leader, his deputies, the party's secretary general and various other leaders, reaffirmed the need to work towards achieving democracy and internal uniting. It called for a reconfiguration of the National Alliance in line with the challenges of the upcoming phase, and for a firm commitment to apply all the Cairo meetings' resolutions on the ground. The

meeting decided to form a higher committee for the elections, conduct a population census, form a follow-up committee to delineate a future strategy for the party, and pursue efforts with all concerned to find a solution to the crisis in Darfur.

## **B. Al-Umma Party**

Since the return of Sadiq al-Mahdi, Party leader and Imam of the al-Ansar sect, al-Umma Party has concentrated on single political-cultural activities, like weekly media and political seminars and workshop dealing with issues like religious renewal, the crisis in Darfur, and the condition of women and CEDAW (Convention on the Elimination of all forms of Discrimination against Women). They also issue statements and working papers regarding the Peace Agreement. The party is clearly more active than others are in Sudan, given its relentless and serious efforts to change its traditional sectarian image, with the charismatic personality of Sayed Sadiq al-Mahdi helping to give a good impression of it. The detachment of the party's bases from Sayed Sadiq's statements and opinions is, however, precisely what the party's crisis is all about, namely a position that wavers between modernity and traditionalism. Therefore, any attempt to modernise the party necessarily means relinquishing bases linked to it by the bonds of loyalty, a move that needs neither new programmes, nor ideologies.

On the other hand, al-Umma has faced recent problems of unity and cohesion among its ranks. Despite succeeding in holding its General Conference in early 2003, Sayed Mubarak al-Mahdi split from the party in the biggest such development since the 1968 disagreement between the two branches of the party, led respectively by Sayed Sadiq and the Imam al-Hady al-Mahdi. Over the past two decades, Mubarak al-Mahdi, Sadiq al-Mahdi's cousin, was the closest among all party leaders to the latter, and therefore his decision to join the government came as a severe blow to both Sayed Sadiq and the Party. The Darfur crisis only compounded the problem, especially in Kordofan state where some party leaders rebelled against the centre. The latter were expelled from the party, including the current Minister of Justice, whom the National Salvation regime quickly invited to join the government, as if he was somehow the symbol of al-Umma Party's unification.

The regime and the ruling party created many problems for al-Umma Party; for example, the latter believes that bringing up the issue of the "Umma Army", the fighting arm of the opposition National Democratic Alliance while operating from abroad, was a way to put pressure on the party for opting not to be part of the regime. Al-Umma has recently tried, in its own words, "to enlighten its base in various states and cities regarding the current situation in the country"; and on a trip to eastern Sudan, Party officials accused the National Congress once again of trying to tear the country apart and destroy its social fabric. It also accused it of using unorthodox political methods, like trying to infiltrate other parties, or causing internal rifts and divisions within their ranks.

## **C. The Sudanese Communist Party**

The Sudanese Communist Party split up in 1999, and the seceding group, which accused the mother party of atrophy and lacking internal democracy, formed the "al-Haq" Movement. However, the Party did not hold a general conference since the fourth such conference, in 1967, despite continuous statements regarding the imminence of the fifth, and despite the plethora of problems facing it. The fall of the socialist bloc, in the early 1990s, which required the party to adopt a firm stand, generated a lot of internal discontent.

Some of the party's leaders said that the discussions that have been taking place among party members since 1991, have already been summarised by a preparatory committee and submitted to the central committee, ahead of presenting them, as a single document, to the next general conference.

As to the accusation levelled at the party's leadership of trying to alter the party's communist character by changing its name and programmes, one of the leaders dismissed such statements, and told the press that a name change will not necessarily entail a change in the Party's basic ideology. This ideology, he said, will be preserved, but in a "new enlightened manner".

#### **D. The Congress Party**

When the Islamic Movement split up, at the end 1999, in the so-called parting of ways (mufasala) between Sheikh Hassan al-Turbai and General Omar Hassan al-Bashir, the latter, together with a group of Islamists, founded the ruling National congress Party. Despite the fact that the party does not enjoy numerical majority, it is, nevertheless, the most active party especially among students, unions and professional associations. With al-Turabi visits to various states, ahead of the elections, the party showed an early readiness to run, forcing the government to ban some of its seminars and meetings, considerably embarrassing itself in the process, especially when talking about civil rights. The party has its own newspaper "Ra'i al-Shaab" (public opinion) that wages an ongoing campaign to uncover corruption and the regime's violations in various domains. We could say that the Congress Party is just about the only opposition voice that the authorities take into account.

## **Economic changes and their impact on political reform**

Our approach relies on the premise that poverty and imbalanced development are directly linked to democracy, development and peace. It would be difficult to achieve any transformation towards sustainable democracy without genuine comprehensive development, or peace throughout the country. It is a package deal, therefore, and Sudanese political groups, whether part of the power structure or in opposition, are called-upon to adopt programmes based on those issues, and work together seriously to implement them on the ground.

In general, Sudan's economy suffers from many difficulties that ultimately weaken the productive capacity of the industrial and agricultural sectors, and lead to high youth unemployment and a low per capita income. Despite the caution with which official reports should be viewed, the "standard of living index", published by Social Affairs Ministry in November 2006, revealed what the situation was really like in the country, though it deliberately avoided terms such as poverty and need. The report showed that 27% of Sudanese families enjoy a high standard of living, 38% a medium standard, and 35% a low standard, though some economists say that this number is more like 96% in the rural areas, particularly in Darfur and Kordofan (western Sudan). The report also showed that there were differences between urban and rural areas, and between northern Sudan and the rest of the country.

