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**Sudan at another Turning Point; Federalism and the New Constitution:
The Challenge of Diversity and the Need for Genuine Participatory Democracy**

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Introduction

Intra state conflicts and civil wars have been on the increase since the 1990s, following the end of the cold war resulting in great loss of life, immense human suffering, displacement and the destruction of livelihoods for tens of millions of humans. In the case of regional movements calling for self determination and the secession of regions to form separate independent states, political, judicial and international security and stability implications. The respect for post II WW borders which form the basis for the state of the current international order would be thrown into chaos by the proliferation of regional secessionist movements. Consequently the phenomenon have attracted the attention of academic, international law specialist, diplomats, politicians as well as military expert. The result has been massive literature on the different dimensions of intra-state conflicts; including, but not limited to, the causes of such inter-groups conflicts, the ways in which such diverse sub-national regional groups could be managed and accommodated to mitigate violent inter-group friction, and the lessons that could be learned from various country experiences about the sources of success and failure of different diversity management approaches.

This paper deals with the issue of diversity in Sudan and how the Northern Sudanese political elites have failed to manage their multi-ethnic, multi-religious, multi-lingual and multi-cultural society. The paper is divided into six sections; the first and the second provide a very brief outline of some relevant conceptual issues dealing with the causes of sub national group mobilization; including regional movements and the various measures adopted to accommodate their demands. The third section gives a brief account of Northern Sudanese elites' failure to tackle development and nation building issues. The Sudanese experience in decentralization and regional government is examined in the fifth section. The sixth section investigates the current Sudanese political impasse in the light of the novel thinking and practice of bottom up participatory approach to constitution making and consensus building. The paper winds up by concluding remarks.

Causes of Intra-state Conflict and Civil Wars

Different lines of conceptual and empirical reasoning are offered in the literature explaining the roots causes for sub-national groups' assertive political mobilization

along ethnic, religious, cultural and regional group markers, or any other group distinguishing characteristics, to get protection and recognition of special group rights. Among these are regional movements that advocate demands for a group or groups occupying a certain territorial space within a nation state. As the main focus of this paper would be on regional movements in the Sudan, two types of sub-national regional movements could be distinguished: i) sub-national regional movements, not aiming to opt out of the national state but mobilize using violent means to achieve objectives for the sub-regional group and its members; examples of this type are Darfur movements in Sudan; and, ii) sub-national groups sharing one or more identity markers and concentrated in a region who mobilize using violence to achieve self determination and secession to establish their own separate state. South Sudan, Tamil Tigers in Sri Lanka are examples of this kind of secessionist movements.

As the case of the Sudan in the success or failure to manage its diversity would be discussed later, both types of sub-national regional groups have been active in Sudan. In the case of the first type; i.e., the Blue Nile, Nuba Mountain, East Sudan and Darfur Movements are sub-national non-secessionist regional movement, which all demand some form of self rule and a fair share in wealth and power for their regions. Under authoritarian rule that oppresses free expression of aspirations and demands, violence could perhaps be the only form of pressure to get those demands met. Sub-national groups of this type attempt to get their demands realized by restructuring the existing institutional and power structure while remaining within the existing national state.

Despite the implications of the violence they pursue and state counter violence for human security; such movements do not pose a threat to the territorial integrity of the existing national state and thus less of a threat to the established international order and stability. However, if at a certain point and after long violent struggle, power holders could not accommodate their demands, regional sub-national group movements could mobilize using ethnic, religious identities, historic inequalities and feeling of grievance to turn into secessionist movements. South Sudan as would be illustrated briefly in this paper is a good example of a regional movement which initially demanded power sharing and the devolution of power to South Sudan within a federal system that, in the face of firm negative response from the centre, evolved into a

secessionist movement that divided the largest African country into two. It is as result of failure to recognize diversity and wisely work towards its management at the early stages when signs of a sub-national regional group discontent began to transpire.

Although some secessionist movements are expressions of some rich regions' preference for opting out of the state when this is perceived to serve the regions' economic interests to do soⁱ, most violent secessionist movements; particularly in the developing world; including Africa express grievances arising from socioeconomic and political inequalities suffered by a sub-national group occupying a territorial space within the nation stateⁱⁱ. Members of the sub-national group movement calling for secession, could share a combination of identity markers, however, the strength of regional secessionist movement depends, in addition, on the degree to which identity characteristics overlap and the depth of feeling of resentment arising from inequalitiesⁱⁱⁱ.

However, the general trend in the literature on regional secessionist movements is that diversity and multiple identities in society, though might provide the necessary conditions for sub-national regional groups' protest and mobilization along the lines of overlapping identity markers; i.e., ethnic origin , religion, culture and sharing a deprived region, do not provide sufficient conditions for the rise of violent secessionist movements. Other contextual factors that determine how diversity is managed and sub-national groups' grievances and demands are responded to are as significant in the rise and potency of secessionist movements. It has already been indicated that some secessionist regional movements do begin as non-secessionists and evolve only as secessionists when their regional demands are denied and this underscores the significance of early response to accommodate regional movements' demands before they are pushed into secessionism.

Diversity Management and Violent Regional Movements

Societies have taken various political measures built into political systems to peacefully manage multiple identities and regional inequalities to protect sub-national identity groups' rights in order to prevent inter-group violent conflict, deter and curb regional secessionist tendencies. The measures states have taken while primarily aimed at convincing sub-national groups to willingly accept to live within a nation state, have

been simultaneously intended to maintain identity groups peaceful coexistence without compromising the country's territorial integrity. The literature on the appropriate measures states have taken to manage diversity and avert secession is vast and diverse. Based on various country experiences in the management of diversity and variations in the contextual factors which relate to the specificity of historical, socioeconomic and political conditions, no specific set of measures could be singled out to fit all countries and all situations. However, insights drawn from theory and the examination of country experiences point to the general direction multi-identity societies could take to maintain peaceful coexistence between different groups and prevent violent secession.

One major mechanism to manage diversity and maintain societal peace in divided multi-identity societies is the adoption of democracy. Although some research have indicated that authoritarian rule is more effective in maintaining inter-group peace and the prevention of secessionist movements, democracy is held by many other scholars to be more conducive to maintaining inter group peaceful coexistence and preserving national unity. Democracy as a political system, protects individual and group rights, allows freedom of expression and organizations for individual and groups to achieve group interests and demands peacefully, ensures transparency and accountability and subsequently provides the right political conditions for the management of diversity^{iv}. Identity group demands could be articulated, negotiated and peacefully resolved through the democratic process^v.

Authoritarianism on the other hand suppresses individual and groups freedom of expression, deny human and civil rights and thus aggravates the feeling of grievance resulting from inequalities and discrimination; real or perceived and could ultimately lead to inter-group violence and calls for secession. Moreover, authoritarian regimes, in the case of non-secessionist sub-national identity group regional movements, might suppress non-secessionist regional movements for a while, but could deepen the feeling of group indignation in the long run and push such non secessionist regional movements into secessionism and more fierce violence^{vi}. Sustained oppression, and denial of group rights, under authoritarian non-democratic regimes provide the conditions and justification for group mobilization and the evolution of secessionist movements. South Sudan also provides a good example of a peaceful non-secessionist

regional movement evolving into a secessionist one because of sustained oppression and denial of identity group rights within the nation state.

