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Abstract

Despite Sudan's legacy of abrupt but successful popular uprisings, the country has failed to date to chart a path towards sustainable democracy. This paper seeks, through a review of Sudan's contemporary political history, to understand the failures of successive democratic governments to pursue an effective program of nation building, ensure peace and move the country out of this dysfunctional cycle of long autocratic military rule, interrupted by popular uprisings and failed democratic transitions. Theoretical literature in this area is neither uniform nor discipline-specific. This paper uses insights from political science, sociology and economics to reach conclusions. Apart from economist who tended to focus on structural factors hindering political transitions (e.g. conflict and the relevance of oil rents) enough commentators agree that the kernel of the problem is the political elite, their decision making and behavior vis-à-vis pivotal national questions (See Khalid, 1990, De Waal 2015). We understand the relevant questions as including the conceptualization of national identity post-independence, the development of a coherent and effective citizenship construct, defining the relationship of the center to the periphery – in terms both of rights and obligations, understanding the regional and international forces affecting the internal politics in Sudan, Sudan's position in the modern World and issues of justice and accountability for past wrongs. This approach subordinates the "economic" to the "political" in the sense that it treats the issue as a political problem which then generates economic effects such as economic stagnation, development impasse and clientelism and cronyism. We are also aware of the particular challenges facing Sudan by way of inheritance from the previous regime (See Elbattahani (2017)). These include a disintegrated state, ongoing conflicts, fragile state institutions and an ongoing economic crisis. However, if we are to learn anything from the brief periods of failed democratic rule in the 60s and 80s it ought to be that short-term solutions to long-term problems seldom work.

Keywords: Government policy, conflict, Sudan

JEL Classifications: P1, H1

ملخص

على الرغم من إرث السودان من الانتفاضات الشعبية المفاجئة ولكن الناجحة ، فقد فشلت البلاد حتى الآن في رسم طريق نحو الديمقراطية المستدامة. تسعى هذه الورقة ، من خلال مراجعة التاريخ السياسي المعاصر للسودان ، إلى فهم إخفاقات الحكومات الديمقراطية المتعاقبة في متابعة برنامج فعال لبناء الدولة ، وضمان السلام ، وإخراج البلاد من هذه الحلقة المختلة من الحكم العسكري الاستبدادي الطويل ، التي قاطعها الشعب. الانتفاضات والتحولات الديمقراطية الفاشلة. الأدب النظري في هذا المجال ليس موحدًا ولا متخصصًا في الانضباط. تستخدم هذه الورقة رؤى من العلوم السياسية وعلم الاجتماع والاقتصاد للتوصل إلى استنتاجات. بصرف النظر عن الاقتصادي الذي يميل إلى التركيز على العوامل الهيكلية التي تعرقل التحولات السياسية (مثل الصراع وأهمية ريع النفط) يتفق عدد كافٍ من المعلقين على أن لب المشكلة هو النخبة السياسية ، واتخاذهم للقرار والسلوك تجاه الأسئلة الوطنية المحورية. (انظر: خالد ، 1990 ، دي وال 2015). نحن نفهم

الأسئلة ذات الصلة على أنها تشمل وضع تصور للهوية الوطنية بعد الاستقلال ، وتطوير بناء مواطنة متماسك وفعال ، وتحديد علاقة المركز بالأطراف - من حيث الحقوق والالتزامات ، وفهم القوى الإقليمية والدولية. التأثير على السياسة الداخلية في السودان ، ومكانة السودان في العالم الحديث ، وقضايا العدالة والمساءلة عن أخطاء الماضي. يُخضع هذا النهج "الاقتصادي" إلى "السياسي" بمعنى أنه يتعامل مع القضية على أنها مشكلة سياسية تؤدي بعد ذلك إلى توليد آثار اقتصادية مثل الركود الاقتصادي ومأزق التنمية والمحسوبية والمحسوبية. كما ندرك أيضًا التحديات الخاصة التي تواجه السودان عن طريق الإرث من النظام السابق (انظر البطهاني (2017)). وتشمل هذه الدولة مفككة ، وصراعات مستمرة ، وهشاشة مؤسسات الدولة وأزمة اقتصادية مستمرة. ومع ذلك ، إذا أردنا تعلم أي شيء من الفترات القصيرة للحكم الديمقراطي الفاشل في الستينيات والثمانينيات ، فيجب أن تكون تلك الحلول قصيرة المدى للمشكلات طويلة المدى نادرًا ما تنجح.

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1. Introduction

Sudan's December Revolution which erupted mid-month in 2018 and eventually ousted Al-Bashir's regime in April 2019 is the third such popular uprising in the country. The recently ousted regime was the most entrenched and pervasive of the three military dictatorships and left a legacy of institutional decay, corruption, societal disintegration and conflict in the country. Similar to the December Revolution, both uprisings in October 1964 and April 1985 were peaceful and involved action by civil society collectives, including student unions and professional bodies spurred on by political parties (Berridge, 2015). This renders Sudan an anomaly in regions (MENA and Sub-Saharan Africa) where authoritarian regimes are dislodged by military takeovers.

Sudan's recent revolution reverses another trend in the region which tended to oust authoritarian secular governments to usher in elected Islamist parties. Both the 1985 and 2019 Revolutions in Sudan ousted dictatorships espousing political Islam as a dominant ideology. Al-Bashir's military coup was masterminded by Al-Turabi's National Islamic Front (NIF) party which until 1989 failed to gain sufficient popular vote to access power other than in student unions and in coalition with traditional parties (Khalid 1990 and 2003). And at the end of his rule, Nimeri had swung so far to the right that he installed the leaders of both the Umma (traditional sectarian party) and NIF in government positions, promulgated draconian Sharia Laws (the September Laws) and reignited the war in the South (Khalid, 1990 and Fadlalla and Babiker 2018). All in the name of political expediency.

In addition to the above, a major catalyst of both the 1985 uprising and the 2019 Revolution was the rapid economic deterioration under the policies of the then-incumbent regimes including IMF-imposed austerity measures. The National Alliance that led the strikes in 1985, articulated democratic liberal socialist demands including "liberation from economic subjection to global imperialism" (Berridge, 2015). By contrast, the demands of the youth who led the 2019 Revolution coalesced around "[l]iberty, peace and justice", presumably through a comprehensive program of nation building and transition to sustainable democracy.