The Sudanese economy is slowly opening up after a period of isolation due to the difficulties the country has been going through; the economic situation became somewhat stronger, however, after the start of peace negotiations and the signature of the Peace Agreement. In

2005, a US \$1.2 billion foreign funding deal was signed, in the form of loans, grants and assistance.

Sudan's economy encountered several obstacles in 2005, many of which were successfully dealt with by those in charge of the country's economy, while others persisted and their impact is still in evidence. Chief among these remaining obstacles is the bottleneck in Sudanese ports, due to the importation of large equipment for big-sized projects, like petroleum industries and the Marwi Dam, coinciding with the arrival of large quantities of aid for Darfur. These, compounded with the increasing demand on strategic goods, confounded the country and its infrastructure's ability to accommodate such a high volume of imported goods. It also caused an acute transportation crisis, raising tonnage prices from Port Sudan to Khartoum from 8 thousand Dinars to 20 thousand, i.e., a 150% increase. Despite the state's attempts to allow the importation of trucks, the tonnage price settled at around 18 thousand Dinars and never went back to what it was in 2005. Moreover, if the state does not effect a qualitative change in the railroad sector, the tonnage will never go back to its former price, and will affect the prices of strategic goods, like sugar, the demand on which exceeded one million tons per annum, well above the capacity of all Sudan's sugar factories put together. The 50% rise in the price of sugar highly embarrassed the state, due to the big difference between the actual and projected demand, which underlined the poor quality of its planning and inaccurate projections.

A good proven example is the 2005 severe gas and gasoline crisis, resulting from routine maintenance work that aimed to raise the output of the Khartoum refinery to 100 thousand barrels per. The process not only revealed the weakness of the gas storage containers, but also the poor level of planning, since the timing of both the maintenance work and increase of the refinery's capacity was known well beforehand, and yet the necessary precautions were not taken. The country also witnessed a severe shortage of grains, due to a bad rainy season and the failure of the 2004/2005 crop; and although the state tried to compensate by importing more grains from abroad, it was already too late, as if the crisis had come as a total surprise to officials in charge. Moreover, large quantities of corn arrived at Port Sudan after the 2005-2006 harvest had started, causing a drop in the price of the new crop, and hurting the farmers badly.

Furthermore, Sudanese banks faced stiff competition from foreign banks that enjoy a large capital in 2005, namely al-Salam, the Emirates-Sudan and the Egypt and Sudan Banks, as well as Bank el Mal, coupled with the establishment of an import insurance agency.

Another major problem resulted that same year from the accumulation of delayed salaries, which reached over one hundred billion Dinars, despite the federal government's commitment to transfer the regular and development support funds, and the value added tax to the states. Some of the agricultural tax compensations were delayed by three months at year's end, and were then paid all at once. This uncovered the poor performance of various states that failed to put their priorities in order.

Finally, although officials in charge of the economy have done their best, poor planning is still the main obstacle. If nothing is urgently done to remedy the situation, through a coordinated and well-rounded plan, spanning several years, Sudan's economic achievements would seriously be jeopardised. Moreover, although the political stability people had expected after the war failed to materialise, thanks to tribal conflicts in Darfur and elsewhere, observers believe that this did not negatively affect the country's general economic performance. However, there are increasing complaints that the improvement in

the state's economic resources did not translate into a similar improvement in the standard of living of most Sudanese citizens.

### **A. Foreign investments and privatisation**

Sudan upholds its economic relationship with China, a perfect example of cooperation that has become a real partnership, as a successful investment tool to attract foreign capital, prove the state's legitimacy and demonstrate the benefits of investing in the country. China is therefore Sudan's primary partner, thanks to the volume of its investments in that country that totalled over \$4 billion in 2005.

The Minister of State at the Investment Ministry revealed the excellent increase in the volume of foreign investments in Sudan, totalling one billion and 800 million dollars, in the first quarter of 2006. He said this increase was due to the excellent investment climate in the country, the facilities provided and the exemptions that Sudanese law offers to investors.

Sudan welcomed the Arab Investment Meeting that took place in Khartoum, on November 8-9, 2006, with open arms, with some officials heralding it as the beginning of a strong partnership between Sudan and the Arab Gulf countries (GCC). Others even saw it as a big step towards the development of an economic complementarity zone between Sudan and the GCC, with some optimistically projecting that Sudan will emerge from the meeting with \$4 billion in investments. Sudan submitted to the Meeting a series of comprehensive plans and projects in various sectors, which provided many opportunities for investment, and generously amended its investment laws to attract investors and accommodate their needs. However, the law also gave investors the right to own their project entirely, at the expense of the public sector, national development and the environment, to name just a few, and failed to differentiate between foreign investors and Sudanese citizens. Sudanese law also provided added incentives for strategic projects, granted those who invest in them customs exemptions for up to 5-10 years, and exempted their profits from taxation for up to 10 years. The law also made cheap or free plots of land available to investors, allowed the free movement of capital in foreign currency, and afforded them membership in institutions that guarantee Arab investments, and other regional institutions.

