

Democratization and State-Building in Africa: The Federal Option in the Sudanese Experience

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As I was going up the stair
I met a man who wasn't there.
He wasn't there again to-day.
I wish, I wish he'd stay away.
Hughes Mearns, *The Psychoed*

Introduction

Democratization in Africa is a concern that dates back to, and was implicit in, the nationalist struggle for independence. But the parliamentary system inherited from the colonial period failed to live up to the democratic ideals. The failure was due partly to the colonial legacy and partly to the unresolved contradictions between the imperatives of democracy and the exigencies of development. "What emerged from the debris of the parliamentary model were varied forms of personal rule that achieved degrees of success, with varied degrees of coercion. Where there was success, however, it was precarious, temporary and crippled by its class and ethnic limitations; where there was failure, it was egregious, massive and tragic".¹

The democratization process in Africa can thus be seen as yet another attempt to fulfill the promises of independence. The challenges were no less demanding today than they were more at the time of independence; the consequences of failure would seem to be even greater.

The outcome is by no means certain. It is not clear whether democratization would necessarily entail a better performance by the state, a more equitable allocation of power resources, and more secure rights for individuals and communities; or whether its overall impact would be to rekindle and reinforce the kind of disintegrative forces that had in many cases plagued the process of state building in African countries.

One central problem is how liberal-democratic pluralism can be achieved without exacerbating the tensions inherent in ethnic-cultural pluralism. The issue is directly related to the wider

context of political development theory. Arend Lijphart notes three significant aspects of the notion of political development:

In the first place, democratization and other dimensions of development are usually thought to be dependent on national integration... Second, the prescription for policy-making which follows from this proposition is that nation-building must be accorded priority and must be the first task of the leaders of developing states. Third, the usual view is that nation-building entails the eradication of primordial subnational attachments and their replacement with national loyalty.²

It can be argued that democratization and national integration need not be seen as making mutually exclusive claims, nor is the achievement of the latter a prerequisite for success in the former. Yet the need to resolve the contradictions of liberal-democratic pluralism and ethnic-cultural pluralism still remains.

It is within this context that the idea of a federal system presents itself as the means of resolving the contradictions. The general and popular assumption is that a federal structure will bring the government “close to the people”, diffusing in the process latent separatist tendencies in the peripheries, and reinforcing through participation the democratization process at the center.

In this respect the Sudanese experience is instructive, primarily for the failure to resolve the problem of national integration - a failure that made the country virtually ungovernable for the most part of the civilian-military cycles through which it has passed since independence. But also because the failure involved experimentation with various integrative forms ranging from decentralization through a devolutionary approach to a so-called federal system of government.

But before examining the national integration problem and the federal option and experience in trying to resolve them in the Sudan, it may be necessary to examine some of the difficulties and theoretical assumptions inherent in the very complex concept of federalism. This intended to shed some light into the viability of the federal principle in resolving the problems of democratization in a divided country like the Sudan, rather than to provide a descriptive or prescriptive account of the organizational and operational structure of a federal model. It is the conclusion of this study that a workable and effective system of federalism is as relevant to the problems of national integration in the Sudan as it was when the federal idea was first broached on the eve of independence.

The Federal Principle: Some Definitions and Theoretical Assumptions

The term federalism is used loosely in politics and is seldom clear and distinct enough to provide agreement as to what federalism is exactly. The difficulty of definition is evidenced by the fact that many countries adopt the federal label but often operate under different constitutions or federalizing processes. The generality and complexity of the term is, perhaps, epitomized in W.S. Livingston's non-definition: “federalism is what political scientists talk about when they talk

about federalism.”³ The term has, sometimes, been equated with regionalism and devolution of power. But decentralization, regionalism and other devolutionary forms, imply the existence of a primary center of power and their function is to preserve the unitary attributes of the state by devolving power to regional and local authorities.⁴

Generally, federalism is defined as the division of power between *autonomous* levels of government which constitute an association of states. But differences may arise as to the degree of *association*, and such differences may determine the distinction between a *federal*, a *confederal*, or a *decentralized* structure of government. More specifically, K.C. Wheare bases his definition of federalism on what he calls the federal principle meaning, “the method of dividing powers so that the general and regional governments are each within a sphere, coordinate and independent.”⁵ A.H. Birch adopts Wheare's definition but omits the requirement that the two levels of government should be independent because relations in a federal state are characterized by interdependence not independence.⁶

M.J.C. Vile observes that although Wheare's federal principle presents a viable theory of American federalism throughout the nineteenth century, a fundamentally complex pattern of government activities has evolved since then. The foremost characteristic of modern American federalism, he argues, is the interdependence of the federal and state governments which makes the operational process one of power concurrence rather than anything else.⁷ Morton L. Grodzins adds more color to this definition by his "marble cake" image: functions are mixed in the federal system, he writes, just as colors are mixed in a "marble cake".⁸

The definition of federalism, we can notice, is moving across the spectrum from Wheare's conceptualized analysis of the ‘federal principle’ to the functional approach of the ‘permissive Federalism’ of M T Reagan and J G Sanzone in which they regard federalism as a dynamic “policy determinant” rather than a static “abstract feature of governmental structure”.⁹ An examination of these two different perceptions can provide a better insight into the federal idea although it may not render the task of definition much easier.

Wheare takes the United States constitution as the classic example of federalism. Federal government exists, he writes:

when the powers of government for a community are divided substantially according to the principle that there is a single interdependent authority for the whole areas in respect of some matters and that there are independent regional authorities for other matters, each set of authorities being coordinate with and not subordinate to the others within its own prescribed sphere.

Both the general and regional governments operate directly on the people and each citizen is subject to the two governments. The principle of association is that of “the division of power between distinct and coordinate governments”.¹⁰

Wheare makes a distinction between the federal principle on the one hand, as applied for instance to the United States constitution, and on the other, the devolutionary principle as applied in unitary systems (e.g., Northern Ireland and South Africa) and the confederate principle in systems where the general government is dependent upon the regional governments and where those governments alone operate directly upon the people (e.g., the Articles of Confederation of 1777). From his definition of 'federal government', Wheare infers the conditions deemed more appropriate for the adoption of the federal system. In the first place, the communities concerned must desire this particular system, as distinct from other systems such as a unitary or a confederal structure of government: "they must desire to be united but not to be unitary". More significantly "they must not only desire it, they must be able to operate it".¹¹

The circumstances that are conducive to a desire for a federal union are various: a sense of military insecurity; the need to secure through the union political independence or economic advantage: prior experience of association in a confederation or as parts of the same colonial territories; geographical contiguity; vastness of area, and similarity of political institutions. Wheare does not include "community of language, of race, of religion or of nationality as likely essential prerequisites of desire for union". In some cases (Canada and Switzerland), the desire to unite arose despite, if not because of, differences in these aspects. But, "there is a limit to the degree of divergence that is compatible with the existence of a desire to unite".¹²

The articulation of these factors to produce a desire for a federal union would much depend on the judgment and quality of leadership prevailing at the time in the concerned communities. The example of other federations influenced the leadership in countries like India and Nigeria to opt for a federal system, although the established models were adopted with various modifications.

The intensity of the desire for, and the factors influencing the formation of, the federal union can provide the necessary incentive for the capacity to operate it. This capacity will ultimately be enhanced by the growth among the communities of the union of their sense of "a common nationality *over* and *above* but not *instead* of their sense of separate nationality". The capacity to operate a federal system will depend fundamentally on the economic resources that can support both central and regional governments. A federal system should not only be politically desirable but also economically viable and affordable. The size of the component states or regions must strike some kind of reasonable balance in area, wealth and population to make possible for all levels of government to be independent within their specified spheres.¹³ The question of allocation of resources and funds is important in establishing the system, in organizing relations between the coordinate levels of government, and in providing the capacity to make federalism function.

M D Reagan and J G Sanzone define federalism in a different light as *intergovernmental relations*, arguing that conventional federalism is a 'static notion':

The modern notion of federalism, in keeping with the more realistic approach of present-day political analysis, is dynamic: it pictures the intergovernmental relationship as one of constant change in response to social and economic forces as well as to such significant political forces as the party and the electoral system...The wording of the constitution is sufficiently broad to cover a variety of situations: thus the form can remain constant while the content changes radically. This is, in fact, what has happened to federalism.