Although the adoption of democracy and adherence to democratic principles might be favourable for the expression of sub-national groups demands and provide the conditions for peaceful organization and mobilization to achieve them, adopting the democratic principle of majority rule alone might not be sufficient to allay the fears of minority sub-national identity groups of being dominated by the majority. To counter these fears and accommodate minorities needs for participation and inclusion into the political system, many democratic governments introduced measures to make the democratic system inclusive such as proportional representation, as a form of power sharing, of sub-national groups in national legislative assemblies and high executives^{vii}. Some other democratic countries that opted for the majority rule ensured equality of and non-discrimination against citizens while taking measures to ensure balanced group representation in high posts and equal access to resources^{viii}. Such measures are incorporated into national constitutions to assure sub-national regional groups that group rights are protected, participation in the political system ensured and their interests allowed for and met.

The adoption of federalism and the decentralization of decision making process is another form adopted to meet sub-national identity group demands; particularly regional movements; both secessionist and non-secessionist demanding self-rule and regional rights^{ix}. Different definitions of federalism and decentralization of decision making are offered in the literature, that need not be detailed here. There are also different forms of federalism pursued in practice that combine different federal features depending in general on the contextual historical, socioeconomic, and political conditions and the type of sub-national regional problem or grievances decentralization and power devolution arrangement is intended to redress. These forms range from the delegation of powers from the center to the lower levels of government to implement decisions taken at the center to the devolution of some full powers and authority of decision making and implementation to the lower levels of government regarding matters of local nature and interest^x. The separation of powers between the two levels of government under a democracy, a subject of study in its own right, incorporated into a

national consensus-based constitution^{xi}. As a diversity management mechanism, devolution of powers to the regions is meant to give some form of self-rule to sub-national regional identity groups, curb inter group conflict and secessionism by giving sub national groups control over their own affairs^{xii}. Furthermore, provision for local control and supervision over education, language and cultural matters would ensure that policy output would be consistent with the distinctive values of the sub-national group and thus weakens the feeling of being marginalized^{xiii}.

While power sharing effected through proportional representation and federal arrangement devices, in a democracy could contribute to dealing with some important root causes of inter-group violence and secessionist movements, tackling the issue of horizontal regional economic and social inequalities is as significant. This implies the establishment of a system of inclusive government with built-in political and economic mechanisms that 'spread the fruits of progress widely'^{xiv}. Regional inequalities, as major root causes of sub-national inter group violence and secessionism could partly be dealt with in the federal arrangements detailing the duties and jurisdictions of each level of government and the sources and channel of resources to discharge those duties. However, as the central government in a federal system has the authority to decide on economic and development policy matters in general, economic measures to address regional inequalities, are largely central government responsibilities. Depending on the conditions, the measures could include improving infrastructure, incentives in the form of tax exemption concessions, cheap credit and subsidies to attract private investment to the disadvantaged regional economies to improve employment opportunities, raise incomes and improve living conditions^{xv}. Resource transfers from better off regions to peripheral regions could also be pursued as a policy measure to stimulate economic activities in underdeveloped regions, within the context of a national development planning framework that promotes regional specialization and integration for the long term benefit of all regions.

However, the success or failure of a policy of devolving some powers to the regions in a federal system for self governance, while preserving national unity, depends on a number of contextual factors some of which could be summarized as; i) A firmly established democratic tradition that ensures the protection of individual and group

rights and provides for the expression of sub-national identities in a spirit of inter-group mutual respect, tolerance and the appreciation of difference; ii) the degree to which inter group identity differences (ethnic, religious, cultural, linguistic, regional) are politicized for political mobilization leading to political polarization and the deepening of inter group mistrust and divisions; iv) the extent to which federal institutions provide respect for sub-national identities within the national context; including representation in the federal legislature, the executive, the civil service, political parties, and ensures respect for group culture, language and religion^{xvi}; iv) the implementation of inter-group agreements incorporated into a consensus-based national constitution that gains the respect of the majority of the people, political groups and political leaders. Arbitrary decisions, under authoritarian regimes, which jeopardize the fine balance between different identity groups or disrupt existing federal arrangements could be detrimental to inter sub-national identity groups' peaceful relations and national cohesion. This underlines the importance of democracy and constitutional arrangements that organize and institutionalize strict procedures, according to which decisions are considered legitimate and constitutional, that leave no room for arbitrary individual decisions. Nimeri's decision in 1983 to unilaterally divide South Sudan, implement the sharia'a law prompted the formation of Ananya II that led to South Sudan secession.

Post Independence Sudan: The Fatal Failures

From very early stages in the history of post colonial Sudan and despite the grave socioeconomic challenges that were facing the country immediately after independence, Sudanese intellectual and political elites alike focused on identity with emphasis on belonging to the Arab and Islamic world at the expense of two important interrelated issues that later proved to be detrimental to the country for generations. The two most important challenges that have been wholly neglected are i) nation building and the consolidation of national unity; ii) the initiation of a balanced socioeconomic development project utilizing the country's vast natural resources to lift its poor majority from poverty and destitution. The failure of the dominant Northern Sudanese political elites to deal with these two challenges together with the pattern of imbalanced development that has been pursued largely explains the country's current political

impasse and the spread of violent regional movements. (Darfur, The Blue Nile and the Nuba Mountains)

Sudanese politicians and intellectuals focused instead on the identity of the Sudanese and whether they are, Arab, Afro-Arab, or Africans^{xvii}. Another group emphasizes that the country is characterized by diversity but maintains that the Sudanese have social and cultural characteristics from both Africans and Arabs, in addition to their own; and thus their identity is Sudanese^{xviii}. While the content of the political and intellectual debate is important and have had considerable ramifications for nation building, the significance assigned to the debate, is in itself of paramount consequence. It distracted efforts and energies away from focusing on the more critical tasks of nation building and the initiation of a socioeconomic development project to tackle underdevelopment, redress regional inequalities and enhance national unity; and more importantly the debate fed into Islamic politics that rationalized policy action elites have pursued to further their interests^{xix}. Two main failings could be highlighted which the dominant elites committed by the preoccupation with Arab Islamic identity and Islam in politics.

The first is that great emphasis on Islam and Arab Islamic identity signifies a failure to understand and recognize the country's diversity and subsequently the lack of foresight and capacity to devise the appropriate mechanisms to manage it. Eager to trim the influence of a small but growing secularist intellectuals and politicians^{xx}, the dominant Northern Sudan political elites brought an emotionally charged Islam in association with Arab-Islamic identity in deployment for the advocacy of the adoption of the Islamic constitution and sharia'a law as the single most important set of issues in Sudanese politics since independence to date^{xxi}. These have had critical consequences for the Sudan's socioeconomic and political development, sovereignty, peace, and security and territorial integrity. In short the primacy given to the issues of Islamic constitution, the sharia'a law and the associated Arab-Islam identity have thrown the irreducible minimum of the Sudanese national interest (unity, territorial integrity, sovereignty and national security), into jeopardy.

Islamic and Arab identity perception has been abstracted from a diverse (multicultural multiethnic and multilingual) society, reconstructed and deployed

politically not only to provide a legitimacy cover for Northern elite dominance over the state but also used in political competition between different sections of the Northern elite struggling to gain mass support for control over power and resources, as means to distract public attention away from serious economic and political issues and to intimidate political opponents^{xxii}. These together with inter-regional economic inequalities, which have not seriously been tackled since independence, have all sown the seeds of violence and the emergence of regional movements and secessionism.