Economists and opposition politicians attacked various privatisation and investment policies for breaking all boundaries, and going too far trying to accommodate foreign investors. A big debate is currently underway regarding sale of banks, which economists see as an obstacle to the economy's development. However, while they do object to the country granting foreign capital the right to open or invest in new banks, economists see no sense in the state selling its own banks. There is also issue of the transparency of the process involved in the sale of public assets, given the lack of open bidding processes that guarantee good prices and advantageous conditions. Moreover, the fact that many of these sales take place in total secrecy has raised speculation regarding bribes and possible deals at the expense of Sudanese interests. This is compounded by the fact that large institutions are being earmarked for sale, without any transparent process or a way to know the economic or logical reasons that prompted the sale. Not only is this made worse by the obvious neglect of the social aspect, given that workers are often dismissed from their job without proper compensation, certain institutions that are not necessarily economic in nature and used to provide essential services to disadvantaged, were also unexplainably sold.

However, despite the above privileges and concessions granted by the government to investors by law, complexities and problems on the ground caused many investors to flee. For example those who do not pay local fees and taxes, like for garbage collection, on time,

could be prosecuted, and investors often have to deal with complicated administrative procedures upon taking possession of lands they had bought on the cheap, given the difficult and exhausting payment process. Moreover, problems involving old land ownership claims could potentially surface during a sale, compounded by different applications of the law from one state to another, as the result of the country's federal system. Moreover, Sudan's infrastructure, roads and communications network are still backwards, and its electricity output is irregular, leading to long power cuts especially during the summer months.

## **B. The problem of money laundering**

Unbridled openness has led to widespread corruption, and to money laundering resulting from internal corrupt practices in certain sectors, estimated by experts at around 176 billion Dinars. They said that although foreign funds entering the country do not hurt the economy, but enhance it rather, they warned against illegal money potentially destabilising the economy and increasing the amount of currency in circulation. One of the legal experts severely criticised the Money Laundering Law, at a time when several court cases are ongoing regarding sums believed to have entered the country illegally. The Money Laundering Law was based on the 1998 constitution, giving the President of the Republic the right to issue various laws, and the current Money Laundering Law obtained the approval of the proper legislative institutions to deal with this phenomenon.

## **C. Foreign debt**

Sudan joined the international money market in the 1970s to improve its balance of payments, reduce inflation, and increase the rate of production and national revenue, in order to amend the shortcoming in its external economic situation. However, various economic policies were not successful then in bolstering the foreign trade balance, mainly due to the ongoing civil war in the south, and the large unfinished projects that had come to a halt when foreign aid stopped coming into the country, and issues related to the environment, such as aridity, desertification and flooding, made the problem worse. Economic policies also contributed to the failure to repay the country's foreign debt, which kept accumulating until it became a mass of compounded interests. Sudan's foreign debt rose from \$27 billion in 2005, to \$28.5 billion in 2006, and its financial commitments to regional and international institutions amounted that same year to \$4 billion and 750 million. It is worth noting that the country's original debt was \$3 billion and 325 million (the rest being delayed payments), contractual interests at \$1 billion and 127 million, and interests on penalties at \$298 million (Bank of Sudan report, 2007).

Professor Ali Abdallah listed Sudan's foreign debt sources, revealing that the debt to the International Monetary Fund amounted to \$1.3 billion, and to the World Bank \$1.5 billion, i.e., a total of \$3.9 billion. He added that secondary sources of funding through the Paris Club amounted to \$6.4 billion, from outside the Paris Club to \$7.6 billion, and the debt to foreign commercial banks to \$3.2 billion out of a total debt of \$21.1 billion. These, with their accrued interest, account for 1000% of the state's exports, 1400% of its imports, and 135% of the national revenue.

A Central Bank report stated that contradictory foreign borrowing strategies and policies at various stages of the country's history have only increased the country's debt volume. He underlined the importance of developing a firm foreign borrowing strategy that helps identify shortcomings and problems facing foreign borrowing, find solutions to past and present debt-related issues and help absorb the large sums expected to come into the country. The report highlighted the importance of having the country's borrowing policy comprise a

comprehensive package of suggestions, plans and programmes that delineate relevant borrowing conditions and yardsticks, and their link to various economic indicators. The country's increasing debt volume caused the rate of inflation to rise and the value of the national currency to drop against other currencies, and the exchange rate of the dollar rose from 14 Pounds in 1989, to 2650 Pounds in 2004, i.e., 64 times. In 2007, the Bank of Sudan decided to use the Pound exclusively, by dropping three zeroes from the old currency. Today, Sudan's foreign debt stands at over \$28 billion due to its continuous failure to repay what it owes. Poor countries succeeded in wresting international approval on a new initiative that compelled the Paris Club to adopt a number of new rescheduling conditions, such as a five-year grace period, provided the debt is repaid within ten years, at interest prices. Several other decisions aiming at reducing debt and lowering poverty levels were adopted, and most lending institutions linked debt cancellation, or rescheduling, to progress in the peace process and the transformation towards democracy.

#### **D. Poverty and the democratic transformation**

Sudan is in the grips of a strange and contradictory economic situation; for despite the presence of oil and an open door policy towards foreign investments, the standard of living in the country and the quality of the citizen's life has seen no tangible improvement. The fact that the Sudanese individual is busy all day trying to secure his livelihood and guarantee the minimum means of subsistence, has had an impact on his interests, in general, given the loss of the little free time he had to acquaint himself with the situation, through political and intellectual pursuits. The deteriorating economic situation has also affected the citizen's use of cultural material like books, magazines and newspapers; it is worth mentioning, within this context, that the price of a single book is today equivalent to one-tenth of a university graduate's monthly salary. Moreover, though the Sudanese people were well-known for their interest in politics, this characteristic was entirely lost during the years of the salvation regime, due to their involvement in matters of daily survival, plus the risk associated with any involvement in political activism under a repressive totalitarian regime.