They stress the need to re-examine federalism as ‘a policy determinant’, and to reconsider the “reciprocal impact of expanding governmental activities upon the structural relationship between the levels”.¹⁴

They reject Wheare's constitutional pluralism of dual federalism on the ground that it conceives a legalistic *coordinate* power relationship, as distinguished from *superordinate* or *subordinate*, when in practice as well as in constitutional terms, the relationship is characterized by power *concurrence* and not the *division* of powers. They argue that because “the national and state governments work together in the same areas, sharing functions and therefore power”, the very nature of modern government is “activist and goal-oriented”; it can be expressed not by the “legal, constitutional positions of the levels of government” but by their “practical working relationship”.¹⁵

Secondly, they dispute Wheare's litmus test for federalism that requires for regional governments to be financially independent of the central government. To them, intergovernmental relations and the sharing of functions are “most clearly and dramatically seen in the explosive growth of federal grants-in-aid” in the United States as a result of the inability of state governments to finance all the services under their jurisdiction. Federal “grants-in-aid” entail an exercise of concurrent powers with the state in varying degrees of federal policy control. The concept of *dual federalism* can, therefore, be misleading because it encourages a false competition between national and state governments. *Cooperative federalism*, though an improvement in the sense that it promotes the joint action of the levels of government, is still conceptually inadequate because it assumes that “the responsibilities of state and national governments were coordinate, whereas in reality the national government need to be superior”.¹⁶

The “New Federalism”, they maintain, does not mean the emergence of a “federal octopus”; nor does it refer to what governments are. Rather, it is concerned with what governments do in a “multi-faceted positive relationship of shared action”. The emphasis is on action not structure. What is needed is the extension of the range of new modes of *direct federalism* (e.g., national-city relationships that bypass state governments) and of *private federalism* (reaching below the state government and local authorities to semi-public organizations and to private business firms to administrate federal programs).¹⁷

Reagan and Sanzone conclude that old-style federalism is dead because it describes a “non-relationship” between the national and state governments. In its place, they propose a new style federalism, *the permissive federalism*, by which they mean, “a system of shared functions and

shared power under federal leadership and within the boundaries set by whatever priorities a national consensus is able to agree upon". Such a system, they maintain, can strengthen the national government by "permitting firm national definition of policy objectives and program approaches at the same time that it can make all the room needed for appropriate state-local inputs to the details of program implementation".¹⁸

The old federalism may indeed be 'dead' in the United States, if we accept the assertion of Reagan and Sanzone that diversity in society has been, or can be "nationalized". What they are really describing is the evolution of a federal system that has moved nearer to the devolved structure of a unitary state. It is arguable whether even the American model can be characterized as such. (The current American debate on 'state rights' and 'downsizing' the federal government, and on the related notion of "reinventing government", may be a case in point.) The point at issue, however, is the relevance of federalism to other countries which have to start not at where the American system has evolved but at where it had taken off, or at any other appropriate point in between. In this respect, old-style federalism can be regarded as very much alive, in the sense of being more instructive and, therefore, more relevant to communities still seeking "unity in diversity". It may not have fared very well in other parts of the world but the lessons to be learned from the failure - or even from its enlightening demise, American-style - are no less important.

While it is true, as Livingston notes, that "the essence of federalism lies not in the institutional structure but in the society itself"¹⁹, the society has still to understand the system in order to come to terms with it by adopting it, or adapting it to its own peculiar needs, or rejecting it. In the final analysis, "federalism, like most institutional forms, is a solution of or an attempt to solve a certain problem of political organization". As Birch notes, "Federalism is not in itself an ideal or easy form of government. It is peculiarly complicated, and if it is to work successfully it requires understanding, skill and above all tolerance on the part of those concerned with its operation".²⁰

The Federal Pledge: A Historical Perspective

The origin of the federal idea in the Sudan was one of the legacies of colonial rule. When the British occupied the country, and for reasons that had to do with their imperial strategies, they adopted the so-called 'Southern Policy' which, in effect, kept the South a closed area. It is clear that the British administration from the mid-1920s wanted to keep the South isolated from the nationalist movement that was then emerging in the North. The British, in fact, had not made up their mind about the future status of the South; they were seriously considering making southern Sudan part of their East African territories.²¹

But by the end of the Second World War the British decided that the South, after all, should be part of a united Sudan. The step was taken reluctantly in the face of opposition by British administrators in the South, and was regarded as "the less imperfect of...two imperfect

alternatives". The reversal of policy however, could not undo some of the damage of the earlier decisions. The situation was further aggravated by the policies of the nationalist governments after independence, which added fuel to an already explosive situation. Thus, paradoxically, the state of "imperfection" inherited from the British was reduced, through ignorance, short-sightedness and indifference to a level of "imperfection" that was almost tantamount to a policy of scandalous national neglect.

What the British had in mind was not exactly clear but their conception of the best future for the Sudan could have envisaged a federation of the South with the North on an equal footing. As M.O. Beshir put it, "for the first time the idea was put forward that the South should in the future have regional autonomy or be federated with the North. These concepts advanced by the British administration, were latter adopted by Southern politicians as the only solution to the problem".²² Most of the British administrators in the South were against unification and wanted a form of regionalism or federation in which the interests of the South, as they saw them, would not be jeopardized.

The issue was discussed in the Juba conference of 1947, held by the British to determine the future of southern Sudan. The conference put on hold the idea of regional autonomy or federalism despite the apprehensions of many concerned southerners. These apprehensions expressed themselves with a vengeance on the eve of Sudan's independence when, in August 1955, the Equatoria Corps of the Sudan's Defense Force, mutinied. The tragic events triggered by the mutiny forced the northern political parties to focus their attention on the South; they agreed to consider a federal solution for the future government of the Sudan.²³ In response to that pledge, southern representatives in the Constituent Assembly agreed to the declaration of independence on 1 January 1956. A special commission was formed to prepare a draft constitution (of the forty three members only three were southerners). With typical insensitivity to the pledges made, the commission voted against the federal option. A clear signal from the South that the verdict was unacceptable was made when, of the 46 seats allocated to the South in the 1958 election, forty were gained by the newly formed Southern Federal Party. The signal went unnoticed. The Federal Party was opposed to the new draft constitution, and its representatives voted with their feet by walking out of the Constituent Assembly.

By then the whole structure of government had proved its failure to function in an effective way to meet the multitude of problems facing the country as a whole. The military junta who were handed power by the civilian government in November 1958, attempted to tackle the Southern issue by the simplistic approach of trying to impose Islamicization and Arabicization on the South. This policy was reinforced with military action to crush the armed rebellion, the *Anyanya*, which had emerged in the South. The Southern political movement formed in exile, the Sudan African National Union (SANU), was openly calling for separation on the ground that the other alternative of federation had been denied to the South.

After the October civilian revolution which overthrew the military in 1964, SANU reverted to the federal approach as the only possible and acceptable solution. A round table conference was held in Khartoum in March 1965 to resolve the issue. But the sources and causes of mutual suspicion and misunderstanding were too deeply embedded to be surmounted. Although a tacit agreement was reached to exclude the two extremes of separation and the status quo, no common ground could be found. The northern political parties regarded the call for federation as a cover or stepping stone to secession; the southerners, who seemed to agree only on their mistrust of northern intentions, demanded either federation or self-determination.²⁴ A twelve-person committee was formed to pursue the search for the elusive solution.

But the failure to reach agreement was not inevitable.

The southern demand for a special status was not unreasonable and could, at least, provide some acceptable basis for mutual accommodation. But none of the major parties could transcend its own sectarian interests to cope with the national content and implications of the southern issue. Nor did southern politicians prove less disinterested in pursuing personal ambitions and tribal interests. Northern actions, or more precisely the lack of them, increased disenchantment in the south, and from a southern perspective, seemed designed to deprive southerners of any substantial share in the administration of the country.²⁵

As the northern political leaders resumed the struggle for power in Khartoum and southern politicians continued to squabble among themselves, the civil war in the South between the army and the *Anyanya* inexorably escalated.