Despite Sudan's legacy of abrupt but successful popular uprisings, the country has failed to date to chart a path towards sustainable democracy. This paper seeks, through a review of Sudan's contemporary political history, to understand the failures of successive democratic governments to pursue an effective program of nation building, ensure peace and move the country out of this dysfunctional cycle of long autocratic military rule, interrupted by popular uprisings and failed democratic transitions. Theoretical literature in this area is neither uniform nor discipline-specific. This paper uses insights from political science, sociology and economics to reach conclusions. Apart from economist who tended to focus on structural factors hindering political transitions (e.g. conflict and the relevance of oil rents) enough commentators agree that the kernel of the problem is the political elite, their decision making and behaviour vis-à-vis pivotal national questions (See Khalid, 1990, De Waal 2015). We understand the relevant questions as including the conceptualization of national identity post-independence, the development of a coherent and effective citizenship construct, defining the relationship of the centre to the periphery – in terms both of rights and obligations, understanding the regional and international forces affecting the

internal politics in Sudan, Sudan's position in the modern World and issues of justice and accountability for past wrongs.[1] This approach subordinates the "economic" to the "political" in the sense that it treats the issue as a political problem which then generates economic effects such as economic stagnation, development impasse and clientelism and cronyism. We are also aware of the particular challenges facing Sudan by way of inheritance from the previous regime (See Elbattahani (2017)). These include a disintegrated state, ongoing conflicts, fragile state institutions and an ongoing economic crisis. However, if we are to learn anything from the brief periods of failed democratic rule in the 60s and 80s it ought to be that short-term solutions to long-term problems seldom work.

2. Sudan's political elite and their decision making (methodology)

The Sudan Syndrome of successful mobilization ousting dictatorships but failing to produce sustainable democracy can be explained using a simple model of cost-benefit analysis that requires little to no formulation. As early as 1990, Mansour Khalid diagnosed the issue as one of Elite betrayal of the aspirations of the masses (Khalid, 1990). Khalid notes that the presumption that politicians are incentivized by the national interest is misplaced in Sudan. This could well be the direct result of colonial British policies in the country which treated the Elite as pawns to be strategically used to facilitate indirect rule and curb Egyptian designs (Fadllala and Babiker, 2019).

The two major political parties (the National Unionist and later the Democratic Unionist Party (NUP/DUP) and the Umma Party) evolved from religious sects that developed a large following in rural Sudan and transformed into political actors in order to access power. The NUP's historical religious origins are Sufist and the sect was encouraged initially by the Turks and then by the British as an anti-dote to Egypt's religious influence which was fundamentalist in nature and outlook (Gallab 2013). Furthermore, and following the assassination of General Gordon by the Mahdiya in Khartoum in 1885, the British sought to curb the movement's influence by encouraging the NUP's parent sect Al-Khatmiya. However, and given the long standing relationship with Egypt, Al-Khatmiya came to equate access to power with allegiance to Egypt and they eventually evolved into a unionist party whose sole platform was the demand for independence from Britain and union with Egypt. This threatened British control over Sudan; essential only as the country is used as a bargaining chip against Egypt on strategic issues like the Suez Canal. Given these developments,

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[1] I have purposefully left out the question of political Islam for a number of reasons: (i) questions of identity and citizenship constructs include the resolution of this question one way or the other; and (ii) the issue of political Islam has never been central to pivotal national questions, but merely a symptom of the lack of their adequate resolution. I mention the relevance of the role of Islam in relation to defining the normative values underpinning a national constitution. This is not a simple question of whether Sharia should be the source of legislation, but rather a question regarding the cultural origin of whatever values we as Sudanese people would like the constitution to embody. For example, on the question of good governance, we are allowed to take inspiration from Ali Ibn Abi Taleb's Treatise on Leadership and Good Governance (656 - 661 A.D.) so long as they conform to ideals of "liberty, freedom and justice" as the three-pronged pillars of the revolutionary movement in Sudan.

Al-Mahdiya faction was then propped up by the British in order to curb Al-Khatmiya's influence. This sealed the fate of the Umma Party which now equated allegiance to Britain with access to power (Khalid 1990, Fadlalla and Babiker 2019).

The fractious relationship between the Umma and NUP dominated pre-independence politics in the Graduate Congress Party between 1947 and 1953 and carried on after independence. This dynamic of enmity and allegiance to foreign powers seeped into decisions of politicians affiliated with these sects even on issues of national importance such as whether or not to participate on the constitutional processes set up by the British in the build-up to independence (Khalid, 1990). Modern parties set up at the time did not fare any better either. The Sudanese Communist Party (SCP) became locked in a stale ideological standoff with the Muslim Brotherhood (eventually the National Islamic Front (NIF)) on the issue of Islam's role in the constitutional and political affairs of the country, with the SCP unsurprisingly adopting a cautious secularist position (Khalid 1990, Fadlalla and Babiker 2019).

The issue of political Islam can itself be seen as a remnant of colonial rule. Both the Turko-Egyptian and the Anglo-Egyptian rule over Sudan sought to utilize the existing matrix of religious elite to govern the vast country. This coupled with the fact that Britain was almost reluctantly ruling Sudan, the modernization efforts in the country were limited to producing an administrative class of bureaucrats to man second-tier posts in government (Gallab 2013). Otherwise, it was in the interest of the British to leave the traditional strata intact including on issues of education and local government given its policy of indirect rule. To put this in perspective, the number of subsidised Khalawi[2] grew from 6 in 1918 to 768 in 1933. At the time, there were only 10 intermediate schools in Sudan catering for boys aged 11-15. And the Gordon Memorial College (later University of Khartoum) was the only secondary school in Sudan until 1940 (Seri-Hersch 2017). Given this state of affairs, pointing to the intellectual failure beleaguering Sudanese politics and politicians post-independence (See, Mansour Khalid 1990) is tantamount to missing the point. Our independence fore-fathers were trained not as thinkers or intellectuals, but as a "competent artisan class" that understands the "merest machinery of government" and mans "minor roles in government" (Gallab 2013 and Seri-Hersch 2017). It is thus natural that the political Islam question lingered. Sudan was thrust into modern political thought armed only with its traditional heritage. Khalid (1990) posits that the Sudanese Elite failed as a result of this conflict between traditionalism and modernity. However, as astutely observed by Sultany (2018) with respect to other countries in the Middle East, both traditional and modern forces tended to cross the line and borrow from modernity and/or traditionalism whenever the same was convenient or politically expedient. So much so that the failure of democracy in the Arab World cannot be attributed to a perceived tension between these two value sets.