Sudan citizens suffer from the compounded problems resulting from backwardness, namely low level of basic services like education, health, proper housing and employment. However, although people expected the situation to improve after the signature of the Comprehensive Peace Agreement, with the money going to development instead of war and weapons, the situation remained unchanged.

#### **D. Education**

The country's latest budget revealed the very low sum earmarked for education, with only 1% of the gross national product going towards covering various needs of the education system as a whole, compared to 4% in other African countries. In the meantime, the security and defence budget remains unchanged, at seven times that number. This low figure will prevent education from gradually spreading throughout the country, for while school attendance for the 6 to 13 year olds reaches 60% in northern Sudanese schools, it is only 35% in Darfur, and 20% in the southern states, the worst percentages in the world, meaning that around three quarters of the adults in the south are illiterate. Moreover, despite the shortage of schools, around 10% only have permanent buildings, 80% of the students sit on the floor, girls constitute just 27% of the total enrolment, truancy levels are very high and enrolment in high school stands at 8% maximum. On the other hand, the standard of university education has deteriorated, due to the rampant and unplanned opening of new universities, as part of the effort to achieve the so-called "education revolutions". One year alone, saw the establishment of 26 new universities, though some do

not even have laboratories in the faculty of medicine, and dissection is taught sometimes as theory. The same goes for various engineering faculties where most subjects are also taught as theory, and students are barely able to tackle straightforward computer programmes. Higher education also suffers from grade inflation and a laissez-faire attitude, where doctorate and master degrees are given to students who do not even know how to index their references. There is no more a high value on education; the fact that it is now a social privilege explains the general low level of interest in higher education, since income has become the main determinant of a person's social status.

Problems of education are a serious impediment to the awareness that democracy is necessary for the country, and illiteracy is a barrier to the increase of political participation and to choosing the best candidates to run in the elections. Although I tend not to believe in plots, I cannot but wonder whether traditional sectarian parties have a stake in perpetuating this unfortunate situation. For example, why did they not introduce comprehensive development-oriented projects when they were in power? Why did they disregard efforts to eradicate illiteracy both nationally and voluntarily? Modern forces should bear part of the responsibility for the spread of illiteracy, since they failed to mobilise either their parties or civil society to organise educational student-teacher activities during the summer holidays. This is why illiteracy remains an obstacle on the path towards democracy.

#### **E. Health**

Development projects usually produce radical and genuine changes for the better in most people's lives; however, if we look at the health indicator alone, we will find that, just like education, expenditure on this particular sector is very low at around 1%. As a result, many rural areas even lack a health clinic, not to mention a hospital, especially in conflict areas like southern Sudan, south Kordofan, the southern Blue Nile region, Darfur and eastern Sudan, compounded by a dire shortage of trained health workers and medicines. The average expected age of a Sudanese individual is only 40 years, over 80 infants out of every one thousand die before the first year of age, and 120 children out of every one thousand die before the age of five. (From a study by Mohammad al-'Awad Jalaaluddin, presented at the Independence Seminar, al-Ahliya University, June 20, 2006.)

### **Federalism: Putting an end to marginalization or returning to tribalism and ethnicity? The crisis in Darfur as example**

The *intifada* of October 21, 1964 against the military regime of General Aboud marked the beginning of the movement calling for the abolition of the native administration, seen as an obstacle to democracy and development. However, despite the fact that the decision to abolish it came only five years later, it marked the beginning of the movement to weaken and challenge the native administration, and certain parties' monopoly over closed tribal areas, prompting educated tribe members to form, for the first time ever, their own political organisations. Both, the Darfur Front and Beja Congress ran in the 1965 elections, and scored successes against al-Umma and the Democratic Unionist Parties in a number of electoral districts. Organisations like these had emerged earlier on in the south but had not adopted the names of specific tribes, despite the latter's control over certain political organisations, like the Dinka and SANU Parties. The Sudanese National Party emerged later as the representative of the Nouba Mountains' inhabitants in western Sudan.

These issue-based organisations were intent on improving the lot of their citizens, and therefore built their relationships and alliances with traditional political parties on that premise, and some of their members even occupied positions in the central administration. However, when this did not lead to more development or to higher standards of living in their respective regions, they opted for alliances that took them back to the old traditional party style, but with a set of new conditions. Their popular bases kept their old sectarian and tribal loyalties, but called upon their educated sons to reclaim certain rights without impinging on the religious and traditional leaders' domain, or severing their ties with them. For example, Mr. Ahmad Ibrahim Dreij, leader of the Darfur Front, became Minister of Cooperation in the government of Sayed Sadeq al-Mahdi, the Umma Party leader, despite the tight control the latter party still maintained in Darfur.

The second dictatorship (1969-1985) thought it could do away with partisan and tribal disagreements by imposing single party rule, i.e., the Socialist Union Party, although it is amply clear that power from above, no matter how strong, legal or constitutional, cannot single-handedly change existing socio-economic, or cultural values and trends. Such a change needs a continuous string of tangible and radical motives and measures capable of altering the character of deeply entrenched traditional societies. It was therefore only natural for old loyalties and tribal identities to continue as before, dressed in a new garb that is better suited to the Socialist Union's vision and yearning for a single, united and integrated Sudanese nation.