The Devolutionary Approach: The Addis Ababa Agreement

The state of unrest and instability ended in the demise of civilian rule and in the second military takeover in May 1969 under General Ja'far Numayri. The new regime immediately issued the 9th of June declaration in which it acknowledged the ethnic and religious differences between North and South, and advocated a peaceful solution. From 1969 to 1971 the military regime was preoccupied with internal struggles for political power. But the government managed to maintain talks with the political leadership of the *Anyanya* movement which, in March 1972 culminated in the Addis Ababa Agreement which gave regional autonomy to the southern Sudan.

The end of the long conflict was no small achievement and the peaceful settlement was hailed by the outside world as a resounding triumph for President Numayri. For African countries, particularly those with similar conflict situations, the peacefully negotiated settlement of the civil war was of special significance. The *Nigerian Times*, perhaps mindful of Nigeria's own painful experience in Biafra, wrote: "What makes the Sudanese agreement so reassuringly surprising in that it is rare to find these days a negotiated settlement of a secessionist effort".²⁶ An editorial in the *New York Times* noted that, "If successful, Sudan's new experiment in unity with diversity

offers a useful guide to many other underdeveloped nations similarly afflicted with racial, religious and corrosive domestic divisions".²⁷

The establishment of regional government in southern Sudan was structurally very close to the federal system that southerners had been clamoring for since the pre-independence period. Indeed, the South came to enjoy, at least for a time, a measure of political liberalization which was pointedly lacking at the time in the North. The basic principles of the self-government system in the South provided for elected regional and executive bodies and for the regulation and institutionalization of center-regional relations in a way that would give the central government authority in national matters, and devolve power to the regional government in regional and local affairs. But there were fundamental contradictions and ambiguities in the nature and operation of the political system that were bound to undermine and ultimately destroy the experiment in regional government.

The most glaring peculiarity was the anomaly between the quasi-parliamentary nature of the southern regional government stipulated by the Addis Ababa agreement (under which the regional executive was dependent on the support of the legislative body), and the one-party presidential system promulgated a year later in the national constitution for the country as a whole. Thus from the start, center-region relations were strained by the operation of two completely different systems of government made to coexist in a state of constitutional incompatibility. The situation made for frequent intrusions of the center (the presidency and the party organization) into regional affairs, ostensibly to remove or resolve the contradictions. These interventions had the cumulative effect of further destabilizing and diminishing regional politics which, in turn, invited new and increasingly more blatant interventions.

There was also a corresponding failure on the part of southern leaders to take advantage of the unique position of the southern region as an important power base of the regime to inject southern interests and concerns into the political process at the center. The reasons behind this failure were related to the nature of the emergent configuration of power relations. The end of the civil war resurrected acute divisions and rivalries between southern political groups which had been submerged during the common fight against the government in the North. These differences, often more tribal and personal than issue-oriented, tended to encourage among most southern politicians a preference for more involvement in regional than in national politics. The overall trend, therefore, made for the absence by default of a strong southern voice in the center, and a multiplicity of discordant voices in the region. The standing of the southern leaders was accordingly diminished; for,

While their inability to provide alternative policy programs deprived their constituencies of any real political choices, their excessive preoccupation with regional politics deprived the south of any significant influence on national issues of primary concern to it. On both counts, the result was to make the southern region more vulnerable to manipulation from the center.²⁸

Paradoxically, in 1980 the regime invoked the southern experiment as a model for reshaping government power and structure through the establishment of five regional governments in northern Sudan. It was then deemed that with the regionalization of the North, the South itself should be re-divided into three autonomous regions. The re-division of the southern region in 1983 had the effect of compounding the strains on north-south relations and of exacerbating intra-region divisions. In theory, the arguments for regionalization in a country like the Sudan were compelling:

The sheer size of the country and its underdeveloped infrastructure necessitated responsive and effective rule. Devolution would bring government to the people and thus satisfy local conditions and aspirations. The most optimistic assumption was that the participatory nature of local and regional government would be conducive to the democratization of the political process in the country as a whole.²⁹

But although the basic principles underlying devolution were obviously desirable, the practical problems of application remained unresolved:

The most fundamental question which was acknowledged but deftly side-stepped, was whether the Sudan was ready for such a system and, more to the point, if in the prevailing conditions it could afford it, politically as well as economically. Indeed, the same factors favoring devolution could equally militate against it. In a situation of chronic economic problems, recurrent political crises, and spreading popular discontent and unrest, a devolutionary approach could conceivably fuel rather than diffuse latent separatist tendencies in various parts of the country.³⁰

More seriously, the political leadership showed neither the inclination nor the will to make the system work. Constitutional change was not accompanied by changes in established political habits, and the discrepancies between institutional arrangements and the corresponding realities of power, became even more pronounced. The overall trend was actually to enhance presidential power within a constitutional framework designed formally and institutionally to diffuse and devolve it. The proliferation of regional systems meant little in terms of popular participation in the political process, and even less in terms of devolution of power to the regions. The regionalization system in the North merely served to reinforce the skepticism of the general public and to dramatize the fact that real devolution could not be enshrined by presidential fiat.

In the South, the support by the smaller tribes of the decision to re-divide the region (as a means to break what they regarded as the political hegemony of the largest tribe, the Dinka) showed how tribal affiliation and motivation could overshadow, or replace, regional consciousness and identification but fail to translate into any larger sense of national belonging. The ensuing divisiveness diminished the southern experiment in regional government and set in motion a chain of events that would eventually culminate in the resumption of civil war not only with the government in the North but also among the southerners themselves.

The basic flaw in the Sudanese experiment was the negation of the basic assumptions in devolution of power through the operation of a political system in which not only the center but a highly personalized style of decision making inordinately dominated. This writer noted at the time:

There is more paradox to this situation than the anomalies of constitutional arrangements and the inherent contradictions of the mutually exclusive claims of autocracy in power and devolution of power. The 'imperial presidency' is, at once, the one cohesive element in the disparate political system it had created, and the most destabilizing factor within it... In the Sudanese experience the political environment obscured the institutional framework and the political leadership invoked both to dominate in each. The realities of the power situation had a logic of their own which, defying constitutional interpretation and conventional political wisdom, had retarded and indeed reversed progress towards political stability and national integration.³¹

By mid-1983, the situation in southern Sudan had deteriorated to such a degree that Dinka-led armed resistance, under the command of Colonel John Garang, flared up in opposition to the re-division of the South. In yet another controversial and arbitrary move, the Nurnayri regime decreed in September 1983 the imposition of *shari'a* law, thus further alienating whatever support bases it still retained in the South, within the army, and among northern political parties and secularist groups. The one political force behind the Islamicization policy was the Muslim Brotherhood, led by Hassan al-Turabi, and subsequently renamed the National Islamic Front (NIF) - an important factor in the country's politics since the 1960s, but a minority party nonetheless. The divisive impact of Islamicization was immediately manifested in the South where the insurrection gained momentum and emerged, led by Garang, as the Sudan's People Liberation Movement (SPLM), with a military arm (SPLA).

The intensification of civil war in the South and of civil unrest and resistance in the North prepared the ground for the popular uprising that brought down the Numayri regime in April 1985.

The Federal Agenda: Positions and Attitudes

An important factor in the relatively peaceful way in which the regime was overthrown was the decision of the army command to support the popular uprising instead of suppressing it. A transitional government, composed of a military council (representing the army) and a civilian cabinet (representing the trade unions that led the uprising) was formed to prepare the country for elections and the return to civilian rule within a one-year period. The SPLM refused to join the new political setup on the grounds that the army command, which controlled the military council, had been an integral part of the overthrown regime (particularly in directing the fight against the SPLA) and should have been discarded with it. From the start the transitional government was caught in the crossfire of conflicting pressures and interests, and was unable, or unwilling to wield its popular mandate to drive a new start. In the event, it settled for the relative

safety of marking time. Elections were held as scheduled (but not in most of the southern areas controlled by the SPLA), and power was handed to the elected coalition government of the two major parties, the Umma (whose leader Sadiq al-Mahdi became premier) and the Democratic Unionist Party (DUP) and their junior partners from the Khartoum-based southern political parties.

The political scene in Khartoum following the elections of 1986 was reminiscent of the aftermath of the October revolution of 1964. In both instances the civil war in the South provided the backdrop before which events unfolded. In both cases the same traditional forces fought the same political battles over the same divisive issues, and ultimately produced the same predictable outcome of elements in the army forcing the political issue by force of arms.