The consequences have been manifold but four could be pointed out as the most significant; i) The subordination of the salient problems of underdevelopment (poverty, regional and social inequalities) to the issues of Islamic constitutions and Arab Islamic identity;

ii) The use of Islam to justify authoritarianism under military regimes and the neglect of the local cultures and local religions of non-Arab non-Muslim groups plus the pursuit of Islamization and Arabization of non-Muslim groups as a mechanism for national integration and national unity;

iii) Connected to the above is the contribution to the unnecessary Afro-Arab identity confrontation; resulting in the violent North-South conflict that together with other factors ultimately led to the division of Sudan into two (the secession of the South in July 2011) and the persistence of regional movements, that could develop into secessionist ones, in other parts of the Sudan; iv) The polarization within the Northern political elite itself between the advocates of a democratic civil state and those who firmly stand for an Islamic state and the adoption of sharia'a law.

The second failure of the Sudanese political elite consequent of the focus and Islamic Arab identity that also fed into regional division, conflict, violence and further potential fragmentation is the inability to initiate and carry out a strategic development project to utilize the country's vast resources for the betterment of all its citizens and regions. The sharp discrepancy between the country's development potential; based on its richness in natural resources on the one hand and its extremely poor development performance on the other is a testimony to Sudan's dominant Northern political elites' failure to focus on the country's real development challenges. The British might have reasons to pursue policies, under the conditions of the first half of the 20th century, that

led to the concentration of infrastructure and investment in the Central part of Northern Sudan^{xxiii}. However, in post independence period and with the exception of some investment in few agricultural projects that were regionally dispersed, the dominant Northern Sudanese elites, in charge of the state, pursued policies that did not differ much from the British. While also led to socioeconomic inequalities, Sudanese post-independence economic policies equally aggravated horizontal regional inequalities^{xxiv}. The latter fed into regional political discontent and grievance enhanced by emphasis on Arab Islamic identity. The concentration of agricultural and industrial investment, infrastructure and services in the Northern region left other regions, (Darfur in the West, South Sudan, the Nuba Mountains and the Blue Nile in the South, The Red Sea and East Sudan and the far Northern region), largely impoverished compared to the centre; having poor or no infrastructure, little agricultural and industrial investment, very poor services, low income and the overwhelming majority of the population living in abject poverty.

The response to this unequal regional development in which the South Sudan, Darfur, the Blue Nile, the Nuba Mountains and Eastern Sudan lagged behind was the formation of regional movements calling for a fair economic development share and some form of self rule. Although regional grievances arising from horizontal regional inequalities are the major cause for the emergence of Sudanese regional movements, however, under the political conditions in which the dominant Northern Sudan political elites placed Islamism and Arabism at the center of Sudanese politics, most regional movements articulated a counter African identity in response^{xxv}. The earliest of these movements that expressed regional aspirations incorporated into an assertive African cultural identity, is South Sudan's that started as early as the 1950s^{xxvi}. South Sudan's movement began with the formation of regional political parties that called for federalism, which the dominant Northern elites strongly rejected^{xxvii}. Moreover, Sudan's dominant political elites' stress on Arab Islamic identity led to the acceleration of Islamization and Arabization without making economic or social progress in the South under Aboud's military regime (1958-1964). The rejection of Southern Sudanese elites' call for self rule within a federal system, and the imposition of integration measures on the South, all alienated Southern Sudanese and sharpened the dichotomy between

North and South . South Sudanese inability to realize their aspirations peacefully, left them with limited options. As a consequence Anya-Nya I was formed, to fight for the secession of the South, in 1963, marking the start of the first phase in Sudan's long North South civil war which was brought to an end only when Addis Ababa Peace Agreement was signed in 1972; giving South Sudan regional autonomy within the context of a united Sudan^{xxviii}.

Southern Sudanese saw President Nimeri's act, in 1983, which divided the South into three regions a violation of the 1972 Addis Ababa Agreement and an infringement on their regional autonomy. The President's second action that further alienated South Sudanese is the implementation of the sharia'a law for all Sudan in September, 1983; including the South^{xxix}. These two arbitrary unconstitutional actions resulted in the ultimate collapse of the 1972 Addis Ababa Agreement and marked the emergence of Anya-Nya II (Sudan Peoples' Liberation Army), with John Garang as its leader, to signal the second phase of Sudan's civil war in 1983.

SPLA-SPLM (Sudan Peoples' Liberation Movement) popularized itself on the grounds that it was confronting the dominant Northern political elites at the center and fighting for the establishment of a new democratic united Sudan; free from oppression and exploitation and which would realize the political and economic rights of all Sudan's marginalized regions and peoples. SPLA-SPLM political proclamations attracted the Nuba Mountains, East Sudan and fighters from the Blue Nile to Join the struggle for the restructuring of the state at the center, for a fair just society and also to realize their regional demands within a united country^{xxx}.

As the civil war in the South intensified, Nimeri was overthrown in a popular uprising in April 1985, and the short four year democratic period that followed witnessed intensive efforts led by different Sudanese political groups; including the two major political parties; the Umma and the DUP, to negotiate a peaceful settlement to the violent conflict in the South. These efforts materialized by 1988 in an agreement to take measures to create suitable conditions for convening a constitutional conference that would discuss and work towards resolving Sudan's political problems; including the South. The measures that were to be taken by the government to create conducive conditions for convening the constitutional conference included, among others, lifting

the state of emergency, the abolition of sharia'a law and the adoption of the 1956 secular constitution (amended in 1964) for a transitional period ^{xxx}.

The NIF and Shifts in Sudanese Politics

The attempt to resolve South Sudan problem through the abolition of September 1983 sharia'a law and the convening of a constitutional conference, abruptly came to end when the National Islamic (NIF) took over power in a coup in June 1989. The NIF ascendancy to power has marked a qualitative shift in Sudanese politics and an escalation of the civil war in the South to unprecedented levels. While pursuing an unmatched ruthless policy of systematic repression, exclusion and marginalization of political opponents in the North, NIF military government used an emotionally charged Islam to mobilize and drive youth into religious fanaticism to fight a religious war in the South; jihad. The acceleration of the civil war in the South to new ferocious and cruel levels that claimed the lives of tens of thousands of youth in combat from both North and South, and led to the death and displacement of millions of Southern Sudanese civilians. Politically the consequence has been a widened gulf between the two parts of the country and a hardened South Sudanese resolve for secession.

In the North NIF-NCP pursued a systematic policy of institutional restructuring to establish full control over state institutions. In its over 20 year rule NIF-NCP reshuffled top posts in the army, the civil service, the police, the judiciary, higher educational institutions, and top administrative regional posts to be manned by NIF-NCP members and allies, regardless of competences and skills required for the posts^{xxxii}.

Likewise NIF-NCP has devoted the bulk of the country's resources to the recreation of a relatively privileged *sectional army*, security machine and party militias all dedicated to the defence of the regime. An enhanced NIF-NCP sectional control over the means of violence and a strengthened grip over the economy benefited NIF-NCP supporters and loyalists who have been the main beneficiaries of privatization under structural adjustment programs. Public enterprises have been sold, to loyalists, at giveaway prices as part of *tamkin*^{xxxiii} policy at the expense of the majority of the Sudanese, but to which mainly the Umma and DUP and other parties' supporters among businessmen fell victims.

The brief analysis presented above is to indicate the implications of some political developments connected to the response to NIF-discrimination and exclusion policy, for some related diversity management issues in Sudan. One is the division of the Northern Sudanese elites between NIF -NCP loyalists on the one hand and all other Northern parties and groupings on the other; including the DUP and the Umma parties, on grounds of governance, state restructuring, understanding and managing Sudan's diversity. The second, which is connected to the first, is the formation of a coalition between the section of the Northern elites which the Northern political parties represented and SPLA-SPLM to topple NIF-NCP regime^{xxxiv}.