The *intifada* of April 1985 and the civil war in the south ushered in a dark period for the southern states; this revealed the marginalisation of the peripheries, i.e., the estrangement between the centre and the periphery, and the ensuing uneven development process. The Sudanese people started forming their own political organisations, after several years of dictatorship, and over 70 different parties and fronts were established. The current regime put an end to this unacceptable phenomenon, which some saw as a divisive development that would lead to the disorientation and erosion of the so-called, national fabric.

Major Sudanese groups continued to call for reforming the centralised state structure, and replacing it with a federal system that would ensure the fair distribution of power and wealth among various regions. This is why it was stated in the Nifasha Agreement that Sudan is one federal entity comprising a self-governing region (the south), and states that enjoy specific constitutional powers. It also states that at the top of this entity is a federal government (the current so-called National Unity Government) acting in the interest of a single, sovereign unified state, founded by the partners to the comprehensive peace Agreement, specifically, the regime in power (represented by the National Congress Party) and the Sudan's People Liberation Movement.

The current regime divided the country into 26 governorates (or states according to the Islamic version), and needed a number of yardsticks, mainly geographic and social, to justify the move, despite the fact that this could potentially bring tribalism to the fore once again, and entrench it further. Some of those who seek to justify this division say that it "aims at recognising cultural, ethnic and religious diversity, both as facts of life and a characteristic of Sudanese society, on which one could build, provided it does not upset the tribal balance, cultural and linguistic homogeneity or the lofty historical traditions."<sup>1</sup> The regime tried, through the federal system, to confine the tribe or ethnic group to only one state or governorate, which is why it reopened the door to competition among the tribes, and why

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<sup>1</sup> Ahmad Abdelrahman Mohammad and Ahmad Ibrahim Abusin, « Impressions of the New State Divisions », from the book « Federalism in Sudan », (Arabic) edited by Award al-Sayed al-karsani al-Khartoum, Center for Strategic Studies, 1998, p. 154

the local administration became an arena of conflict over power. New tribal alliances and blocs thus emerged, further entrenching each tribe's respective heritage, and the Comprehensive Peace Agreement was applied based on existing divisions on the ground. The result was that the Dinka tribe, the biggest tribe in the south to which the late John Garang belonged, found itself in a struggle against the rest of the south, and was forced to build difficult tribal alliances. The same happened in Darfur between Arab and non-Arab tribes.

### **A. Federal system or disintegration**

In countries whose national unity is not yet deeply rooted, a federal system could revive and strengthen tribal identities, and take them towards a foundational phase that enjoys a certain degree of legitimacy when it secures representation in regional governments and legislative, popular and administrative councils. This undoubtedly constitutes an obstacle on the path towards democratic reform, since it reduces the chance for modern popular and cross tribal parties to develop, and cancels the party role altogether through inter-tribal deals to ensure tribal votes, in return for representatives in parliament or the government; this has been the case with Sudanese parties since independence. This also explains the country's political instability, resulting from the chronic weakness of parties that continued to rely on relationships that have hardly changed since independence, in 1956. This was not only the case in the south, west and east, but everywhere else in the country, save for a few urban pockets.

The salvation regime tried to restore tribalism in order to put an end to nationalist party loyalties, though the Sudanese people were good at maintaining balance between party loyalty and tribal identity, i.e., a mixture of a traditional and more modern form of loyalty. Had the democratic regime stayed in power, it could have been possible for political parties to develop, no matter how slow; the current regime, however, tried to prevent such progress from taking place. One could see the Darfur crisis as an attempt to curb the power of the Umma Party in that particular region, almost entirely inaccessible to the regime. Even when they tried to take advantage of the tribal situation, political parties used to avoid conflict with various groups.

People expected that once applied, the federal system would reveal a number of inherent shortcomings, given its overly politicised vision at the expense of more technical and professional ones. The first shortcoming was the re-emergence of certain aspects of the old native administration that the British had put in place to manage a vast and culturally diverse country, like Sudan. During the colonial period, tribal elders and leaders were given limited legal and administrative powers, and the salvation regime did the same to improve the administration's performance and reach remote areas. The choice of federalism had already been widely criticised for the harm it could cause the country's national unity; some believed that "shifting history's march from federalism to unity, and back again, is a factor that will weaken unity and bolster dissolution and disintegration, as evidenced by mounting calls for confederacy and secession from a number of states and regions."<sup>2</sup> It is worth noting that Sudan has been a central state through most of its history, and it is to the federal regime's detriment that it did not foster reliance on the states' own resources, but kept their budget dependent on constant support from the centre. This means that the federal regime has lost its main *raison d'être*, namely, financial independence that allows various regions to administer themselves independently from the centre, or the capital.

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<sup>2</sup> Mohammad Hashem Awad, « Federalism under the Microscope », p. 228, from the book « Federalism in Sudan », *ibid.*

## **B. Darfur seen from this particular angle**

The current regime has tried to use various political tribal and ethnic conflicts to its own advantage, in a very dangerous game requiring a lot of skill and very difficult to control, no matter the players' skill. The conflict in Darfur started as a conflict among the tribes over the region's limited resources, and the fact that these tribes, whether settled agricultural, or pastoral and nomadic, had always found a way to settle their own disputes, had helped them maintain a relatively peaceful coexistence. The settled tribes had agreed to allocate open passages, at given times of the year, to pastoral tribes without allowing this arrangement to impinge on their own their agriculture, and their leaders were wise enough to solve any ensuing problems. However, given its Arab-Islamic ideology, the current regime insisted on favouring Arab tribes, and although all Darfur's tribes are Muslim, it openly took sides when it was supposed to remain entirely neutral. This gave the conflict an ethnic dimension and turned the warring parties into Arabs and Zarka, a term that means black non-Arab tribes. The regime supported the Arab tribes known as the Janjaweed with weapons, money and protection, despite the elasticity of the term to include gangs who steal, murder and rape in Darfur. Some Western media seized on the opportunity to focus on the ethnic aspect of the conflict, sometimes even its equivocal religious aspect, and the Darfur crisis assumed unprecedented international proportions, the likes of which the crisis in the south never knew, though it lasted for over half a century.