Yet beneath the surface of this slow-motion replay of the past, certain changes could be discerned. The post-1985 period saw a greater attrition of the secular forces in the North as the growth in the influence and resources of the NIF, particularly during the last years of Numayri's rule, enabled the party to put Islamicization at the top of the political agenda. The political spectrum created by this issue cut across the traditional lines of demarcation between North and South. At one end were grouped the SPLM and the secular forces in the North; at the other, stood the NIF. The middle ground was littered with the various, and often warring, factions of the Umma party and the DUP.

The dilemmas of these two were the most acute. They had denounced the application of the *shari'a* under Numayri as a distorted version of Islam, and they knew when they assumed power that the key to the peace process with the SPLM, and to the collaboration of the trade unions, was the abrogation of the Islamic laws. Yet they were unable to do so partly because they could not agree, between and among themselves, on the issue of abrogation, and partly because the fierce Islamic rhetoric of the NIF threatened to co-opt the religious sentiments of their own essentially traditionalist constituencies. The bickering coalition partners, therefore, found themselves with little room for manoeuvre, and became instead preoccupied with the proclamations of halfhearted 'peace initiatives' and 'alternative Islamic legislation' that distracted the government itself, confused the public, and were largely ignored or rejected by the other parties concerned.

The polarization of politics over the Islamicization issue tended to obscure the significant changes, as compared with the 1960s, in the positions of the major political actors with regard to the form and nature of North/South relations. A form of regional autonomy for the South was now taken for granted and the federal principle, often perceived in various forms of regionalism, found its way into the platforms of almost all major political parties in the North. More significantly from the perspective of the South, the SPLM manifesto was emphatic in its rejection of *secession* and its assertion of the *national* content and orientation of the movement's objectives.

Curiously enough, the most specific proposal for a federal system was presented in the NIF Sudan Charter for the 1986 election campaign. It claimed to advance a federal structure that would transfer to the federated regions matters of an even wider scope than the self-government act of 1972. But the charter's main emphasis was on Islamic jurisprudence being the general source of law by virtue of being the expressed desire of "the democratic majority". It sought to reconcile the constitutional supremacy of one religion with a federal and democratic structure of government by exempting a non-Muslim majority in a region "from the general application of the legal system":

In these matters exclusive local rules can be established in the areas based on local majority mandate - any local minority remaining [being] subject to the democratic principle... The general presumption, otherwise, is for law to be effective country-wide over all persons and regions, except for any limitation deriving from the requirement of the constitutional decentralization system or the very letter and purpose of a particular law.³²

The basic arguments of the NIF seemed to derive from an arbitrary and rather authoritarian interpretation of majority rule: they presumed, first, that the "Muslim majority" in the populace had an inherent and collective desire for the Islamic constitution; second, that the fulfillment of this desire was entrusted to the NIF (to the exclusion of all others); and, third, that this monolithic and static majority was therefore synonymous with the "democratic majority" whose wishes non-Muslims had to respect. Obviously, none of these presumptions was compatible with basic democratic assumptions. Indeed, the NIF pious proclamation of the sanctity of religious belief and practice for non-Muslims was a dubious proposition in view of the party's policy of intolerance and intimidation against rival Muslim leaders, and secularist opponents.

While the NIF interpretation and invocation of majority rule cynically distorted and subverted the democratic notions underlying the concept of majoritarianism, their reading of the Islamist tradition in the Sudan's democratic experience was not altogether invalid. For them,

democracy as it has been practiced, has favored parties whose main qualifications were inherited leadership and the blind loyalty of their traditional constituencies which represent a diminishing political force in the modernization process. Since these constituencies are founded in Islam, the NIF sees its commitment to the Islamic path as not only the way for the future among the educated, but also a potentially popular way of winning support away from the sectarian political parties.³³

The ingenuity of this "mechanical majority" approach was in the way it sought to mobilize traditionalist forces in the service of radical transformation, and to invoke the democratic ideal in the process of undermining and dismantling it.

On the other side of the political divide, the SPLM/SPLA was advancing a similarly radical transformation but for radically different purposes and by radically different means. From the beginning, the movement addressed itself to the national content of the Sudan's political crisis,

rather than its regional manifestation in the South. The movement envisaged itself as the catalyst of change that would bring about the creation of a *new Sudan* freed from regional, ethnic, religious, and cultural discrimination. It was committed to a radical “restructuring of power relations” and equal development for marginalized areas in a democratic and secular system. It challenged the very notion of politicized religion claiming that the version of Islam being pushed by the fundamentalists would lead to the stratification of society and the reduction of non-Muslims and women to the status of “second-class citizens in Sudan's godly commonwealth”.³⁴

To the SPLM, the core of the national problem was the failure of successive regimes in Khartoum since independence, to provide a commonality and a basis for the Sudan as a state; instead, “national politics and governance took the form of sectarianism, regionalism or tribalism, all of them centrifugal forces that cannot mould a people into a national or multi-nationality state”. It was imperative, therefore, to address the root cause of the problem, which was the power structure in Khartoum:

The truth of the matter is that the SPLM has put northern politicians off balance simply because it challenged conventional wisdom and slaughtered a few sacred cows. It has challenged a political hegemony that some people assumed was there to stay... It faced up to the ethnic, religious and cultural specificities as they are, rather than viewing them through distorting lenses. It called for devising new political structures and institutions rather than repeating experiences that have outlived their usefulness - if they were ever useful. For Northerners to do that, they need to exercise self-analysis, if not self-criticism. Seemingly few are inclined to do that. The majority will indulge in the false comfort of contrived oblivion to reality. All our ills, they delude themselves, are caused by others.³⁵

But the SPLM was itself partly to blame for the failure of these bold challenges to have a durable impact. The movement's boycott of the political process during the transitional period tended not only to erode its real or potential support among the secularist and modern forces in the North, but to seriously weaken the position of these groups in the power struggle with the traditional political establishment and the resurgent challenge from the Islamists. Similarly, the resumption of military operations, which spilled over into areas in the North, had the effect of giving credibility to charges of SPLM intransigence, and of raising doubts over its intentions. Those in the North who were intrigued by the idea of a “new Sudan”, as a viable alternative to the politics-as-usual approach being re-enacted in Khartoum, were baffled by the means that the SPLM was seeking to achieve it. Was the movement unrealistic enough to believe that it could still liberate the whole of Sudan on its own by military means? Or was it cynically upping the military ante in order to bargain from a stronger position with the very political establishment it had vowed to replace? The military tactics of the SPLM seemed to fly in the face of its political strategy, and to betray a large measure of insensitivity to the kind of popular support in the North that would be essential for a political solution to emerge.

Just as it undercut the position of pro-SPLM groups in the North, the military escalation played into the hands of its opponents. The NIF effectively manipulated this situation, using the military

reverses suffered by the army, as well as the proclaimed “national” agenda of the SPLM, to conjure in the public mind the specter of an international conspiracy of wide ramifications (Communist-Zionist-Christian-Western) to take over the country and "Africanize" northerners by uprooting their “Arab and Islamic” heritage. Public exhortations to support the national army (“defender of our homes and honor”) were coupled with denunciations of political opponents and peace activists (as “traitors”, “mercenaries”, “atheists”, and “fifth columnists”). In this way, the NIF managed to ingratiate itself to hard-liners within the military establishment, and to infiltrate key positions in the chain of command. Thus, the NIF was using the democratic environment to pursue an aggressive *political* strategy, while preparing a clandestine *military* option as a fall-back position should the democratic process become (as it was eventually bound to be) no longer conducive to its political purposes

By contrast, the SPLM had placed itself in a no-win situation in the national struggle for power. Military action could have probably left it with control of much of the South, at least during the period of its early successes. But that would have reduced it to the regional status and the *de facto* separation that it had consistently rejected since its inception. On the other hand, it would have needed to establish a political constituency in the North if it were to operate realistically within the national context of politics. The SPLM leadership acknowledged that northern attitudes would be almost impossible to change because the prevailing view of the movement was distorted by deep-rooted prejudices and misunderstanding. But the leadership itself often manifested a tendency to misread the political realities in the North, and to overlook the necessity of broadening the base of its popular appeal and support. There was no concerted effort to coordinate with the substantial secular and peace constituency in the North in a way that would have formed the basis of a broader coalition, or at least a more effective response to the Islamist challenge. There was no serious attempt to build bridges to the armed forces - other than carrying the fight to them - thus alienating, and often humiliating, one of the most significant and representative sectors in Sudanese society.