The third, which is one of the most important developments in Sudanese politics, is the declaration of Northern political parties of a clear position towards state and religion. Although started in 1999 with the Asmara Declaration on religion and politics, which begins, "Recognizing that state-religion relation directly influences the process of nation-building, and understanding the fact of religious, cultural and national diversity in Sudan ... no political party would be allowed to be constituted on religious basis...."^{xxxv}. This position has evolved, by 2011, into all parties declaring publicly to be in support of the establishment of a civil democratic state, based on equal citizenship rights and duties, that respects sub-national cultural and regional identity group rights through the adoption of a genuine democratic federal system that would also address regional economic inequalities and grievances^{xxxvi}. This signifies a qualitative political shift in Sudanese politics in that for the first time the debate over the Islamic constitution which has preoccupied Sudanese politics and politicians for so long at the expense of the more urgent tasks of national unity and balanced development seems to be coming to an end^{xxxvii}.

The reluctance of NIF-NCP Northern Sudan current ruling elite to restructure power at the center and persistent use of Islam in politics to legitimate political dominance largely led to the secession of the South and that fulfilled SPLM conditional demand of secession when the regime insisted on sharia'a law and authoritarianism, but the remaining regional movements (Darfur, the Nuba Mountains, the Blue Nile and Eastern Sudan) which have not yet turned secessionist, have similar demands. They call for the restructuring of power at the center, the secularization of the state, democratic

transformation and some form of self-rule. Incorporated into Sudan's Interim Constitution, based on the CPA, is some form of a federal arrangement in which the states have been given powers to deal with local issues. For the Blue Nile and South Kordofan; both form part of Northern Sudan but whose rebel regional movements fought side by side with South Sudan SPLA-SPLM, were accorded special protocols in the CPA that mainly provided, on paper, for popular consultation in which the population of the two regions could decide on the form of relationship they would like to have with the center. Despite doubts of whether the conduct of popular consultation arrangement would meet the popular demands and needs of the population, in the two regions, if they were ever allowed to express their wishes freely without political manipulation, however, the major limitation that could negate the advances made on paper to meet expressed demands in practice, is the persistence of authoritarian non-democratic regime at the center^{xxxviii}.

Although it is too early to pass judgment on the final outcome of the ongoing but unfinished popular consultation process, nonetheless it would not be **hard** to postulate that the lack of democratic transformation at the center that affirms individual duties and rights to be based on citizenship, regardless of ethnic and religious identities between a civil state and equal citizens plus the acceptance of diversity and respect for regional identity groups' rights, it is unlikely that the popular consultation process would be conducted smoothly and that it would genuinely and truly reflect peoples' views and what they consider best for their interests.

NIF-NCP has strongly resisted and foiled real democratic transformation, partly provided for in the CPA, that would diminish its exclusive monopoly over the state and state institutions, both at the center and in the regions. Under current Sudanese political conditions (Sept.2011) lacking in the provision and respect for basic human and citizen's rights, the outcome, at best, would be inconclusive and would not put an end to violent conflicts^{xxxix}. In the case of the Sudan, in which an authoritarian regime dominates, regional movements' struggle for regional rights and the alleviation of regional inequalities (Nuba Mountains, the Blue Nile, East Sudan and Darfur movements) has also become a fight for democratization and democratic transformation at the national level without which any advance in getting regional demands on participation in

national politics and some form of self regional government would be futile. Even if regional demands were met on paper experience has shown that they would unlikely be implemented under authoritarian regimes. Nimeri's violation of the 1972 Addis Ababa Agreement and the NIF-NCP regime manipulative manoeuvres to evade the implementation the CPA and the 2006 Abuja Peace Agreement with one of Darfur armed movement are just some cases to illustrate the point. Thus the transformation of power structure at the national level and the establishment of an open national democratic political system with an institutional set up to protect sub-national regional and cultural identity groups' rights has become part and parcel of Sudanese regional movements' demands.

Decentralization or Centralization? Sudan's Experience in Regional Government

The first serious attempt to address devolution of power to the regions in Sudan was Nimeiri's issuing of the 1980 Regional Government Act, incorporated into the 1973 Constitution, according to which the country was divided into five regions^{xl}. The policy which was finely put on paper to divide powers between the center and the regions; framing legislative and executive institutional set up for the regions to have authority over some policy areas, turned out to be a means for greater central control than a real devolution of power for regional self rule. The cadres of the single ruling party (SSU) which was run from center, were appointed by the President to fill in top regional political and administrative posts^{xli}. Subsequently more control over regions was exercised through a decentralization mechanism in which regional governors and top administrators were appointed by and responsible to the President.

The federal system adopted by the NIF-NCP was incorporated in the 1998 Constitution which the 1998 Local Government Act, elaborated and explained. The 1998 Act abolished all previous regional and local government acts and divided Sudan into 26 states, 120 provinces that are in turn sub-divided into more 600 local councils^{xlii}. The governor of the state is appointed by the President and the dominant single party loyalists have occupied top regional posts. In terms of exercise of power, regional officials are thus tied to the center through the party hierarchy of command and the governor being responsible to the party and the President. Till 2005 only party members

are appointed to top administrative posts. Regional governors and other top regional officials are not necessarily selected from amongst local political elites and thus regional demands for self rule are rarely met. Being NIF-NCP members, as a general rule, state and provincial governors follow the party hierarchy of command and implement policies formulated at the center. Although it seems an attempt to establish a federal system, in practice and in line with the general policy NIF-NCP empowerment policy it has tightened NIF-NCP grip over the regions; and it ended up in reality being more centralized than Nimeri's.

In terms of division of resources between the federal and state governments, the latter has had little local revenue sources as the center maintains monopoly within states over the most reliable and valuable revenue supply sources; e.g. business tax, personal income tax and public monopoly profits. This ensures central control over states through federal financial transfers to meet a large part of administrative expenses^{xliii}. The lack of financial self-reliance weakens states' power position and strengthens their dependence on the federal government. Federal government, in turn, uses financial resource transfers as a leverage to favor the most disciplined and loyal regional political leaders and sanction others. Moreover, the insufficiency of financial transfers to meet states' and local councils' administrative costs has compelled the latter to resort to taxing poor farmers and small businesses that in return has discouraged investment in the local economy, lowered incomes and contributed to further regional impoverishment. Worse still for the development of the local communities is poor or lack of service delivery in return^{xliv}. But most important of all, under conditions of authoritative regimes, corruption spread undetected and when detected corrupted officials are not held accountable^{xlv}. Repression and the widened gap between regional and local officials on the one hand and the local people on the other have promoted apathy towards local public matters and limited popular participation in local affairs and issues.

This brief account of the Sudanese experience in federalism and devolution of power presented above is to indicate that under authoritarian regimes, regional autonomy and federalism as a form of self rule that could meet regional aspirations in equal development and effective service availability and delivery has proved meaningless, in real practice even when finely put on paper. Rather than meeting

regional demands, the practice of such federalism proved to promote more effective central control, regional underdevelopment, further impoverishment and popular dissatisfaction. This defeats the very goals of federalism and could contribute, instead, to fermenting popular regional discontent which in turn contributed to the support for violent regional movement that could potentially become secessionist.