Among the signs of tribalism's resurgence are the recurrent references to tribal *shura* councils in the Sudanese newspapers, where even condolence notices refer the deceased's tribal origins, and social announcements appear under the tribe's name. This resurgence undoubtedly impedes the process of transformation towards democracy, by obstructing various political and electoral programmes, both national and comprehensive, that do not overlook the sorry conditions in various states. The situation is the reverse today, however, given the overwhelming amount of tribal demands at the expense a national comprehensive vision. This created an artificial contradiction within the slogan calling for unity and diversity, which democratic and progressive forces had rejected when democracy was in ascendance, since in light of Sudan's current situation, cultural diversity could, instead, become a tool for division, estrangement and tribal conflict.

## **C. How the crisis in Darfur developed**

In 2004, the conflict in Darfur grew even bigger when it became the focus of the Western and African countries', and international humanitarian organisations' attention.

We heard repeated outcries that what we are witnessing in Darfur is the worst humanitarian disaster of the modern era. Indeed, for the people of Darfur it was a multi dimensional disaster involving flagrant human rights violations, which both the United Nations and the United States described as atrocities. Many of these are violations by the Sudanese Government and its militias (the Janjaweed), including ethnic cleansing, mass exterminations, extrajudicial killings and rape, even if some of these were not substantiated, but rather based on hearsay and the international organisations' interviews with refugees and displaced persons. The Security Council's fact-finding commission on human rights in Darfur issued its report in January 2005, and submitted it to the government on January 28, 2005, who described it as prejudiced and unbalanced. What is most dangerous about this tragic situation, however, is the displacement of almost one million people from their towns and villages, and the presence of one-third of a million refugees in neighbouring Chad.

It was natural, under the circumstances, for foreign pressure to increase on the Sudanese government, and for Sudan to give foreign powers and international organisations the pretext to interfere in its domestic affairs. These took advantage of Sudan's flagrant violation of human rights in Darfur, and the government and gunmen's refusal to solve the problem by peaceful means and insistence on continuing the armed conflict, starting with the Abshi negotiations in 2004, until the acceptance of the international troops, based on Security Council Resolution 1769, of July 31, 2007.

Foreign interventions in Sudan took different forms, ranging from quiet diplomacy by the United Nations and the United States with the government, to the threat of Security Council sanctions under the cover of international legitimacy.

The United States' anxiety over Darfur increased mainly due to the growing pressure which human rights activists were bringing to bear on the White House. America had to consider its own future strategy in West Africa, and the fact that its interests lay in keeping the region free of political and security problems. On the other hand, it was important for the United States to see a stable Sudan, after its considerable diplomatic efforts to resolve the armed conflict between the government and the Sudan People's Liberation Movement, which culminated in the Comprehensive Peace Agreement of 2005.

Other factors, like the American presidential elections of 2004 and the increasing francophone presence in western Africa, also contributed to the United States' interest in the events in Darfur. The Americans kept tightening the noose around the Sudanese government's neck, imposed sanctions on officials linked to the crisis, and the House of Representatives approved a package of sanctions on officials directly responsible for the so-called humanitarian disaster in that region, including freezing of their personal assets. The Americans succeeded in convincing the European Union, at the summer 2004 summit meeting, to issue a joint declaration demanding that the Sudanese government put an end to the violence by the Janjaweed, protect civilians and attend to the humanitarian situation in Darfur.

In the meantime, the Americans submitted a draft resolution to the Security Council comprising a set of international sanctions against the Janjaweed's leaders, including an embargo on the sale of arms and military equipment, and banning those leaders from entering or living in any member country of the United Nations. In view of this escalation, Darfur became an American public opinion issue, and a constant headliner in the newspapers; the latter began advocating international intervention, sanctions against Khartoum and sending fact-finding missions to investigate war crimes.

It was only natural for this pressure and for the American administration's interest in Darfur to bear fruit; it compelled the United Nations and its relevant organisations to embark on a wide-ranging assistance campaign for Darfur. It is worth noting, however, that the United Nations did not go along with the United States in calling events in Darfur as "genocide", but a human rights violation, rather, before finally adopting the term "atrocities".

Observers agree that the intervention in Darfur, in 2004, was very useful from the humanitarian point of view, since it curbed the activities of the irregular militia, and turned the world's attention to the fearful deterioration of the conditions under which the refugees and displaced persons live.

For its part, Arab interest in the issue was very weak, and neither the Arab states nor the Arab League played any part in finding a solution to the problem.

There was, however, a limited effort by neighbouring Arab African countries, like Egypt and Libya, for it is only natural for Egypt to be directly interested in what takes place in Sudan, given the two countries' geographic, political, economic and human ties. Egypt is also careful not to repeat the mistake of staying out of important events, as it did in Nifasha, and therefore wanted to be involved in Darfur.