The issue rather seems to be one of cognitive dissonance; where Western intellectual heritage and ideas are not digested with conscious awareness of the difference in context not just between West

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[2] A Khalwa is a religious school where children are taught to recite Quran. Khalawi is plural.

and East, but also between colonizer and colonized and developed and developing. It is for example clear to any student of history that rather than a thick conception of the liberal democratic tradition and the history of its evolution in the West, Sudanese political parties seem to have merely internalized the superficial procedural aspects of democracy including elections and the freedoms necessary to win them and accede to power. Political parties espousing commitment to democracy have frequently manipulated laws and the constitution to maintain power, have abrogated human rights and side-lined democratic processes essential for ensuring a representative government and for establishing a Rule of Law nation state. A review of the contemporary history of Sudan reveals a wide-spread intellectual failure to grasp the elemental aspects of good governance. It also reveals a continuation of the tradition to suppress movements requiring radical change of the way politics is done in Khartoum.

One of the reasons for the conflictive nature of the political scene in Sudan is the substance and nature of the issues adopted by the parties. "Alliance with Egypt or no alliance with Egypt?" and "Political Islam or no political Islam?" are hardly questions that can be resolved by a single political party no matter how much following it commands. Similar questions are now resolved in Britain through referendums e.g. the Brexit referendum of 2016. These are national issues concerning national identity, citizenship construct and the position of Sudan in the modern World which ought to be resolved through wider deliberation and cannot be unilaterally decided by a political party. In addition, they are also the kind of issues that lead to a particular type of dynamic of interaction between political parties that makes them value military take-overs more than the assumption of power by a rival party (See e.g. the Communist Party's collaboration with the Nimeri regime to take power in 1969). Realizing the *rasion d'etre* for each of these parties is equal to the negation of the other. If the Communist Party managed to exclude Islam from politics in Sudan, there will be no reason for the NIF to exist. The same with the historical dynamic between the NUP and Umma. However, this polarization of politics necessarily means that the political game is no longer sustainable without serious derogation from the democratic ideals. We are witnessing a similar trend unfolding right now in the US where the increased polarization between the right and left in terms of popular messaging is increasingly leading to the manipulation of laws, the judiciary and electoral processes as well as a general sense of the futility of the political game as is demonstrated by the invasion of the Capitol by rioters in January of 2021.[3] Examples of such polarization include issues of abortion, gun control and the death penalty. In a sense, issues of faith in modern America.

While the question of what role Islam is to play in the "New Sudan" remains relevant - not just because of the particularities of Sudan's history but also because of the context-specific nature of the evolution of liberal democratic traditions in the West (See Makand and Rodrik 2020) - it is continuously invoked in the wrong forum. For example, Abdul Wahid Mohamed Nour (herein "Abdul Wahid") the leader of SPLM-Abdel Wahid Faction has stated that his accession to the Juba Agreement between the Sudan Transitional Government and his rebel group is conditional on the

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[3] Not many commentators are alert to these dynamics. However, Naom Chomsky and Chris Hedges have consistently argued that these effects are a direct result to the way politics is done in Washington.

commitment to a secular government (Gallopin 2021). Abdul Wahid has also insisted on the need for holding a constitutional conference in order to ensure that the root causes of the conflicts are addressed. The latter of these positions is in fact justifiable and will be discussed at length below. However, Abdul Wahid's position on secularism is hardly tenable. The question of "what values should underpin how Sudan is to be governed?" should itself be decided in a deliberative and all-inclusive process. Yet, many of the agreements concluded under the umbrella of the Juba Agreement had in fact adopted a position on the issue; invariably creating specific regimes for particular regions, which are likely to result in asymmetries in the country (Zaid Al-Ali, 2021).

However, given the binaries prevalent in the political scene in Sudan, it is not surprising that political parties make decisions based on their own self-interest as opposed to in line with the national interest. It has always been a simple matter of survival. Using a rudimentary cost-benefit model that requires no further formalization reveals how the political Elite effectively behave like dictatorships once in government; being focused on entrenching power as opposed to advancing national programs and having an extremely high discount factor which results in short-term planning geared towards amassing economic wealth and status. Describing the 1985 popular uprising and what came after it, Khalid notes "This was a truly popular uprising, in which the combined forces of political activists, white and blue collar-workers, students and teachers, brought Nimerism to its knees, only for it to rise up again under a different mask." (Khalid, 1990, p.351) We contend that the current transition given the various decisions by the Transitional Government in matters of the economy, peace building and constitutional affairs follows this pattern of replacing a deposed regime with a seemingly democratic set-up that continues to pursue the same policies. We argue that this is the result of structural deficiencies in traditional governance models pursued by Sudan's elite in which all political parties as well as the successive dictatorships are complicit. De Waal argues that this is the result of the political Elite in Sudan being drawn from the same social stratum (De Waal 2007); an argument directly relevant to the relationship of the centre to the periphery.

Just prior to the October 2021 military counter coup which side-lined the 2019 Transitional Government (the civilian part of it) in Khartoum, the Military Council - made-up of army and militia leaders who were an integral part of the deposed Bashir regime - encouraged sit-ins by recently integrated rebel group leaders on the basis of the non-inclusivity of the Transitional Government and its failure to open up the political process to include concerns of the periphery (See Wini Omer, 2021). While it was hardly surprising - given their recent political history- that Minni Minawi and Jibril Ibrahim; the leaders of a breakout faction of the Sudan Liberation Movement (SLM) and the Justice and Equality Movement (JEM) respectively, aligned themselves with those in the military accused of gross violations of human rights committed against their constituencies in the West, the episode is further evidence of the type of leadership crisis we suffer from in Sudan. Even though issues of the marginalization of the periphery and even claims of racism and discrimination against constituencies in the West, South and East are credible and pivotal (See e.g. Rights for Peace Report (2021), the flagrant manipulation of popular sentiment and will by using divisive racially-charged rhetoric is an example of how the political elite – whether they belong to the monolithic Arabic and Islamic milieu (herein the "Elite" that De Waal talked about) or not - are least interested in the national interest.