The ambivalence of northern attitudes toward the SPLM was a measure of both the appeal and the limitations of its message. Its vision was, by Sudanese standards, both novel and bold; but its very challenge also aroused fears and uncertainties. It sought to provide a new, albeit vague, formula for the rearrangement of power relations in a new Sudan at a time when political trends in the North seemed to be regressing into the past; yet the very nature of its military-political challenge became itself a source of renewed confrontations. It offered a secular-socialist ideology which was meant to transcend the old North/South ethnic-religious divide; but the ideology was not sufficiently rooted in the South, and was already under siege in the North. It managed to inject the national claim of a southern-based movement into the forefront of national politics and to make its concerns a crucial factor in the political equation; yet it remained essentially a regional movement in terms of leadership, constituency, power base, and sentiment (in much the same way that the northern political parties had been in relation to the South).

Paradoxically, the emphasis on the movement's integrationist approach, tended to obscure its potentially negative implications for inter-region and intra-region relations. In the South itself, it reflected neither a strong grassroots sentiment nor a unified leadership stance; on the contrary, separatist aspirations were still preponderant and remained submerged only because, and as long as, the national approach was deemed to be a viable proposition. At the national level, the very viability of this prospect had the effect of hardening political attitudes into mutually exclusive claims. The proliferation of tribal confrontations and conflicts in the peripheries (the Nuba Mountains and the Ingessena Hills), and the manifestation of northern separatist tendencies ("let the South go") in the political fringes in Khartoum, served to heighten the siege mentality of the weak traditional party system, and to render it less inclined to a compromise with the SPLM, and even more vulnerable to the radical and relentless Islamist assault. The confusions and contradictions in power relations coalesced to trigger the NIF military coup of June 1989 with the inevitability of a preordained tragedy.

The Federal Islamic State: The New "Shuracracy"

Ironically, the slow groping for common ground by the government and the SPLM was beginning to show some signs of progress when the pro-NIF coup plunged Sudan into a third military rule cycle. The stage was set for both the revival of the peace process and the countervailing NIF *putsch* when the leader of the DUP and the patron of the important Khatimiya Sect, Muhammad 'Uthman al-Mirghani made a historic meeting with SPLM leader John Garang in Addis Ababa in November 1988. The two leaders agreed on a new peace plan which allowed for a freeze on Islamic laws, the lifting of the state of emergency and the convening of the constitutional conference to determine the future of the country.

The plan was hailed by almost all the political forces as a breakthrough in the peace process. But the NIF was stringent in its opposition to the peace initiative which it denounced as an "abject surrender to the dictates of the SPLM". The party's newspapers vilified the DUP leader as a 'traitor' to his own Islamic heritage. Prime Minister, Sadiq al-Mahdi vacillated as usual, perhaps more out of personal pique (the DUP leader having upstaged him) than because of any serious objections to the peace initiative itself. He was largely a prisoner of his own former anti-SPLM rhetoric and, in a sense, his Islamic credentials were being held hostage by the hard-line and the uncompromising stance of the NIF.

Sadiq al-Mahdi's indecisive attitude precipitated a major political crisis. In February 1989, 150 senior army officers took the unprecedented step of submitting to al-Mahdi a memorandum to end the unresolved civil war in the South and to broaden his government. This was virtually a call for ditching his NIF coalition partners since it was known that the DUP would not rejoin the government if the NIF was represented. More to the point, the ultimatum called on the government to meet the needs of the army in fighting the war or to reactivate the peace process.

The attitude of the army command certainly alarmed the NIF leadership. When al-Mahdi dissolved the government in March 1989 (in partial compliance with the call to broaden the government), the NIF accused him of defeatism and resumed its place in opposition. The party focused its attacks on the new Umma-DUP coalition government and mounted a series of disruptive street demonstrations calling for the "revolution of the Quran".

The government began belatedly moving to revive the peace process. On 29 June 1989, al-Mahdi gave the green light for a government delegation to go to Addis Ababa for a decisive meeting with the SPLM scheduled for 4 July 1989. It was clearly understood that the issue of Islamic laws would not be allowed to become an obstacle in the negotiations.

On June 30, the military wing of the NIF, led by Colonel (later General) 'Umar al-Bashir, executed a bloodless coup cleverly disguised as the long-expected move by the army command. The imprint of the Islamists was clear from the start and the NIF leader, Hassan al-Turabi, soon emerged as the real power behind the junta's façade of nonparty affiliation. The evidence at the time indicated that the coup was put into action to abort the imminent resumption of the peace talks. Toward the end of June 1989, the NIF was finding itself cornered into an untenable position. If the scheduled peace talks turned out to be successful, the issue of Islamic laws would become redundant, at least in the short term. If the talks were to founder, the pro-peace army command would likely step in to seize power. In both cases, the NIF was bound to end up the loser. As one observer put it, "time was running out for those who held the view that the *shari'a* could not be touched and the putschists apparently precipitated their move so as to avert the irreparable".³⁶

The SPLM initial response was to denounce the partisan nature of the military takeover, apparently in the expectation of generating a popular anti-NIF backlash. But the movement put forward to the new government its own peace plan. The plan envisaged a minimum four-step program to restore democracy. The first step would entail the formation of an interim government of national unity from the SPLM, the military establishment, the pro-democracy political parties, and the trade unions and professional associations. Second, and almost simultaneous with the first step, would be the establishment of a national nonsectarian, non-regional army from the SPLA and the regular army. Thirdly, there would be a convening of the national constitutional conference by the interim government to resolve the country's fundamental problems on the basis of agreements already concluded. The fourth step would be the preparation for free elections and the subsequent ratification by the elected assembly of a constitution establishing a democracy-based government.³⁷

It was obvious that this plan would not be acceptable to the new government which had seized power in the first place precisely to prevent the unfolding of any such scenario. Yet the government did not seem to offer anything more substantial than the announcement of a unilateral one-month cease-fire and general amnesty. The government's lack of a meaningful and

coherent peace plan became embarrassingly evident during the brief and unsuccessful negotiations with the SPLA, held in Addis Ababa in August 1989.

In September 1989, the government convened a National Dialogue Conference on Peace to discuss and report on the most appropriate system of government that could achieve national unity. The government then announced that the conference's recommendations, submitted in October 1989, of a federal system would form the basis of its agenda for any peace talks with the SPLM.

Not surprisingly, the most striking thing about these recommendations was that they seemed to be a more elaborate and detailed version of the NIF charter for 1986 election campaign. It was now duly rubber-stamped by the conference to earn the official claim that it represented a national consensus. The government then proceeded to declare Sudan an Islamic state and, in February 1991, to announce the establishment of a federal system.

The new federal system envisaged a popularly elected presidency, and a unicameral legislature “to be elected on a democratic basis provided that a formula can be devised to facilitate representation of influential groups of society. There would be a federal cabinet to be nominated by the President and approved by the federal legislative body. The federal government would have power over 26 items covering national issues (e.g., defense, economy, foreign affairs, etc.) while the state governments would exercise power over 18 items related to the regions (e.g., local government, border trade, state tax, etc.).³⁸

The power-sharing provisions tended to favor the center particularly since residual and concurrent powers were vested in the federal legislature. Even the number of states in the federal scheme was left unspecified thus leaving the center in position to dilute the powers of the regions by creating more states (eventually the number was raised to 25). According to one southern scholar:

In such a setup, north-central Sudan could still be the dominant force in the country since its unity does not lie essentially in having one administrative-constitutional structure but in its cultural, religious and commercial integration and its vested interest in defending a historically privileged position. The marginalized people of Sudan, on the other hand, need common administrative-constitutional structures in a federal Sudan more than ever in order to ensure accelerated socioeconomic development and to protect themselves against hegemony.³⁹

The new federal structure was, indeed, more centralized than the devolutionary system of regional autonomy of 1972. The overall impression was that of a system in which the primary function of the federal idea was to rationalize the supremacy of the Islamic center (symbolized by the *shari'a*) in relation to the non-Muslim communities, and the dominance of the Islamic state (controlled by the NIF) in relation to all other political, social and economic groups, Muslim and non-Muslim alike. The right of Muslims as a majority to observe the legislation of

their religion in various fields of life was invoked in the new federal system to make *shari'a* and custom “the main sources of legislation the Sudan”. Regions in which Muslims were not a majority might exempt themselves from legislation of a purely religious character; their rights were thus essentially those of exemption from the rules, not of participation in the process of making them, and still less of empowerment to challenge or change them. From a regional perspective, this federalism of the Islamic state seemed designed to keep the marginalized groups of the peripheral regions cocooned in their enclaves just out of reach of Islamic legislation but also out of reach of any real power sharing.