As for Libya, its extensive relations with neighbouring regions, like Chad and western Sudan, are not a secret, added to the worry that instability in the region would have a direct impact on the country.

Thus, again thanks to Western pressure and interventions in Darfur, in 2004, the Sudanese government appealed to the African Union to take the issue under its wing, and monitor events on the ground. The African Union's position, under the presidency of Nigeria, remained acceptable to the Sudanese government until the Abuja negotiations, in 2004, between the government and armed movements in Darfur. The African intervention was two-dimensional:

- First: monitor the cease-fire and create safe passages for humanitarian assistance; and
- Second: sponsor negotiations between the government and the Justice and Equality and Sudan Liberation Movements.

It was clear that an African solution to the conflict, which is what the government wanted, would have had less impact had there not been international pressure on all parties to commit to the African sponsor's military and political agenda.

In early 2006, the international community grew tired from what was going on in Darfur, especially in light of new developments on the ground, in particular the deterioration in relations between Sudan and Chad that reached their lowest point in the first quarter of that same year. The two countries accused each other of direct interference in each other's affairs, and the tension between them directly affected the conditions of Darfurian refugees in Chad, especially after the attempted coup against the regime of Idris Deby. Moreover, deep disagreements between various armed movements in Darfur culminated in the Sudan Liberation Movement splitting into two, provoking an armed conflict between the two factions, and causing a further deterioration in the humanitarian condition of the refugees. Moreover, the negotiating positions of the parties at the Abuja talks grew wider apart, uncovering the weakness of the African Union's military role in calming the security situation in the state. Matters, however, grew even more complicated for the government when the United Nations announced its intention to replace African troops in Darfur with international ones, pending the approval of the Sudanese government and the African Union.

The United Nations' move elicited different reactions by different parties at the negotiations. While the government ratcheted up its rhetoric against the move, with the President of the Republic declaring that Darfur would become a burial ground for international troops, the armed movements in Darfur strongly supported it. The African intermediary, whose position had become rather untenable, urged the two sides, with the international community's backing, to reach a political agreement.

The scenario of the negotiations started quickly moving towards agreement over contentious issues between the two parties, while the government held simultaneous negotiations with three different armed movements, each with its own agenda. At the same time, the armed movements' statements out of Abuja, especially the Justice and Equality Movement,

confirmed the lack of progress in the talks, meaning that there were no new concessions by the government negotiating team, who claimed not to have full negotiating prerogatives.

The talks finally reached an agreement – despite the deputy president’s three “no’s”: no to a vice presidential post, no to a united Darfur region and no to individual restitution. The government and the Darfurian armed movements agreed on 70% of the issues related to security arrangements and distribution of the country’s national wealth. However, before an announcement could be made regarding a final agreement, political solutions had to be found for four still unresolved items. In a move that observers deemed as positive, the African Security and Peace Council made public for the first time ever, on April 6, 2006, the list of still unresolved issues, and on April 25, 2006, the draft of the Darfur Peace Agreement, i.e., the final status agreement, was presented to the two parties. However, while the Sudanese government approved the draft on the 27<sup>th</sup> of that month, most rebel movements initially refused to sign. On the next day, under pressure from assistant secretary of state Robert Zoellick, representing the American government, and British government envoy Alan Goulty, the largest armed movement (the Sudan Liberation Movement of Mini Menawi) agreed to sign, and is still a partner in power until today.

The unresolved items in question revolved around the following issues:

### **1. Power sharing**

Differences persisted round issues related to the presidency, and to the future shape of representations in the country’s executive and legislative institutions. The armed movements wanted to see a Darfurian state established immediately upon the signature of the Agreement, and without a referendum, while the government refused to grant the movements the position of deputy president. There was also no agreement over the issue of the Darfurian movements’ representation in the country’s executive and legislative institutions.

### **2. Wealth sharing**

Disagreements in this domain revolved round three issues:

-Return of the displaced and the refugees. The movements insisted on giving the returnees initial financial assistance and various services, while the government held fast to its rejection of any cash payments.

-Sum that the government is supposed to contribute to the Darfur Reconstruction and Rehabilitation Fund. The movements insisting on Sudan allocating 6.5% of its annual revenue to the Fund, and earmarking 35% of the national revenue to the states, while the government rejecting this formula, on the grounds that it is not backed by scientific or economic studies, and that the armed movements were not mandated to speak on behalf of the states.

-Restitutions to the displaced and refugees; which saw the parties agreeing to establish a restitution commission, but not restitution fund.

As the African mediators had expected, the armed movements described the draft agreement as disappointing, with some going even further and accusing the mediators of bias, and calling upon the international community to find a new mediator. When the Justice and Equality Movement accused the mediating technical team of bias towards the government, the response came strong and fast, threatening to stop its sponsorship of the negotiations unless the parties seriously consider the Peace Agreement’s conciliatory proposals.

The international community started applying heavy pressure (President Bush announced sanctions against any individual or party that threatens the peace process in Darfur) to bring the parties to accept the African Union's proposals. All indications, however, point to the government's acceptance of these proposals, given internal and external developments prompting it to put the issue behind it. The government's position was mainly a reaction to the United Nations plan to replace African troops by international ones, the Union's military and political failure to stop further deterioration in the situation on the ground, and the conviction among suffering Darfurians and their armed representatives that international troops would be better for them.