In Africa the Sudanese experience has some parallels and the Ethiopian experience of ethnic federalism, under the dominance of EPRDF, was turned in practice into a mechanism for greater central control in which the center appointed top regional administrators and designed regional policies with limited grassroots participation^{xlvi}. In the main, both experiences show that regional bureaucracies are set to keep regional allies satisfied, shift the blame for deficiencies in service delivery from the federal onto regional governments, and in the absence of central government financial support, regional governments resort to taxing small businesses that discourage investment and contribute to regional underdevelopment. The two experiences are well in line with what a scholar has come up with in conclusion to an empirical study of more than 75 federal and non federal countries. His findings show a positive impact of federalism in democracies but *not in dictatorships and authoritarian regimes*^{xlvi}.

Constitution Making, Democratization, and Diversity Accommodation

In both conflict-ridden and stable multi-ethnic, multi-religious, multi-cultural and regionalized societies, a system of governance agreed upon and accepted by all sub-national communities and groups without exclusion of any group or sub national collectivity normally embodied in constitutions, is the cornerstone of the restoration and sustainability of peaceful coexistence. Different definitions are offered for what constitutions mean, and a scholar in the field considers them as “codes of norms which aspire to regulate the allocation of powers, functions and duties among the various agencies and offices of government, and to define the relationships between these and the public”^{xlvi}.

A constitution is not only a document detailing the rules a society sets for how to govern itself and specifying the relationships between those who govern and those whom they govern; it is essentially a social contract reached by consensus between the

constituents of the political community^{xlix}; (society and the polity.) In addition to the affirmation of individual citizen's rights, constitutions in multi-identity societies, involve measures and arrangements to protect groups rights, meet some group demands, maintain mutual inter group acceptance, tolerance and peaceful coexistence between groups making up society. The different forms of arrangements to accommodate identity groups that have been discussed above both at the federal and local regional levels, e.g., power sharing, proportional representation, devolution of power, federalism and regional autonomy are normally incorporated into constitutions governing multi-identity societies to address sub-national identity groups' rights and ensure that their rights and interests are well protected to live peacefully as full citizens of society and polity.

Constitutions meaning a social contract are not easy and simple to make and constitutions are normally formulated following major social and political crises the root causes of which they are intended to tackle^l. In divided multi-identity societies, constitutions are devised with built-in measures to prevent inter group violent conflict or curb secession of regions that find it threatening to their interests to be part of the existing state. These measures could include consociational guarantees of group vetoes, proportional representation of groups in the legislature and the cabinet, autonomy and financial allocations to groups^{li}. Some African countries like Ethiopia have gone so far in ensuring regional ethnic group rights, in its ethnic federal system, to the extent that it affirms the constitutional right of ethnic groups to self determination up to secession^{lii}; at least on paper. Nigeria adopted a complex system that combined giving autonomy to regions with a regulation of proportions of multi-ethnic vote requirements for party candidates to occupy top federal political offices. It is an arrangement which while provided for sub-national regional groups autonomy, involved measures for an overarching national political sense of belonging that transcends ethnic loyalties. Such measures are normally embodied in constitutions and form important part of their content, however, the ways in which constitutions are made; I.e., the constitution making process is as important; particularly in divided post conflict societies where the process of constitution making impacts on content as well as consensus building.

In divided post conflict situations, participatory constitution making in a sense marks a peaceful transition from a conflict ridden political order to more stable and peaceful one and in the process the relationship between different constituent groups are redefined, power relations peacefully reshaped and rules for power and limits to it laid out. "The process of constitution-building can provide a forum for the negotiation of solutions to the divisive or contested issues that led to the violence.... Begin a process of healing and reconciliation through dialogue and forge a new consensus"^{liii} The significance assigned to consensus building and mending inter group relations, highlights the importance of broad popular participation in constitution making in post conflict situations. Traditionally constitutions are formulated by a constitutional commission made of lawyers and legal experts who would draft a constitution to be approved in a referendum or by the legislature; with very little input from the public. It is a top down approach in constitution making in which those most affected by it; the people, are totally ignored and excluded. The ways in which constitutions are made influence the content and outcome; and consequently impact on the extent to which divided post conflict societies would emerge out of conflict more democratic, open and tolerant. Research covering several countries indicated that participatory and inclusive constitution making processes resulted in choosing free and fair elections, political equality, more provisions for social justice, human rights protection and favoured stringent accountability mechanisms. Less participatory constitution making processes, dominated by a small elite group, on the other hand, came up with constitutions that enhanced the position of those in power and reflected their interests^{liv}.

Thus while public participation in constitutional making processes has high moral value content in its own right, consistent with democracy, it also involves the practical implications of enhancing the democratic foundations of the new political system, heals wounds and promotes inter group reconciliation in post conflict societies. The bottom-up participatory constitution making approach have been adopted in many countries in Africa and Latin America in which citizens were reached, attended open meetings and responded, by submitting thousands of suggestions, to requests to put forward their ideas and proposals, The participatory approach to constitutional making has been pursued in South Africa in 1994, in Eritrea (1994-1997) and earlier in Nicaragua

(1986), Brazil (1988) and Uganda in 1988;with impressive results in terms of popular participation and suggestions for constitutional substance^{lv}.

Constitution making for Sudan has become imperative in the light of the current political turmoil the country is witnessing. In Darfur, the Blue Nile and the Nuba Mountains and possibly the East Sudan violence has broken out (the Blue Nile and the Nuba Mountains) or has the potential to erupt at any time (Darfur, the East and other areas in Northern Sudan).

However, after the secession of the South, in July 2011, both emerging states were faced with the task of formulating new constitutions. While the South had a new transitional constitution ready by the time of the secession in July 2009, Northern Sudan since then has entered a constitutional vacuum under the new political conditions in which it has emerged as a new country out of old united Sudan. The NCP government in control of the North has to seek a new consensus; i.e., a new constitution and a fresh popular mandate, for any government, to rule Northern Sudan on the basis of a constitution to be formulated^{lvi}. After a lengthy debate in the media and controversy amongst politicians, academics and legal experts, the general view settled on the need to formulate a new constitution for Northern Sudan.

NIF-NCP could not ignore serious public questioning of its legitimacy to be in power on the basis of a constitution of a country that lost a third of its population and territory. In response NIF-NCP embarked on formulating what it termed the "permanent constitution" for the Sudan.. The NIF-NCP initiated and guided 'permanent' constitution-making process has just started and it is too early to fully recognize its outcome. However, from what has been conducted so far in NIF-NCP guided constitution making, and in the light of some concepts being presented above, the following issues could be observed regarding constitution making process and content:

First, as a process this NIF-NCP constitution making attempt, which the NIF-NCP political elite in control of the state initiated and guided, like previous ones under authoritarian regimes, is top down; with little or no popular participation^{lvii}. NIF-NCP formed five committees staffed and headed by the ruling party' top leadership cadres for the formulation of a "permanent" constitution. In the initial process select groups of intellectuals, journalists, academics, lawyers and politicians were invited to voice their

views in short meetings that gave little room for participation^{lviii}.

Second, the NIF-NCP took a decision and publicly announced that Islam would be the basis for the perspective "permanent" constitution and thus this issue would not be subject for debate or discussion; i.e., the NIF-NCP unilaterally determined the single most contentious political issue in Sudanese politics. This implies an imposition of a one-sided sectional view, which many groups in Northern Sudan reject; including active regional movements that insist on a secular democratic state based on equal citizenship duties and rights. Subsequently consensus-building essential for constitution making has been eroded from the start by deciding on an unresolved issue that for more than fifty years proved to be a catalyst for political division more than common accord. It is a negation of consensus building of a process that by necessity requires consensus.