Understanding the payoffs of the political Elite in this context also explains why military take-overs are inevitable. The theory is simply that the Elite gains in legitimacy by the simple act of replacing *an(other)* (first the colonial power and then a series of dictators). In the words of Gallab (2013), the political elite in Sudan reproduced a new system of cultural and authoritative domination following independence. He argues that they saw themselves as "[superior]…to the vast amount of poor, marginalized and illiterate population" and as "destined to occupy a position of authority and privilege" (Gallab (2013), p. 154). This explains their preoccupation with acquiring political power as opposed to commitment to political and governance reforms; a model that is perhaps compounded by the market-place politics pursued by Al-Bashir regime and the current military junta in Sudan in relation to integrating rebel groups in the existing power structures in Khartoum (De Waal, 2017). On the other hand, and because of the inter-connectedness of the Elite in Sudan and the fact that they are drawn from the same social, tribal and geographic milieu (observed by a number of commentators including Khalid (1990) and De Waal (2007)), their loss from not being in power while an authoritarian regime takes over is arguably minimal. This is naturally an over-simplification of the complicated history of political opposition in Sudan and the complex pattern of persecution visited on them by successive military governments. However, the suggestion here is not that the entire membership of political parties is insulated from the ramifications of losing political power in Khartoum. Rather, the suggestion is that the leadership of political parties are often insulated from the negative effects of losing power given their social and economic status. For example, the Umma party were apparently compensated twice for the economic losses they suffered during the Nimeri regime. First, by Nimeri himself following the National Reconciliation initiative in 1977 and then by a decision of Al Sadiq's government after they came into power in 1986 (Khalid, 1990). They also do not suffer any loss of opportunity in not achieving their national programs, because these parties often espouse no such programs.

The proposed assumption regarding political Elite costs when out of office in Khartoum explains why political parties continue to execute policies adopted by ousted regimes and openly resisted by the population (e.g. IMF austerity measures in the 1980s). This can also be gleamed from the history of open collaboration between political parties (supposedly oppressed and in opposition to dictatorships) with successive authoritarian regimes. There is simply no direct cost imposed by dictatorships on the political Elite. Bearing the brunt of this cost are often the masses. This creates a free-rider problem when it comes to revolutions. The political Elite in Sudan are practically indifferent to whether they are succeeded by another political party or a dictator. This balance is at times tipped towards the dictator side where issues of the day pose an existential threat to the party (e.g. SCP being ousted from Parliament in 1968 in the name of Islam). Following revolutions encouraged by the Elite, the latter gain in legitimacy simply by replacing the deposed regime. This is reflected in the obvious pattern of voting in traditional parties in each of the democratic governments despite their multiple failures to hold on to democracy and incessant pattern of entrenching their power as soon as they come to office. On the other side of this dynamic is a dictator who always benefits from deposing a weak or conflictive democratic government which is inept and ineffective. While there is a legitimacy cost associated with such action, its effect is delayed and in the case of Sudan it is not augmented by legal accountability measures seeking to punish deposed dictators for assuming power illegitimately or for abusing power while in office.

However, given this analytical frame, the only actor with the ability to control the outcome in this game is the Sudanese people. Incentivizing different results would simply require the imposition of a legitimacy cost on democratic governments that succumb to entrenching power as opposed to nation building and solidifying democracy. In relation to the Sudanese context, this entails a break from the old political parties. On the other hand, and in order to affect the decision making of would-be dictators, the adoption of tangible accountability measures ought to be a primary aim of a transitional government that succeeds dictators. This should include criminal prosecutions for severe human rights violations or violations of international humanitarian law as well as for financial crimes and corruption. Given that the 2019 Revolution is predicated on the three prongs of "liberty, peace and justice", this ought to be an obvious policy recommendation. However, it is clear that successive governments opted for peace settlements that continuously discount accountability measures or otherwise ensures immunity for those bringing about such settlements. This is unsurprisingly also the case with the Juba agreement which essentially extended the mandate of the Transitional Government (including the Military side) and incorporated known human rights violators as political decision makers in a process aimed at affecting a transition to democracy and respect for the rule of law. The process leading to the conclusion of this peace agreement is also a continuation from the previous regime's attempt to neutralize the threat of armed rebellion in various parts of the country. Similar to the era after Nimeri's down fall, the only attempt to bring about accountability is focused on the prosecution of a handful of individuals for financial crimes and international crimes already under the investigation of the International Criminal Court. With investigations concerning the massacre of June 3rd, 2019 remaining without resolution until the October counter-coup by the military, the Transitional Government's commitment to accountability is far from evident even if we assume that justice was a necessary trade-off for peace in Sudan's ever extending periphery. It is thus not clear how any of the events which unfolded in Sudan between August 2019 - when the power-sharing agreement between protestors and military leaders of the previous regime was brokered by the African Union in Khartoum- and the October 2021 counter-coup are in line with the revolutionary aspirations of the movement that led to the ouster of President Al Bashir. The picture that emerges is one of containment and the path charted is one of gentle and conservative reform rather than a political revolution. This has now been understood by the Sudanese public which once again is on the streets offering hundreds of lives in sacrifice and demanding a democratic and civilian government in return.

Armed with this basic theoretical model, the rest of the paper is dedicated to understanding the decision making of various governments in relation to economic policy, conflict resolution and state building. The focus on these areas is supported by relevant theoretical literature on political transitions (see e.g. Elbadawi and Makdisi (2017)) as well as by political science literature exploring the context of Sudan (see e.g. El Battahani 2017). To set the scene for this discussion, the next section seeks to review the role played by political parties in perpetuating this cycle of inefficient democratic rule followed by entrenched dictatorships and inability to transition to sustainable democracy following successful popular uprisings. The argument made throughout this paper is that the traditional political parties bear a great deal of responsibility for Sudan's

dysfunctional governance system; partly because of their own lack of commitment to ideals of democracy, human rights and the rule of law.