## **Provisions of the Darfur Peace Agreement**

1. The armed movements will be granted the position of assistant to the President of the Republic, with expanded prerogatives within the institution of the presidency. The assistant will be responsible for the Darfur Regional Transitional Authority, and have the right of veto in any disagreement between the transitional authority and the governments of the Darfurian states, regarding the Agreement's implementation.
2. The Darfur Regional Transitional Authority will be made up of the governors of the three Darfurian states, and the presidents of the commissions that will ensue from the Agreement; the Authority's presidency will held by the armed movements.
3. The armed movements shall have three cabinet minister posts, three posts of state minister in the federal government, the governorship of one of the Darfur states, two deputy governorships of other two states, six commissioners, and six executive officers as their local representatives in the three states.
4. The Darfurians shall have 12 seats in the National Transitional Assembly.
5. The principle of Individual restitution is accepted, and the government would contribute to it a still unspecified sum.
6. The Darfur Reconstruction and Rehabilitation Fund will be established, into which the government would immediately remit the sum \$300 million followed, thereafter, by \$30 million per annum.

It seems hat the Agreement, in its present form, did not please or respond to the needs of Abdel-Wahed Nour's and the Justice and Equality Movements, who believe that it falls short of the hopes and aspirations of the people of Darfur. They insist, instead, on the following demands, which the Peace Agreement did not include:

- Holding the position of deputy president during the transitional period;
- Being represented in the country's legislative and executive institutions, and in the regular armed and security forces, in proportion to size of Darfur's population.
- Maintaining the Darfur region as a united entity.

In fact, it is only natural not to consider the Agreement as entirely comprehensive given the absence of certain parties from the scene. It is also natural to hear regional and international voices calling for sanctions against the two movements, and for pressuring them to join the Agreement, given its finality and comprehensiveness. It now seems that the international

community has sidelined the Justice and Equality Movement and is now focussing on getting Abdel-Wahed Nour's movement to sign.

In any case, the government got the best out of the Agreement and obtained what it wanted, including an end to local and international pressure. The international community, for its part, sees it as a very good agreement conducive to a solution in Darfur, as evidenced by the wide international support behind it. The United Nations, and its mission in Sudan, see it as comprehensive, appropriate and cannot be further amended, and consider those who refused to sign it as standing in the way of peace.

As for the public's reaction to it, especially in Darfur where a large segment of the population refuses to endorse it, large demonstrations took to the streets in the capital upon the announcement of the Agreement, led by Darfurians protesting against all what had transpired in Abuja. The refugee camps of al-Fashir and al-Kass also witnessed demonstrations against the Agreement, during which a number of people were killed, and violent protests erupted in Kalma camp against they visit by Jan Egeland, which coincided with the Agreement's signature. Protests against the Agreement, the government and the forces of Mini Menawi continued inside the camps, leading to a marked deterioration in the security situation in Darfur, and prompting the government to launched air strikes against these camps, claiming the right of self-defence and the need to protect other groups.

## **Deductions and conclusion: democracy potentially obstructed by democratic means**

The fact that the Comprehensive Peace Agreement and Transitional Constitution of 2005 foresaw a number of measures for the end of the third transitional year, i.e. 2008, means that many expectations will surface after a long period without democratic elections. The elections will come at a time when the country is just emerging from the long war in the south, a war is going on in Darfur, a suffocating economic crisis is wrecking havoc, political parties are divided and at each other's throat, and the National Congress Party controls every aspect of statehood, the economy and the media. This means that the sensitivity and complexity of the situation will not chart the right course for a transformation towards democracy and reform. Moreover, political stakeholders and partisan groups are not yet ready to embark on free and fair elections, nor are they seriously trying to adjust the present course.

The current transitional period is characterised by a strong and pervasive foreign presence, since Sudanese political parties have, without exception, and whether in the north or south, failed to resolve the county's problems based on the independent will of the Sudanese people. It was therefore only natural for foreign parties, with interests in Sudan and the region, to try to take advantage of such a situation. Moreover, despite the neighbouring countries' interest in Sudan's welfare, it was the United States and Western Europe who became involved in the peace process and worked to end the war in the south, with the result that events were being steered from outside the continent, rather than from just outside the country. The internal situation became very fragile, and the democratic transformation was realistically no longer a priority, even if it remained a mere slogan. It is also clear that the United States and other western countries have now abandoned their democratic aspirations for Sudan, and are intent, above all, on salvaging the peace

agreement. They no longer link the peace process to the transformation towards democracy, a turn of event that considerably weakens those who struggle to achieve democracy.

**Those who advocate political reform and democratic change see the Comprehensive Peace Agreement as a reference point, and a framework for action during the transitional period. The regime, however, took advantage of the devil in the details and, despite the existence of a written text, interpreted the Agreement in its own entirely different way, impeding the Agreement's implementation. The major partner in the government, the National Congress Party, did not deal honestly and seriously with the requirements of the democratic transformation, as stipulated in the said Agreement, finding in it, or so it seems, the potential gradual undoing of the regime. It deliberately resorted to the carrot and stick approach, using, as stated above, the security services as a tool to sustain and entrench the regime in its old form, yet amended to suit the requirements and pressures of the moment. The Party has held fast to the arsenal of laws that limit freedom and violate the constitution, and relied on the automatic majority granted to it by the Agreement's proportional system. This means that at any given moment it could call for a vote in parliament and obtain a 52% majority, aided by some members of the so-called "parties of the programme government". In other words, the Congress Party could very well use "democratic means" to obstruct the democratic transformation!**