One of the first acts of the new government was to establish "Islamic battalions" of its supporters, the so-called People's Defense Forces, modeled on Iran's revolutionary guards. A two-month spell in training camps to undergo paramilitary exercises and religious indoctrination were made mandatory for all civil servants and for students going to university. In March 1991, the government launched a new political order based on the ‘popular congresses system’, borrowed from Libyan experience. It was declared that Sudan, through the congresses system, would present a new model to the world: “it is a model that ensures harmony between religion and the state and proves the validity and workability of the Islamic system in modern politics, by bringing about homogeneity and balance between the modern and traditional forces”.⁴⁰

The regime moved to establish the political basis of this new order in February 1992, by forming a 300-member Transitional National Assembly. To emphasize its Islamic nature, the government-controlled media described the new assembly as constituting the second stage of the *shura* (consultation) process - a new form of *shuracracy*, or “party-free democracy” to provide a trial period for the permanent national assembly which would be elected in due course and form the final *shuratic* system based on “a return to the original principles of Islam”.⁴¹

What all these new political forms had to do with the federal system, indeed whether or not they were compatible with it, was not made clear. Nor was it the intention of the NIF to do so. The first priority was to gain and maintain domination of the state power resources, the purges of the civil service and the armed forces, the control of the information flow, the monopolization of basic commodities and inputs, and the control of the foreign exchange supply. The entrenchment and durability of the regime owed much to the ability of the NIF to pervade the political and economic system to a degree unprecedented in the Sudan:

its grand strategy is to build an Islamic state, the testing ground for future Islamic states elsewhere. Its tactic is creeping Islamicization: initially (in the absence of Algerian-style support) by stealth and, as power is consolidated, with increasing openness. To do this, it has needed to gain control of crucial areas, notably the economy. The NIF has concentrated on permeating the broadly social, rather than narrowly political sectors: agriculture, education, trade, health, etc.⁴²

Any attempt to challenge the authority of the NIF was harshly dealt with. Twenty-eight army officers implicated in an attempted coup were summarily executed in April 1990. Suspected

dissidents were detained without trial, and systematic torture of political opponents was carried out in the dreaded 'ghost houses' run by a number of security organizations. Through a process of disinformation, harassment and intimidation of the populace at large, the NIF managed to suppress the opposition and consolidate its power. In a real sense the NIF takeover introduced a new element in Sudanese politics: for the first time a minority party was trying to go beyond political control and to use state power in what it proclaimed to be "the remolding of the Sudanese man" (*i'adat siyaqat al-insan al-Sudani*) as part of an Islamic-based "civilizational project" (*almashru' al-hadari*).

The regime went further and declared itself to be the banner bearer of Islamic revivalism not only at home but abroad, thus posing the threat of potential destabilization to its neighbors. The threat of the Islamic-revolution-for-export (in the form of an "Islamic International" presided over by Hassan al-Turabi), was real enough to elicit from the international community the condemnation of the Sudanese government as a state sponsoring "international terrorism". The function of this external aspect of the Islamic revolution was essentially to reinforce and sustain the legitimacy and duration of the Islamic model being relentlessly pursued in Turabi's "Orwellian" state.⁴³

Following their expulsion from the political scene, the Umma and the DUP had joined hands with other political parties, professional groups, trade unions, and the deposed command of the army, to form in exile the National Democratic Alliance (NDA) with the declared aim of overthrowing the NIF regime. The NDA adopted a national charter, which was to serve as the basis of a new constitution, calling for the exclusion of the NIF from public life and the restoration of democratic principles and practices through an agreed program of action. The SPLM/SPLA joined the NDA in March 1990, and it seemed only a question of time before the concerted action of this formidable array of forces would dislodge the NIF military regime.

But the leadership of the NDA was beset from the beginning with the same kind of malaise that had so disastrously plagued the brief periods of democratic rule. Organizationally, there was a clear lack of coordination among the leaders of the various groups and between them and their bases of support inside the Sudan. There was a widening gap of affinity and expectations between an internal opposition, organized mostly by the trade unions under difficult conditions of harassment and repression, and an opposition in exile lacking in leadership capabilities and mobilizational resources. Predictably, major policy divisions arose between the Umma and the DUP, and between them and the SPLM and the unions, particularly over the equivocation of the traditional parties in making a definitive statement on the separation of religion and state.

But the most devastating blow to the efforts to defeat the NIF regime came when, to the surprise and dismay of most of its northern allies, cracks suddenly appeared on the apparently solid front of the SPLM/SPLA. In reality, the movement's façade of common purpose and unity was being undermined for some time by a convergence of interrelated internal and external factors. In the first place, the proclaimed integrationist objectives and approach had never been very popular

within the leadership and among the rank and file, and their endorsement was probably more a matter of tactical expediency than genuine commitment, at least by parts of the SPLM leadership. These differences over strategic policy issues were further complicated and aggravated by simmering undercurrents of personal ambitions, group rivalries and tribal animosities. Garang's leadership was able to quell, often violently, several attempts at dissent with the help of the Ethiopian army and security forces. The collapse of the Mengistu regime in Ethiopia in May 1991 was a heavy blow to the leadership, depriving it of crucial political and military support against the NIF regime, and also of the means to maintain internal cohesion and discipline. Faced with the hostility of the new rulers in Addis Ababa (who as rebel leaders had received considerable support from successive Sudanese governments), the SPLA had to abandon its sanctuary in Ethiopia, thus seriously curtailing its logistical support system and operational capabilities. In the wake of the demise of communism, both globally and regionally, the SPLM was left holding an ideological baggage that had become largely redundant in terms of internal appeal or regional and international support.

The ascendancy of the NIF was confronting the SPLM with difficult and diminishing options. Initially the movement's leadership shared the overconfidence of the northern opposition that the Islamist regime would be short-lived. But they departed from their northern allies in hastening to negotiate with it, possibly in the expectation of exploiting its weaknesses to place themselves in a more advantageous position for any future power arrangement. In the event, it was the NIF regime which exploited the weaknesses within the SPLA leadership by dangling the carrot of self-determination for the South while wielding the stick of military escalation. As the NIF regime consolidated its hold on power, and began to flex its military muscle in the Nuba Mountains and the South, the national objective of the SPLA to liberate the whole country became more unrealistic than ever, and even the once attainable goal of liberating the South was now thrown into question.

These military and political strains combined to bring to the surface the deep schisms within the SPLM command structure. On 31 August 1991, three SPLA commanders (Lam Akol, Riek Machar, and Gordon Koang), announced a coup in the town of Nasir in southern Sudan to remove John Garang from the leadership of the SPLM. The issues raised by the coup makers centered on what they called Garang's authoritarianism, and lack of consultation and democratic practices under his leadership. The group also accused him of human rights violations which included the forced recruitment of child soldiers and the imprisonment or liquidation of dissidents. The Nasir leaders then announced their preference for, a "separate existence [for the South] for sometime" as a possible way to peace. This meant in effect a drastic reorientation of the movement's objective from a united Sudan to independence for the South.

Although the attempted mutiny failed to dislodge Garang (the other SPLA commanders rallied to his side) it caused considerable damage to the credibility, morale, and effectiveness of the SPLM/SPLA. The split, roughly along tribal lines (with mostly the Dinka supporting Garang, and mostly the Nuer on side of the Nasir faction) touched off one of the most brutally violent

waves of intertribal fighting in the history of the South (more southerners died in the inter-factional bloodletting than in the fighting against the government forces). The NIF regime lost no time in exploiting the rift for its own military and political advantages. Contacts were established with the Nasir faction (which called itself SPLM/SPLA-United, and later the Southern Sudan Independence Movement, SSIM). In a secret agreement with Lam Akol in Frankfurt in early 1992 the government indicated its willingness to consider the issue of self-determination for the South; in return, the breakaway faction agreed to become its tactical ally in military operations against the Garang faction (now called SPLMISPLA-Mainstream). The government then mounted a major offensive in February 1992 which succeeded in recapturing more than a dozen SPLA-held towns and strongholds.