3. A Thin-line between dictatorships and democracies

It is no secret that the military regime of Nimeri which dismantled the second democratic period in Sudan was supported by the Communist Party. Even though the Central Committee of the party voted down the planned coup by the Free Officers (Berridge, 2015), it is enough that the party had in fact debated overturning an elected government within its ranks. It is also the case that the vote was not carried through by a great majority (7 to 6). In supporting Nimeri to execute his coup, the party was concerned that the political parties and Muslim Brotherhood in particular posed a threat to democracy. The SCP was thus open to collaboration with the military to bring about political change through the use of military force. There are two features of the events of this period that are telling in terms of the political culture in Sudan; (i) those who sided with the Nimeri takeover were amongst the most vocal defenders of democratic processes (e.g. members of the Professional Front responsible for the October Revolution and the Minister of Justice who resigned in protest over banning the Communist Party); and (ii) Nimeri managed to induce all political parties to collaborate with his regimes especially towards the end of his rein 1976-1983 (Khalid, 1990). Shortly after the National Reconciliation with the Umma, DUP and Islamic Charter Front (later NIF), Sadiq Al Mahdi became a member of Nimeri's ruling party (the Sudanese Socialist Union) and Al-Turabi became the Attorney-General. Khalid notes that in this period, politicians who opposed the Nimeri regime were the exception rather than the rule (Khalid, 1990). It is also quite apparent that opposition only occurred following direct marginalization by the Nimeri regime and exclusion from power rather than as a matter of principle.

The alliance with the communist party broke up shortly after assumption of power by Nimeri towards the end of 1970 mainly because of Nimeri's pattern of undermining his political allies so as to ensure concentration of power within his office. It was this, rather than Nimeri's violation of the rights of their political foes on the right that prompted the Communist Party to stage a failed coup against the president in 1971. Equally, the about-turn of the regime against the Communist Party which involved numerous violations of due process and human rights pleased rather than dismayed the political right (Khalid, 1990). In any event, the Nimeri regime eventually was convinced that assimilating all the political parties within his political orbit was a safer strategy than alienating them from power. Given the need to ensure longevity for his regime, Nimeri's maneuvering of the political opposition is understandable. It is rather the opposition's acquiescence in this process of assimilation that is abhorrent given its effect on extending the life of the regime. This stands in contradiction to the claim that attainment of the democratic ideal was a priority for the political parties. Rather, the acquisition of power and access to political decision making seem to be the most important factor in the calculus of these parties.

It is noteworthy that rather than holding out together, the old political parties consistently collaborated with dictators in order to execute their respective political programs, whenever they manage to formulate some, regardless of issues of consent and representation. For example, at the beginning of Nimeri's regime, the government was socialist in orientation and was guided by a reasonably thought-out program of change including devolution of power to the South, ensuring minority rights and creating space for participation by the masses both in the process of change and the fruits of development (Khalid, 1990). This program was also premised on an accurate assessment of Sudan's woes as coalescing on issues of national identity, the relationship between the center and periphery and equal distribution of development and wealth. However, state policy also introduced secularism without sufficient grounding on popular consensus and without debate. By the time Nimeri's regime allied itself with the Muslim Brotherhood, it promulgated religious laws and undermined its own achievement on achieving peace in the South by disbanding the regional assembly and revesting power in the center. While it is expected that dictators will seek to consolidate power either through suppression or co-option or both, the exclusionary mode of advancing these parties' ideological programs in Sudan belies a lack of committeemen to wide-based political engagement and representation. Khalid (1990) notes how the "sixteen year panorama of unmatched success, presumptuous tyranny and self-indulgent decay [in the Nimeri regime] was the creation of the Sudanese elite, civilian, military. progressive and conservative."

The continuity between the Nimeri regime with all its ills and the succeeding transitional and democratic governments is also notable. Despite pressing issues of pursuing economic reform, peace building and constitutional reform given the damage occasioned by Nimeri's haphazard rule especially towards the end of the regime, the democratic government of the day in 1986 was concerned with stabilizing its own grip on power. In the three years that followed elections which the South did not participate in, Al Sadiq formed 5 different governments with each of his coalition partners presenting him with political conditions that invariably ensured the marginalization of another party or undermined the aspirations of a part of the population (See Khalid, 1990). And despite the NIF's prior role in dismantling the second democratic government and its collaboration with the Nimeri government, Al Sadiq's insisted on including the party in the government in order to control his coalition partner the DUP (Khalid, 1990). However, this inclusion also guaranteed continuity from the previous regime with Al-Turabi who served as Attorney General under Nimeri continuing to push Islamic Laws that went even further than the 1983 September Laws in dictating matters of conscience and which had the effect of creating two countries with two laws in the North and South (Khalid, 1990).

The military coup by Bashir which brought an end to the third democratic era in Sudan was the brainchild of the NIF and its leader Al-Turabi (Khalid, 2003). The expectation was that Al-Bashir will hand over power to the party once the coup succeeds (Aldaw, 2012). This eventually led to a power struggle and attempted coup by Al-Turabi in 1999/2000 and eventual split within the Islamist party which persisted until today (Berridge, 2015). Much like the experience of the SCP with Nimeri's regime, Turabi was objecting to the increasing concentration of powers in the president's office and the persistent marginalization of the role of the national assembly of which he was speaker. However, the first 10 years of the regime provided Al Turabi with plenty of time to pursue his political program of Islamization and Arabization of Sudan (Khalid, 2003).

The excesses of the Bashir regime are well known; the government's obsession with security dictated a massive expansion of the security sector that continued up to the moment of the regime's collapse in 2019 (Khalid, 2003). It also required the elimination of political opponents and the subjugation of the entire population. The regime pursued a vicious campaign of suppression which made extensive use of torture, extrajudicial killings, unlawful detention and harassment (Khalid, 2003). D Johnson (2003, p. 130) notes though that the fact that such violence had finally reached the center was a natural result of Northerners ignoring these excesses in the South for decades prior to Bashir's rule. The government also resorted to wide-spread surveillance of the population that extended beyond the traditional centers of political activities and included intermediate and secondary schools. Women were particularly targeted and a number of legal and procedural measures were introduced to control their behavior in public spaces (Khalid, 2003 and D. Johnson, 2003). The veneer of religiosity that accompanied the regime's zealous pursuit of power enabled it to invoke Sharia law as justification for each and every abrogation of human, political and civil rights imaginable (Khalid, 2003). There was a total clamp down on political activities and the regime proceeded to dominate each aspect of life and institution in Sudan in a publicised strategy of power consolidation (or Tamkeen). This entailed monopolizing the entire security apparatus (army, police and intelligence services), the economy, the media and education sectors as well as civil society organizations and professional bodies including trade unions (Khalid, 2003).