Third, the conduct and conclusion of peace agreements with regional armed groups; including the CPA which formed the basis of the 2005 Sudan's Interim Constitution, similar to the NIF-NCP constitution-making process, are top down processes in which the Sudanese people in general and those of regions concerned have not been consulted, totally ignored and excluded. The issues and demands which regional movements raise, whether these relate to national political issues or specific regional demands, are basically constitutional issues that need to be addressed in the perspective constitution, and not negotiated separately.

Fourth, prior and parallel to its attempt of constitution making, NIF-NCP also continued to pursue negotiations with Darfur movements in Doha on power, wealth sharing and a range of other institutional issues that lie at the heart of a constitution and constitution making. For many other regional movements of serious political weight (the Blue, the Nuba Mountains, Sudan Liberation Army and JEM), national issues of citizenship rights, respect for diversity, the deconstruction and reconstruction of a civil state within a broad context of democratic transition, are as important demands as regional demands for self-rule. The fragmentation of Sudan's regional groups by negotiating with each regional armed group or set of groups separately has been persistently pursued by INF-NCP state occupants to evade a radical restructuring of power at the center within an overall national constitution making process^{lix}.

Concluding Remarks

Experiences reveal that multiplicity of sub-national group identities is not a source of inter group conflict and could be a source of national cultural enrichment rather than division if wisely and properly managed. Multi-identity societies divided along ethnic, religious, cultural and regional lines face political upheavals and violent conflicts not because they are multi-identity societies but because of the failure of the political elites, in control of the state, to recognize and appreciate diversity and devise appropriate mechanisms for its management. . Ethnic, religious and cultural diversity is a product of socioeconomic and political history, demography and geography and turn problematic mostly when socioeconomic and political process create inequalities, oppression, discrimination, domination and subordination that feed into sub-national identities and aggravate group grievances. The feeling of being marginalized or discriminated against, becomes especially intense when a combination of shared ethnic, religious and cultural group characteristics, living in the same territorial space all overlap or coincide with socioeconomic and political inequalities. Secessionist movements that result from horizontal regional inequalities not only result in devastating inter group violence but threaten the nation state with collapse and disintegration. The use of political elites of ethnic, religious, cultural and regional identity markers for group mobilization to achieve political ends, enhances inter-group divisions and sharpens polarization of identities.

Despite mixed research results outcome, the literature on violent inter group conflict and secessionist tendencies in various parts of the world there seems to be almost a consensus that a political system based on participatory democracy which respects individual and group human and civil rights, is generally most successful in deterring inter-group conflict, violence and the tendency for secession. However, the adoption of the democratic system alone is not sufficient to assure regional identity groups and deter secessionism. Two sets of political and economic measures, in addition to democracy, are taken by many countries to accommodate sub national group demands, manage diversity, prevent violent conflict and deter secessionism.

The first political set of measures includes power sharing proportional representation in the national executive, the legislature and the civil service to avoid

sub-national regional groups' alienation and to ensure groups' inclusion into the political system and process. The political measures also cover the adoption of real decentralization and devolution, all within a democratic system, based on equal citizenship rights, to give some form of regional self rule. The second set of measures include economic policy actions to reduce horizontal regional inequalities through the reallocation of funds and resources to provide services, infrastructure and the devise of mechanisms to boost marginalized regional local economies. These political and economic measures which together would lead to the establishment of a politically and economically inclusive democratic system are at the core of Sudanese regional movements' demands which the dominant Northern elites reject. The result of this Sudanese elites' failure is the proliferation of violent secessionist and non-secessionist regional movements that pose great threats to the country's security and territorial integrity.

Despite indications in the literature that that autocratic regimes are more likely to deter violent regional movements than democratic ones, the Sudanese case; proves that oppression, the denial of individual and group rights, the absence of the rule of law and lack of accountability, under authoritarian regimes, all have been detrimental not only to inter group peaceful coexistence but also to nation building and national integration. Authoritarian regimes in the Sudanese and other similar cases, are resistant to democratization, not conducive to the establishment of inter group trust, resistant to power and wealth sharing and have turned decentralization for self rule into a means of greater centralization and regional impoverishment. political discontent is subsequently aggravated leading to violent political protest and the development of secessionism.

Measures and mechanisms to manage diversity are normally incorporated into constitutions and in divided post-conflict societies new constitutions mark a shift in the balance of power and peaceful transition from violence to inter-group peaceful coexistence. Constitution making process is as important as constitutional substance and has great bearing on it. Bottom up participatory constitution making processes, adopted by many African and Latin American countries emerging out of violent conflicts, has proved more conducive to consensus building, healing inter group wounds, reconciliation and the adoption of democratic, transparent and accountable forms of

government than top down constitution making processes dominated by the elites whose interest is to produce a constitution that strengthens their grip over power and societal resources. The case of Sudan in constitution making show that it is top down, neglects consensus, legitimizes authoritarianism, neglects group rights and geared to serve elites interests.

Subsequently, the major hurdle to the pursuit of participatory constitution making that could lead to democracy, the devise of appropriate constitutional measures to accommodate sub national group demands, is entrenched interests of elites who use ethnic, religious and cultural ethos for political mobilization and the monopoly over state power and resources. The pursuit of this top down approach to constitution making since independence, intensified under the dominance of NIF-NCP elites, has not only led to secession of the South but has drawn Northern Sudan (what has remained of Sudan) into further violence and threatens the country with collapse, disintegration and perhaps anarchy.

South Sudan's secession is a telling lesson that sub-national group regional movements' justifiable and legitimate demands should be accommodated at an early stage before they evolve into open violent separatist movements. It is evident from the case of the Sudan and other countries that perhaps the alternative to the recognition of diversity and the devise of mechanisms to manage it, is destructive civil wars; leading to division and national disintegration. This still presents a challenge for Sudan even with the secession of the South Sudan as much as it is a challenge for the rest of Africa in the 21st century.

ⁱ Hale H, *The Parade of Sovereignities: Testing Theories of Secession in Soviet Setting*, *British Journal of Political Science*, No.30, 2000 ; Collier Paul and Hoeffler Anke, *The Political Economy of secession*, World Bank, Development Research Group, Centre for the Study of African Economies, 2002; Collier and Hoeffler give the example of Katanga to secede from Congo and Biafra to secede from Nigeria in Africa; see pp.17-19.

ⁱⁱOstby Gudrun et al, *Regional Inequalities and Civil Conflict in 21 Sub Saharan African Countries, 1986-2004*, paper prepared for presentation at the Workshop Polarization and Conflict, Nicosia, Cyprus, April, 2006; also see Ostby Gudrun, *Disaggregated Inequalities and Conflict in Developing Countries*, paper prepared for presentation at the PAC Winter Meeting, Konstanz, June, 2005; also see Frances Stewart, *Horizontal Inequalities, A Neglected Dimension of Development*, The University of Oxford, Working Paper No. 2002. 81; also see Stewart Frances, *Horizontal Inequalities as a Cause of Conflict: A Review of CRISE Findings*, Center for Research on Equality, Human Security and Ethnicity, DFID, UK, 2010.pp-6-29.

ⁱⁱⁱSome other scholars add geographical concentration or dispersion, the size of the population, intra-group inequalities, the aid received from Diasporas, and the existence of natural resources such as oil and diamonds in the region.