The split of the SPLM/SPLA profoundly affected not only the military situation in the South but more seriously the nature and objectives of the emergent power configurations arising from the national and regional conflict situations. The emergence of the SSIM had severely weakened the mainstream movement militarily and politically, but its challenge failed to rally southern aspirations for secession behind its cause, largely because its leaders were seen as self-motivated, and the breakaway movement itself subsequently splintered into warring militias. The exacerbation of the suffering of the civilian population as a result of the intertribal violence that the SSIM helped to unleash served to diminish the cause of southern independence by underlining how the depth of ethnic hostilities could undermine and fragment the proclaimed sense of a southern identity.

The Nasir rebellion confronted Garang with a painful dilemma. The military and moral challenge to his leadership was damaging enough, but more serious was the undercutting of the national-integrationist position in which he had invested his considerable personal prestige and the backing of his political constituency. He could not ignore the resurrection of the secessionist appeal, which cut across tribal lines, without risking the increasing irrelevance of his leadership claims; yet to endorse it meant conceding the validity of the public indictment of his leadership made by the Nasir group. For a time Garang's faction adopted an ambivalent attitude, moving gradually away from the integrationist position without coming out for separation. But the direction of the shift in position was perceptible, and perhaps inevitable.

At the peace talks with the NIF government, sponsored by the Nigerian President in Abuja in June 1992, the two southern factions were represented separately although towards the end of the abortive talks they adopted a unified position in demanding self-determination for the South. In August 1992, the SPLM-Mainstream reformulated its position by coming out in favor of "self-determination for the South following a two-year interim agreement during which the Sudan would remain united and ruled as a confederation of two states each sovereign with its own constitution and law".⁴⁴ This position raised some confusing and contradictory notions. For instance: how could a state become a confederation of two and still remain united as one? What future status would be self-determined, and by whom, when the issue is more or less settled in

the interim arrangements? These confusions and contradictions perhaps reflected, intentionally or not, the ambiguity and uneasiness of the SPLM political position.

The reaction of the NDA leadership to these developments and transformations was, in general, more accommodating than critical of the SPLM position. But the intrusion of the self-determination issue injected strains of suspicion and recrimination in the relations of the NDA partners. The northern opposition leaders had not often been regularly consulted by their SPLM allies, for instance, over peace talks with the NIF regime, and the shift in policy toward self-determination was perhaps no exception. The apparent lack of consultation or serious debate heightened the perception of working at cross purposes, or at least of a breakdown in communications. As one opposition figure put it:

As a result, the northern political leadership has not fully grasped the implications of the new political stand of their southern partner in the NDA. Yet, without taking the trouble of exhausting the subject they hastened to make a final stand, some precipitously conceding it, others dismissing it out of hand, none, however, having either obtained or sought a mandate from their constituencies back home.⁴⁵

In the Asmara conference of the Sudanese opposition forces in June 1995, the northern parties endorsed the principle of self-determination for the South, although the arrangement envisaged for the interim period was more in the nature of regional autonomy than confederation. There was no means to determine how much this endorsement represented a consensus of informed northern opinion, but the general impression was that it still remained a likely source of controversy and friction. The danger in this situation was that if the eagerness to present a united front was behind the failure to thrash out thoroughly these potentially divisive national issues, then it might encourage the tendency to renege on them in the future. Given the litany of broken promises in North/South relations since independence, the NDA partnership, holding as it did the best prospects for the Sudan's future, could ill afford the mistake of allowing history to repeat itself.

While the opposition was preoccupied with efforts to close ranks and reappraise its strategy and options, the NIF was facing a different set of problems. The movement's objectives had remained relatively consistent although the process of achieving them was becoming increasingly complicated and often self-defeating. Before it seized power the party was suspected of not being averse to the secession of the South if that could facilitate the realization of its Islamist design in the North. Indeed, the NIF coup itself was primarily motivated by the fear that the intrusion of the southern factor, through the peace process, threatened to render the Islamist agenda largely irrelevant. Once in power, the Islamist approach became more ambitious but also more constrained by its own inherent contradictions. The regime might have initially been tempted to conclude a negotiated settlement that would serve to consolidate and legitimize its hold on power; but to do so would have essentially entailed precisely the kind of political concessions that it had seized power to prevent. With the split in the SPLM/SPLA and the resulting changes

in the military situation, the NIF regime began to press more aggressively for a military resolution of the conflict. As a former NIF supporter put it, “the government is in danger of relying too much on its military successes, and of falling prey to the illusion that these are adequate in themselves to resolve matters”.⁴⁶ The NIF celebrations of the army's offensive in the South soon assumed a distinct religious fervor thus raising in the public mind, in both the North and the South, the disturbing and highly divisive notion of an Islamic crusade.

The intensification of the war in the South had caused internal, regional and international complications for the regime. The great number of southerners who fled to urban centers lived under conditions of deprivation and discrimination, and this embittered displaced population, further inflamed by the religious overtones of the war, constituted a demographic time bomb which could explode in the face of the regime. Regionally, relations with neighboring countries were being strained by Khartoum's Islamic militancy, and the tensions and frictions arising from the exodus of refugees and border infiltrations by militant groups. At the same time, the growing isolation of the Sudanese government in the international community was compounding the severity of the economic hardships of the ordinary people and might ultimately erode what remained of their patience with the policies of the NIF regime. The great suffering in the South and in the country in general, might yet induce a form of international humanitarian intervention, or of assistance to the opposition, that could contribute to the removal of the NIF from power in one way or another.

The regime seemed bent on resolving the civil war by force of arms, with the military and political annihilation of the SPLM as its overriding concern. Yet to ignore the southern claim, or even more simplistic to try to advance alternatives to it, either through Islamicization or militarization, could only mean the perpetuation and aggravation of the conflict and consequently the curtailment of the Sudan's economic, political and social development and perhaps even, ultimately, the disintegration of the country as a whole.

Conclusion

The federal principle encompasses a whole range of institutional variations in terms of power structure, organization and distribution. The value of the federal approach is that federalism usually emerges as a compromise ending a deadlock. A federal policy is structured deliberately to preserve diversity while providing the kind of consensus essential for holding the country together. There is also an inherent tendency for an *emergent* federalism, involving necessarily cooperation, bargaining and conflict between levels of government, to mature with the passage of time, thus balancing the bargaining process and reducing the incidence of conflict.

But the immediate task is not one of finding the appropriate institutional recipe - however important that may ultimately become - but of establishing a mutuality of trust and recognizing a mutuality of interest. These are the prerequisites of federalism or, for that matter, any other form of government. In the case of the Sudan, these factors had been historically absent. The federal

approach was generally viewed with the suspicion that it would introduce undesirable centrifugal trends at a time when the colonial experience made it seem imperative to encourage the centripetal forces that could hold together the independent Sudan. It is arguable whether a more subtle and farsighted interpretation of the colonial heritage would have militated for, and not against, the federal approach.

Two civil wars, and the experience of regional autonomy in between, had made the federal idea acceptable to those northern political parties who had rejected it in the past as a cover for separation and secession. The political platforms of almost all political forces took some form of regional government for granted.

While the conversion to the federal idea, whether genuine or expedient, had resulted in changes of declared positions, these had not been accompanied by the required changes of attitude and perception essential for the kind of political accommodation that was compatible with the federal solution. The deep-rooted attitudes of mutual mistrust, intolerance, and misunderstanding remained entrenched in many minds, despite the public proclamations for the need of some measure of national consensus. No party had gone beyond generalization of federal or regional structural and organizational aspects to address seriously some of the basic problems of creating the conditions conducive to negotiating successfully a mutually acceptable formula.

The proposed constitutional conference became a sort of political chimera meaning different thing to different people. To some, it was the only hope of reaching common ground; to others, it could only aggravate existing cleavages. Some sought to use it as a forum for resolving divisive issues; others wanted the basic issues to be resolved before going to the forum. In the meantime all the actors seemed to be hedging their bets in order to bargain subsequently from positions of strength.