Al Bashir's regime under the guidance of the NIF was single-minded in the pursuit of its Islamization and Arabization project both in Sudan and beyond (Khalid, 2003). For the regime, the eradication of the animist Southern rebels was an edict of faith for the purposes of accomplishing which they enlisted the whole country (Khalid, 2003). The strategy became to crush the South at any cost and for this purpose the regime started a wide range program of militarization which entailed the training of high school graduates and sending them on tours of the South as a pre-condition to entry into higher education (Khalid, 2003). This also entailed wide-spread indoctrination in primary, intermediate and secondary schools where the national anthem was replaced by a military anthem invoking the "fields of sacrifice" or "sahat al-fidaa" (Khalid, 2003). The campaign involved violations of human rights and of the laws of armed conflict including forcible abductions and transfers of young men to the battlefields in the South and the conscription of child soldier (Khalid, 2003). Most importantly, however, and for the first time, the conflict was transformed into a politico-religious conflict.

The effect of Turabi's Islamist project was to divide the country into two camps; one allied with the government and its Islamist project and the other encompassing everyone else (D Johnson, 2003). This for example, led the government to declare Jihad or holy war against the Muslim people of the Nuba Mountains in South Kordofan following recruitment campaigns by the SPLM in the area (D Johnson, 2003) However, and because of the religious narrative, the practical effect was to deny those in the other camp the most fundamental of rights and freedoms. This was done in the name of religion, which was also used to incite tribal warfare in conflict areas where the government weakened by the persistent war in the South resorted to the use of militias (in continuation of practice started by previous governments including Al Sadiq's) (D Johnson, 2003). Not being able to compensate these militias for their services, the government gave them a free hand to loot villages and enslave those on the other side (Khalid, 2003).

While the Islamist government was able to keep its political opponents at bay given its consistent campaign of institutional hijacking and repressive policing, it was cracks within the Islamist movement that posed its first challenge. The rift between Turabi and Al-Bashir reached its zenith in 1999 when the former attempted to side-line Al-Bashir by suggesting constitutional amendments which would have rendered the position of president ceremonial at best (Khalid, 2003). However, both Turabi's attempted coup and Bashir's move to consolidate power meant that the ruling party reached beyond its membership for support from the National Democratic Alliance (NDA).

The NDA came into existence following the assumption of power by Bashir and included all the political parties (except NIF) as well as the Sudan People Liberation Movement (SPLM) fighting against the government in the South (Khalid, 2003). Following its split from government, Turabi founded the Popular National Congress (PNC) to distinguish it from the ruling National Congress Party (NCP). He also joined the opposition, accused the government of dictatorship and reneged on all his pronouncements relating to war, the treatment of women and democracy which were used to facilitate the incumbent regime's campaign of terror (Khalid, 2003). Khalid reports that the initial plan was for Turabi to revert to a coalition with Umma following national elections he was planning to call for after his constitutional amendments take place (Khalid, 2003). It was Bashir's coup within a coup that prevented this from happening.

By the time the Comprehensive Peace Agreement (CPA) was signed in 2005 between the government and the SPLM, Al Sadiq Al Mahdi had withdrawn from the NDA and allied himself with the incumbent regime in the name of reconciliation (Khalid, 2003 and D. Johnson 2003). Khalid notes how the Umma leader behaved as "a self-appointed roving ambassador for the regime…" on issues of war and peace a few years before that (Khalid, 2003 p. 391). Al Sadiq also urged the NDA to negotiate with the regime. The SPLM, however, did not fare any better. The party welcomed Turabi's PNC in the NDA following agreement between the two parties in 2001 (Khalid, 2003). No conditions were attached to the NIF's inclusion in the coalition despite Turabi's contribution to exacerbating the conflict in the South and the gross violations of human rights all over Sudan. In any event, and following the coming into force of the CPA, the SPLM effectively became NIF's partners in government. The DUP also became a coalition partner in 2012 following the NDA's agreement with the Bashir government in 2005 (Gizouli, 2019). And while the Umma Party was not an official partner, two of Sadiq's sons served on the government as Assistant to the President and an official of the dreaded National Intelligence and Security Service (NISS) (Gizouli, 2019). The Umma leader was also known to be in favour of a soft-landing approach backed up by Washington which does not require the removal of NIF from power.

NIF was not the only party suffering from internal divisions. The SPLM was itself divided between 1991 and 1995 following the attempted coup by Riek Machar (D Johnson, 2003). Machar had accused the SPLM of totalitarianism, Dinka-dominance and of pandering for Northern issues rather than fighting for self-determination for the South. This provided the government in Khartoum with the opportunity to bring the leaders of the splintering factions within its fold; a strategy it utilized with other rebel movements including those in Darfur. In addition, the discovery of oil meant that the position of the government is strengthened since they could use the revenue to prolong the war and intensify the war effort against the SPLM. These conditions must have contributed to SPLM's

eventual capitulation to the Machakos Agreement in 2002, which was regarded by the NDA as abandonment of the aim of the alliance to uproot the Bashir's regime and usher in a period of radical political transformation in Sudan (Khalid, 2003). The Machakos Agreement was the basis for the CPA. Despite the obvious gains to the Southern cause, the CPA had in fact led to the direct re-entrenchment of power by the Bashir regime following the cessation of the South. Khalid notes that Washington and a number of European countries aggrieved by the casualties of the conflict in Sudan were firmly for a compartmentalized approach to conflict resolution in Sudan as well as a soft-landing approach with respect to regime change (Khalid, 2003). The peace-meal approach to Sudan's woes ignores the fact that rather than a center fighting the periphery, the country has in fact been in war with itself essentially because of deep-rooted governance issues.