^{iv}Spolaore Enrico, Federal Regional Redistribution and Country Stability, paper prepared for the 5th Symposium on Fiscal Federalism 'Regional Fiscal flows, balance-sheet federalism and the stability of federations; IEB-IEA Barcelona, June 2008; also see ;Crasa Rafael and Camps Arnan, Conflict Prevention and Decentralized Governance, International Institute for Peace, Universtat Austonoma de Barcelona, 2009, MPRA Paper No. 18877.

^v Lustick I, Secessionism in Multicultural States: Does Sharing Power Prevent or Encourage It?, American Political Science Review, 2004, Vol.98, No. No.2

^{vi} Regional secessionist movements take time to mobilize and develop. Sustained oppression and feeling of group grievance deepens indignation and predisposition to secessionist tendencies.

^{vii} The principle is applied in various forms, various examples of proportional representation forms (References)

^{viii}Asante Richard, The Politics of Managing Ethnic Cleavages, Inequality, Nation Building and Democratization in Ghana, 2004.

^{ix} Some scholars argue not in favour of federalism and decentralization as a mechanism to address sub-national groups' demands; particularly regional groups demands for some form of self-rule within the national. State. Federalism, and regional self-rule, they argue would give regional elites the resources and a chance to mobilize using sub-national regional religious, ethnic or cultural identity markers for separation; particularly when sub-national identity groups correspond to the boundaries of the regional sub-national government. Those in favour of federalism argue that federalism directs regional elite's political activism away from the centre, meets regional demands and weakens justification and regional popular support for secession.

^x Crasa Rafael and Camps Arnan, Conflict Prevention and Decentralized Governance, International Institute for Peace, Universtat Austonoma de Barcelona, 2009, MPRA Paper No. 18877, pp.21-24.

^{xi} The central government could deal with issues of the rule of law and regional inequalities, while for example, the sub-national regional government deals with local education, the protection of group cultural identity and service delivery.

^{xii} Dawn Brancati, Fuelling Fire or Dampening the Flames, The Impact of Political Decentralization on Ethnic Conflict and Secessionism, Harvard, Haravard-MIT Data Center,

^{xiii}Jeram Sanjay, Making Decentralization Work for Ethnically Divided Societies: State and Social Synergism, paper prepared for presentation at the Ethnic and pluralism Studies Student Conference, Uiniversity of Toronto, Toronto, April, 2008

^{xiv} Ostby Gundrun, Inequality, Institutions, and Instability: Horizontal Inequalities, Political Institutions and Civil Conflict in Developing Countries, Paper prepared for presentation at the 1st PIDDCP (Political Institutions, Development and a Domestic Civil Peace) Workshop in Oxford, 10–12 November, 2005.p.24.

^{xv} Ostby Gundrun, Inequality, Institutions, and Instability: Horizontal Inequalities, Political Institutions and Civil Conflict in Developing Countries, Paper prepared for presentation at the 1st PIDDCP (Political Institutions, Development and a Domestic Civil Peace) Workshop in Oxford, 10–12 November, 2005.p.17; also see

^{xvi} Watts L. Roland, Federal Systems, Forum of Federation Publisher, (Arabic version) Ottawa, 2006.pp.138-142.

^{xvii}Public debate on the Sudanese identity, since the independence to date, took four major lines of thought; i) a groups emphasized belonging to the Arab and Islamic world; ii) an enlightened more open group saw the Sudanese to be both African and Arab (Afro-Arab); thus having two identities conciliating in one; and iii) in response to the first a third group emphasized that the country is African and advocated African identity (Southern Sudanese and Nuba Mountain politicians and intellectuals and others) . . This has been exemplified in the literary works of

poems and writers and political commentaries of political analysts. See Hassan Y F, *The Concept of the Sudanese Nation*, (in Arabic), in Al Treifi A A, *Studies in National Unity in Sudan*, The Center for the Study of Regional Government, University of Khartoum publishing House, Khartoum, 1988. pp. 53-64. Chol Deng, *Numerous Characters and One Essence*, (in Arabic), (no Editor Mentioned), *The Characteristics of the Sudanese Identity: Identity Crisis and the Absence of Consciousness*, Sudanese Issues for Discussion Series, No.2, Options Media and Marketing, Khartoum, 2005, pp.127-132; also see Abdalla A, *Form Identity to Unity: Putting the Wagon in Front of the Horse*, in .Ibid.pp.78-87.

^{xviii} This identity is labelled the Sudanwia identity with an underlying conception of Sudanese citizenship as a basis of belonging to the collectivity of being Sudanese. Implicit in this conception is that there is a common denominator that binds Sudanese despite their diverse ethnic, religious and cultural sub-identities. This line of thinking finds supporters from many enlightened Sudanese irrespective of their sub-national identities. The idea also has the political implications that citizenship is the basis of identity.

^{xix} The debate on identity and its political implications of evading the real political issues of power and interests, which has not yet been fully resolved, barely settled, though still contested, on the view that Sudan is of Arab-Islamic identity. Hassan Y F sees extreme Sudanese sense of being Arab and commitment to Islamic culture as a means to enhance their defensive posture against the advanced British colonialism. However, Hassan did realize that the emphasis on Arab Islamic identity is one of small but influential elite that dominated the state and public space while the general public, largely illiterate, was sidelined and its participation in public life and politics excluded. Placing Arab Islamic identity at the top of the political agenda excluded concern over development issues to improve the living conditions of the excluded public, while allowing the dominant Northern political elite to maintain dominance and enjoy power and privileges.

^{xx} Peter Woodward, *Parties and Parliamentarians*, in Abd Al-Rahim, M, et.al (eds.), *Sudan Since Independence; Studies of Political Development Since 1956*, Gower Publishers, UK, 1986. p.59.

^{xxi} In December 1955 Islamist groups formed the Islamic Front for the Constitution, and benefiting from funds the two main religious figureheads; i.e. the two Sayyeds, they launched a popular campaign in advocacy of Islamic Constitution and commitment for the principle from the two religious leaders and all party leaders. The first draft of a Sudanese Islamic Constitution was produced in, 1956, with the help of a Pakistani lawyer named Muhammad Zafar Ansari. Ironically enough in August 2011, seven Islamic groups formed the Islamic Front for the Constitution; bearing the same name of the first, but this time under a government in which Islamists maintain exclusive control over power. After more 50 years since independence, Sudanese politicians are still mainly preoccupied with and debating the adoption of Islamic Constitution. See al Sahafa Newspaper, 22.08.2011, No.6500. Also see Abdelwahab A. Osman, *The Ideological Development of the Sudanese Ikhwan Movement*, in BRISMES, *Proceedings of the 1988 International Conference on Middle Eastern Studies*, The University of Leeds, BRISMES, Oxford, 1988, p.392.

^{xxii} Khalid, Mansour, *Nimeri and the Revolution of Dis-May*, Routledge and Kegan Paul, Oxon, England, 1985, pp.254-264.

^{xxiii} Darfur was a source of labor for the cotton Gezira area between the Blue Nile and the White Nile. While invested in cotton in Gezira for its proximity to the port and the national capital; The British saw then the South, the Nuba Mountains and the Blue Nile to be comparatively far in the distant hinterland.

^{xxiv} Awad. M.H., *Economic Policy and National Unity*, (in Arabic), in Al Treifi (ed.) A. A., op.cit., pp.100-123; also see ILO, *Growth, Employment and Equity: A Comprehensive Strategy for the Sudan*, ILO, Geneva, 1976.