The ambiguity of approach was, perhaps, part of the interplay of the dominant forces of sectarianism, tribalism, fundamentalism and secularism. But in the process the federal idea has been obscured. Federalism has been left in no-man's-land, creating some kind of political schizophrenia in the public mind and making of the concept a sort of Chinese box puzzle.

The seizure of power by the NIF has injected divisive and destabilizing factors into Sudanese politics and society. To achieve its grand design of building an Islamic state, the party has extended its control over all aspects of society. To facilitate and rationalize the implementation of its Islamicization policies, the NIF has established a new federal structure. Paradoxically, the function of the federal formula in this context can be seen as being essentially a centralizing one: the regions are to be kept marginalized and subordinate in a new *Shuracracy* controlled and run almost exclusively by the NIF.

The split in the SPLM and the general ineffectiveness of the NDA have apparently tempted the NIF to seek a military solution to the civil war in the South. But Islamicization and militarization are potently explosive and unpredictable forces. As the lessons of Sudanese history and politics

make abundantly clear, the southern factor has always been crucially instrumental in the demise of the Sudanese governments. Indeed, given the dismal economic and political record of the NIF rule to date, its greatest achievement so far seems to be its tenuous durability in power. The question that remains unanswered, and on which the future of the Sudan may hinge, is whether in going down the NIF is prepared to drag the whole country with it. The NIF has gambled on seizing power and, with Islamicization and militarization, the stakes have been raised so high that the ensuing confrontations are likely to be resolved violently.

Maryland, 1996

Notes and References:

¹ Robert Falton, Jr, "Liberal Democracy in Africa", *Political Science Quarterly*, no.3 (Fall 1990):

² Arend Lijphart, *Democracy in Plural Societies: A Comparative Exploration* (Yale University Press, 1977), pp19-20.

³ William S. Livingston, ed., *Federalism in the Commonwealth: A Bibliography Commentary* (London: Cassell, 1963), xvi.

⁴ It is argued that "this obviously need not imply that devolution is inapplicable within a federal framework, but only that its nature and function in a unitary state are different. While devolution is not necessarily identical with federalism, a devolved structure can conceivably evolve in the federal direction". M.B. Hamid, "Devolution and National Integration in Southern Sudan", in M. Rahim, R. Badal, A. Hardallo, and P. Woodward, eds., *Sudan Since Independence: Studies of the Political Developments Since 1956* (London: Gower, 1985) p. 124. One may add that a federal system may also move toward the devolutionary process characteristic of a unitary state.

⁵ K.C. Wheare, *Federal Government*, (Oxford University Press, 1963) p. 10.

⁶ A. H. Birch, "Opportunities and Problems of Federalism" in C. Leys and P. Robsons, (eds.) *Federalism in East Africa: Opportunities and Problems* (Oxford University Press, 1965) p.9

⁷ M.J.C. Vile, *The Structure of American Federalism* (New York, O.V.P., 1961) p. 65. Vile adds that "it will be a question of discussion as to what degree of interdependence is 'significant,' for there is probably no example of a political system in which the regional authorities of local government were completely subordinate to the center".

⁸ Morton Grodzins, *The American System: A New View of Government in the United States* (Skokie, IL: Rand McNally, 1966) p. 327.

⁹ Michael D. Reagan and John G. Sanzone, *The New Federalism*, (New York, 1981) p. 170.

¹⁰ Wheare, *op.cit* p. 35 Wheare maintains that the words of the American constitution are sometimes contradictory or vague as to what matters are within the general and the regional governments respectively. The 10th Amendment of 1791 states that "the powers not delegated to the United States by the constitution, nor prohibited by it to the states, are reserved to the states respectively or to the people".

¹¹ *Ibid* p. 36 If what is desired is a more close association then a decentralized unitary system may be a more appropriate choice; if, on the other hand, what is desired is to retain regional independence and subordinate central control to it, then a confederation may be more appropriate. Pp. 35-36

¹² *Ibid* pp. 38-39.

¹³ *Ibid* pp. 50-52.

¹⁴ Reagan and Sanzone, *Op.cit* p. 3.

¹⁵ *Ibid* pp. 23-25

¹⁶ *Ibid* p.12 Reagan and Sanzone argue that “where diversities are important, decentralization is important, and where the culture has been nationalized then the program decisions and choices of goal can reasonably be nationalized” p.28

¹⁷*Ibid* p. 170

¹⁸ *Ibid* p. 178 Reagan and Sanzone conclude that “our age does not see constitutionally fixed distribution of power and function as the most effective instrumentality for ensuring a simultaneous maximization of effective government and decentralized government”. P. 28

¹⁹ Livinigston *op.cit*

²⁰ Birch *op.cit* p.7

²¹ For For a detailed study of British policies in southern Sudan, see Mohamed O. Beshir, *The Southern Sudan: Background to Conflict* (London: Hurst, 1968); M.A. Rahim, *The Development of British Policy in the Southern Sudan, 1899-1947* (Khartoum, 1968); and P.M. Holt, *A Modern History of the Sudan* (London, 1961)

²² Beshir *op. cit* p. 64.

²³ According to M.O. Beshir, “by agreeing to consider a federal status for the Southern Sudan, the Northern political parties went a considerable way in allaying the fears and doubts of the South. Until then, federalism was conceived as a set-up within a united Sudan. Only a few voices were heard in the South demanding separation; they formed a negligible minority among the Southern educated class”. P. 73

²⁴ *Ibid* A technical subcommittee, formed in January 1966 to study a draft constitution, presented its final draft to the Constituent Assembly in January 1968. It proposed a decentralized regional system subject to direct central supervision. The committee did not discuss a federal system on the understanding that the various political parties rejected federation in favor of a regional system. (" Muzakirat al-Lajna al-Faniya lil Dirasat al-Dasturiya an Mashru Dastur Jamhuriyat ai-Sudan" (Memoranda of the Technical Committee of Constitutional Studies on a Draft Constitution for the Sudan, 1968).

²⁵ Hamid, *op.cit* p.127

²⁶ *Nigerian Times* (Lagos, 7 March 1972)

²⁷ *New York Times* (New York, 28 February 1972)

²⁸ Hamid, *op.cit* p137

²⁹ *Ibid*, p.135

³⁰ *Ibid*, p.136

³¹*Ibid*, p. 139

³² The National Islamic Front, *Sudan Charter: National Unity and Diversity*, English language ed. (Khartoum, 1987) p.7. The Charter noted that in view of the scope and degree of federal autonomy, federalism requires the setting up of adequate infrastructure-material and human-and presumes the provision of sufficient resources independently raised by or transferred to the regions.

³³ *Ibid*, p.8

³⁴ Mansur Khalid, ed. *John Garang Speaks* (London, LPI Limited, 1987) p.26

³⁵ *Ibid*, p.xi

³⁶ *The Guardian Weekly* (London 30 July 1989)

³⁷ John Garang de Mabior, Chairman and Commander-in-Chief of SPLM/SPLA, "Statement to the Sudanese People on the Current Situation in the Sudan" (10 August 1989) pp. 27-28

³⁸ *Sudanow* (Khartoum, November 1989)

³⁹ Peter N. Kok, "Peddling Defective Merchandise: The National Dialogue Conference One Year On", *Sudan Democratic Gazette* (London), November 1990

⁴⁰ *Sudanow*, (Khartoum April 1992)

⁴¹ *Sudanow*, (Khartoum March 1992)

⁴² *Africa Confidential* (London 12 July 1991) 32, no. 14

⁴³ *The Economist* (London 24 June 1995). According to the Economist, "The Islamic militancy of the regime in Khartoum does not grow out of any popular upsurge of religious feeling...The government uses religion because it has no other claim to legitimacy. In Khartoum religion, not patriotism, is the last refuge of the scoundrel".

⁴⁴ SPLM/SPLA, "Legal Framework for the Peaceful Resolution of the Civil War in the Sudan" (Interim Arrangements), (9 August 1992).

⁴⁵ Mohamed Ibrahim Khalil, "North/South: Untimely Campaign for Self-Determination", paper presented to the meeting on the Sudan organized by the U.S. Institute for Peace, Washington, D.C., 12 April 1994.

⁴⁶ Abdelwahab El-Affendi, "War and Its (Unintended) Consequences: Some More Sudanese Paradoxes", unpublished paper, n.d.