The history of political parties and their dabbling in dictatorships is ample proof of their lack of commitment to democratic ideals. Both the NIF (later PNC) and the SCP ushered in vicious military dictatorships in the hope of assuming power once the previous regime was safely out of the way. Both these parties were complicit in gross violations of human rights committed against their political rivals while in power; the NIF (PNC) with more blood on its hands than any other party in the history of contemporary Sudan. In addition, the Umma and DUP have participated willingly in both Nimeri's and Bashir's governments despite their proven record of gross human rights violations and in the case of the latter atrocities. The Umma party was also responsible for atrocities committed both in Darfur and the Nuba Mountains including campaigns of civilian bombardments that were then continued by the Bashir regime (Mahmoud and Baldo, 1987 and Khalid, 2003). The NIF (later PNC) have also sat on the Nimeri government and was the sole author of the September Laws implicated in gross human rights violations and the use of religion to side-line political opponents. Later on, it was the same NIF (PNC) which masterminded the worst of Al Bashir's regimes policies especially with respect to the securitization of government, the suppression of political foe, the institutional abrogation of women's rights and the transformation of the war in the South into a religious war aimed at the complete eradication of a third of the country's population. Given this history, it is not clear why any of these parties are still entrusted with the affairs of the country. It is also not clear what accountability measures are imposed on members of these parties directly responsible for some of the most damaging policies on democratic life in Sudan. Even though the excesses of the SPLA in the South are well recorded (Fegeley, 2008), the SPLM is perhaps the least blame-worthy in this saga given its role in resisting the incumbent government in Sudan. Literature on the use of violence argues that the party least capable of setting up administrative structures necessary to carry out selective violence resorts to the use of indiscriminate violence (Kalyvas, 2006, Collier 2011). One has to ask though "what legitimate justification can a sitting government have for the indiscriminate shelling of civilians or civilian villages?" or "what possible justification can there be for a government turning its own citizens into fighting machines against one another?" or indeed "what legitimate justification can there be for a government to exceed its own laws and constitutional guarantees in pursuit of its political opponents?"

4. Economic policy

The recently ousted Transitional Government inherited a particularly weak economy characterised by wide-spread corruption and state capture (Soliman, 2019). Soliman reports that economic activity in Sudan is concentrated in a small number of companies mostly government-owned. Furthermore, 70% of the wages in the public sector (amounting to 35% of the 2020 budget) go towards the various security and military apparatuses created by the deposed regime. Even though the report goes on to state that restructuring of the security sector, tackling corruption and dissolving unlawful parastatal companies is essential to long-term economic recovery, not to mention in line with the aspirations of the people, it shies away from recommending pursuing these goals in the absence of wider political and legal reforms. However, the report also alludes to the relative weakness of the civilian part of the Transitional Government which had the misfortune of acceding to a power-sharing agreement that deprives it from control over the army, the police and the intelligence services. The situation is only further complicated by the newly signed Juba Agreement which seems to give a new lease of life to the military leaders. The agreement also envisages the enlargement of the military sector by requiring the integration of various armed groups in the official army.

Soliman (2019) recommended the adoption of a number of IMF inspired austerity measures to stabilize the economy including the lifting of subsidies despite their likely effect on the most disadvantaged portion of the population. And despite the Transitional Government's preparedness to adopt these measures, inflation has been on the rise and basic services continue to suffer. There is also no sign of the promised legal and constitutional reform with the stalling of Transitional Legislative Council. Contrast this with the deposed Bashir's government response to economic crisis in the early 1990s: "*The Government of Sudan has adopted a radical and far-reaching program of economic reforms aimed at freeing up the economy, bringing down inflation and creating a climate conducive to the revitalization of the private sector. This has included the dismantling of all controls on prices, investment and trade; the elimination of virtually all budgetary subsidies – implicit and explicit; the lifting of most restrictions on external transactions; the adoption of a unified floating exchange rate; and the launching of a wide-ranging program of privatization.*" (Edward, 2017, p. 24)

A persistent legacy from previous periods of rule in contemporary Sudan is the hold that Islamists secured over banking and the financial sector on the one hand and the security apparatus on the other (Edward, 2017). This process started with the establishment of the Faisal Islamic Bank in 1977 and continued uninterrupted into present day Sudan. As mentioned above, one of the most damaging and enduring failures of the previous democratic government of the 1980s under the leadership of the late Sadiq Al-Mahdi is the inability to restructure these Islamic institutions and the unwillingness to dismantle their hold on other state sectors. The emergent business class which benefited from this new alliance of Islamists, financiers and security is still allowed to operate in Sudan and is perhaps seeking new legitimation as a credible partner in the new political transition (See De Waal 2017). Edward states that following a developmental orientation of state policy in Sudan in the 1960s and 70s, the Islamists resorted to "privatization and austerity to manage the Sudanese Society" (Edward, 2017, p.14) This included selling publicly owned productive assets to

private entities that are politically connected to the regime and capitalizing on conflicts by privatizing militias and affecting land colonization for purposes of foreign investments (D Johnson, 2003 and Edward, 2017). As a new class of Nuovo rich developed, great swathes of Sudan's rural communities and urban youth were pushed further into poverty and destitute. To compound the effect of these policies, the previous regime also retreated from ideals of the welfare state towards a devolved system of Zakat with its own administering institutions as well as a network of government-affiliated NGOs, which according to Edward (2017) served to justify the state's failure to provide basic protection and services for the most vulnerable in society. The ultimate result of decades long of neo-liberal policies in Sudan and the continued marginalization of the periphery, according to Edward (2017), was the emergence of private militias like the Rapid Support Forces (RSF) to whom the previous government readily outsourced security-related tasks and whose existence the just ousted civilian partners of the Transitional Government (as well as the International Community) seem to accept at face value.

None of the strategies of the Transitional Government with respect to steadying the economy in the face of massive international debt are new. In 1980, Sudan's imports from the US rose from $ 17.1 million to $ 235 million as a result of liberalization policies pursued by the Nimeri Government. In order to manage the mounting debt of $ 8 billion, the government engaged in debt rescheduling through the Paris Club of donors in 1979, 1981 and 1983 (Khalid, 1990). Given the regular IMF bailouts required, the country became beholden to the institution which imposed its own conditions including the removal of food and energy subsidies which are known to affect the most disadvantaged in the population.