^{xxv} Almost all regional movements have adopted regional labels in their names and not ethnic ones, neither religious nor racial ones. This indicates that regional underdevelopment and

inequality issues are the major factors leading to the formation of Sudanese regional movements and that the African identity mark they have adopted is a reaction to the dominant Northern political elites' assertion of Arab Islamic identity.

^{xxvi} The Beja Congress was formed in 1958 spearheading East demands for justice and development. The Nuba Mountains educated elite formed regional organizations at different periods which by 1964 evolved into the Nuba Mountain's Union and later Sudan National party which became politically active the 1964 uprising (1964-69). See Suliman, M, *Sudan: Wars of Resources and Identity*, (in Arabic), Cambridge Academic Press, Cambridge, 2000, pp.224,296.

^{xxvii} Hamid.M.B.p128.

^{xxviii} Hamid.M.B.p.127.

^{xxix} South Sudanese are largely Christians as a result of church activities encourage by the British prior to Sudan independence in 1956

^{xxx} The Nuba were generally sympathetic to SPLA-SPLM and its public announcements that expressed their aspirations. Nuba politicians and intellectuals joined SPLA training camps in 1984 and formed a leadership headed by Yousfi Kowa and others. See Mohamed Suliman, p.225.

^{xxxi} Suliman M, p.169.

^{xxxii} See El Afandi A, *Revolution and Political Reform in Sudan*, (in Arabic) Muntada Ibn Rushdm London, 1995, pp.162-168.

^{xxxiii} Tamkin is an Arabic term that literally means empowerment. In this context the term is derived from a Koranic verse and have been resurrected and remoulded to justify the political ends of empowering NIF supporters and loyalists by all means.

^{xxxiv} In response to the NIF military government policy of repression Northern political parties formed the National Democratic Alliance in Asmara, in mid 1990s, joined SPLA-SPLM, formed small fighting force and initiated the Eastern Front.

^{xxxv} Khalid, Mansour, *South Sudan in Arab Imagination: The Deceptive Image and Historical Repression*,(in Arabic), Dar Trath, London, 2000, p.164.

^{xxxvi} This is the public position of the two major parties and other smaller secular parties. They have been joined by Turabi's faction of the extreme political Islamist section (INF-PCP) currently marginalized, after the division within the NIF in 1999. Turabi's current position if for freedoms and the establishment of a civil democratic state.

^{xxxvii} Given changes in the North Africa sub-region, where authoritarian regimes in Egypt, Tunisia and Libya have been ousted in popular uprisings and in which a civil democratic state that respects citizen and human rights is advocated to replace the overthrown repressive ones, the implications could be enormous for Sudan given current prevailing political conditions in the country (Sept. 2011). Add to this Turabi; the main NIF ideologue has now changed intellectual course and publicly stands for freedoms and a civil state.

^{xxxviii} This also applies to agreements with Darfur armed movements. The experience of the lack of honoring commitment to implement the 2006 Abuja Agreement with Minawi's armed movement faction and the eventual withdrawal of the latter from the Agreement indicate the reluctance of the NCP-NIF regime to give any meaningful power to the regions. It is an example of the policy of group fragmentation and political manipulation. The results of the popular consultation process in the two regions is contested by the two regional movements.

^{xxxix} Violence erupted in both the Nuba Mountains and the Blue Nile a few weeks after South Sudan got independent. Violence broke out first in the Nuba Mountains in July 2011 and the following month spread to the Blue Nile; basically over the demand to restructure the state at the center to a non-religious civil one and also over the process of popular consultation.

^{xl} AlTreifi, A A, *Decentralization and National Unity*, (in Arbic), in Al Treifi, (ed.) op.cit., pp.87-88.

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- ^{xli} The President appoints regional governors, regional ministers and could dissolve the regional assembly. See .Al Treifi, in Al Treifi .p.92.
- ^{xlii} Malik, M, M, Government Organization and Vertical-Horizontal Relations and Inter Governmental Levels in Sudan, (in Arabic), a Paper presented to the National Conference of Public Administration, Vol.III, The Higher Council for Administrative Reform, Khartoum, May 2001, pp.44-66.
- ^{xliii} Dani M A, A Joint Report on Public Administration in the States, (in Arabic), paper presented to the National Conference of Public Administration, The Higher Council for Administrative Reform, Vol.II, Khartoum, May 2001, p.26-27.
- ^{xliv} Dani M A, Service Administration: an Analytical Empirical Study, paper presented to the National Conference of Public Administration, The Higher Council for Administrative Reform, Vol.II, Khartoum, May 2001, p.69.
- ^{xlv} Dani. M A., A Jiont Report... op.cit.p.26.
- ^{xlvi} Edmond J Keller, Ethnic Federalism, Fiscal Reform, Development and Democracy in Ethiopia, University of California, Los Angles, Undated, p.17.
- ^{xlvii} Inman Robert, Federalism's Values and the Value of Federalism, NBER Working Paper W13735, Cambridge MA, 2008.
- ^{xlviii} William G. Andrews, Constitutions and Constitutionalism, Princeton, 3rd edition, 1968.p.12.
- ^{xlix} Graham J and Marques E C, Understanding Constitutions: A Roadmap for Communities, Institute of Governance, Ottawa, Canada, 2000, p.4; also see Samuels Kristi, Post Conflict Peace Building and Constitution Making, Chicago of International Law, Vol.6., No.2, Winter 2006; also see William G. Andrews, Constitutions and Constitutionalism, Princeton, 3rd edition, 1968.pp-12-13.
- ¹ Horowitz, D L, Constitution Making: A Process Filled with Constraint, The Constitutional Studies, Vol.12, No.1 (2006); pp.1-17.
- ⁱⁱ Horowitz, D L, Constitution Making: A Process Filled with Constraint, The Constitutional Studies, Vol.12, No.1 (2006); pp.1-17
- ⁱⁱⁱ Edmond J Keller, op.cit.p18.
- ^{liii} Samuels Kristi, Post Conflict Peace Building and Constitution Making, p.5.
- ^{liv} Samuels, Kristi, pp.6-7.
- ^{lv} Hart Vivien, Democratic Constitution Making, US Institute of Peace, Washington DC, Special Report 107, 2003, p.7.
- ^{lvi} The CPA which incorporated power sharing at the center between the NCP and the SPLM, autonomy for the South and the conduct of a referendum on self determination for the South has formed the Interim Transitional Constitution for the first interim period before the secession of the South. The second interim phase provided for the finalization of pending issues between North and South; the status of Abyie, popular consultation for the Blue Nile and the Nuba Mountains and the demarcation of North-South borders; but does not indicate how the two states would be governed.
- ^{lvii} Nimeri's 1973 Constitution was imposed from above under the rule of a single party; the Sudanese Socialist Union. The 1973 Constitution was amended in 1975 on the initiative of President Nimeri, to give extensive powers to the Presidency; almost creating a de facto monarchy; the NIF formulated the 1998 Constitution to be replaced by the 2005 Interim Constitution that incorporated the CPA. Both constitutions were imposed from above without popular consultation and enacted without even real popular mandate.
- ^{lviii} Alсахafa Newspaper, 19.07.2011.No.6465.
- ^{lix} In power sharing arrangements forged with East Sudan regional movements, and Darfur SLA Minawi's faction the share in power has been reduced only to the appointment of some rebel leaders in top national political posts under the NIF-NCP dominance; without real power restructuring neither at the centre nor in favour of the regions.