While Al Sadiq's government failure to control Islamic banks and institutions was reportedly attributable to an exchange of amnesty between Umma and the NIF over corrupt practices (Khalid, 1990), The just marginalized Transitional Government in Khartoum seemed even less able to control parastatal organizations and private sector concerns left over from the previous regime since de facto power was vested in the Military Council whose members served in high profile positions in the previous regime. The situation had been further complicated by the new framework of the Juba Agreement which arguably has the effect of delaying the assumption of power by a majority civilian government in Khartoum before the expiry of three years following the signing of the Agreement. If this were to stand, it will provide ample opportunity for the corrupt remnants of Al-Bashir regime to extricate their assets from Sudan. None of the above made for good news for the Transitional Government in terms of economic recovery. If you add to this the fragile peace negotiated with rebel groups in Darfur and the Nuba Mountains as well as tensions between Sudan and Ethiopia, the country's economic woes seem to be far from over. Action in this respect will perhaps have to await the results of the current second revolution in Sudan which seems to reject any partnership with the military when it comes to governing the country[4].

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[4] See Statement by Assistant Secretary of African Affairs Mary Catherine Phee to the US Foreign Affairs Committee Hearing on Sudan, February 1st, 2021

There, hence, seems to be little change from the economic policies of the previous regime which resorted to IMF imposed austerity measures whenever it needed to control the economy. In addition, and much like Al-Sadiq's government, the Transitional Government under the leadership of Hamdock was not able to streamline the previous regime's sprawling bureaucratic structure and had in fact opted to instead add to it with unsustainable regional arrangements under the Juba Agreement. To continue on this path is to deny the call for radical change required by the revolutionary forces. Furthermore, claims of the necessity of appeasing international institutions in order to manage foreign debt ignore the fact that confident governments are able to chart their own path out of economic crises. As nation states implement austerity, the end result is the inevitable loss of control over national direction, and the further piling up of debts due to low state revenues (Wolff, 2014). This gives overwhelming leverage to the corporations and private interests charged in the case of Sudan with impoverishing the nation in the first place. A retracting state is eventually then mortgaged to international institutions wholesale whereby they provide the capital needed to push it forward while having drained it prior with an admixture of privatization and austerity. A freedom of information act revealed that Sudan owes the UK £861m, of which almost £700m is simply interest.

For distributive justice to occur, a clean break must be made from the previous budgets of austerity and corruption must be rooted out. Mazzucato states "*Policies to improve the human condition should be evaluated on the basis of their anticipated social and economic outcomes rather than on narrow budget considerations*" (Mazucatto, 2016) For while the attack on subsidies is likely to appease international economic institutions and debtor countries, it is likely to further destabilize the transition as have been pointed out (Soliman 2019). This near-term focus on contracting the economy also detracts from the worthier goal of long-term planning. Austerity as policy, *a priori,* hearkens to the inadmissibility of national planning and proactive state expenditure. *"Countries constrained by debt and deficits are told to adopt fiscal consolidation or austerity policies instead of identifying new sources of fiscal space…"* (Ortiz and Cummins, 2019) This fiscal space is freedom to determine the affairs and direction of the nation. Long term planning builds the foundations of future economic prosperity for all as opposed to short-cuts to economic gains likely to be of benefit to the agents of the country's prior misfortune.

The sophisticated measures which tighten the noose - the "fiscal consolidation" measures - work in tandem to depress the economy. The elimination and reduction on subsidies and the subsequent effect on energy prices tend to contract the economy (Ortiz and Cummins, 2019). Taxation in the boom years for the wealthiest nations was targeted at the wealthiest sections of those societies. Raising funds in this way is the surest way to redistribution, and closing the wealth gap. Regressive consumption taxes do not differentiate between rich and poor, and the burden falls on the latter. This in a country where corruption and the siphoning of public funds by individuals some of whom are currently in power are widely accepted facts. Without further action on corruption and unlawfully acquired national assets, it is not clear how any transitional government is likely to steady the economic ship.

Sudanese political decision makers seem intent on ensuring continuity previous regimes especially in relation to the economy. The idea that a surface change in government will appease the nation indefinitely glosses over the root causes of the crisis and continues to sabotage the actual productive potential of the country. Even if the just marginalized Transitional Government policies were guided by the need to relieve Sudan of its foreign debt obligations, there are other avenues for reform (Ortiz and Cummins 2019). In any event and despite the austerity measures followed by the Transitional Government, the economic situation continues to worsen.

5. Nation state building

Constitutions serve the role of delineating rules that define, govern and regulate how a state is to be run. They additionally organize relationships within the state both between individual citizens and between citizens and the state. In a constitutional democracy, constitutions also contain considerable constraints on the exercise of state power and provide for separation of powers which enables such function. Beyond the regulation of power and politics, constitutions serve a normative function by adopting values and ethos essential to the idea of the state in question and to relationships within society (R Bellamy (2014) and Nimer Sultany (2017)).

Despite the importance of institutional and constitutional design to all aspects of governance in the modern nation state, the first serious attempt at constitution-making in Sudan came almost 20 years after independence at the hands of Nimeri's military government. This is significant since both the post-independence and post-Aboud democratic governments failed to produce a home-grown Sudanese constitution built on consensus. Sudan's first constitution is contained in the Self Government Statute of 1953 which was amended following the Stanley-Baker Constitutional Amendment Commission (CAC) recommendations. Given the composition of CAC – as well as the fact that its work was incomplete, the said constitution was assumed to be transitional. The elected constituent assembly of 1957 created a national commission to draft a permeant constitution. It settled on a parliamentary system of government, rejected federalism and adopted Islam as the official religion of the state and Arabic as its language and Sudan was declared a democratic parliamentary republic. The work of a permeant constitution continued following the election of the 1958 constituent assembly which set up another commission for the purpose. The commission's efforts were stuck on questions of secularism versus Islam and the comparison between British and American systems of government. This meagre effort was interrupted by Aboud's coup in November of that year and a draft constitution was only completed in 1968 after the second democratic government assumed power.

The 1968 constitution settled on a presidential system to avoid the inefficiencies resulting from volatile political groupings within Parliament and which caused the first military takeover by Aboud. It did, however, contain constraints on the exercise of executive power including oversight by an independent assembly. Fadlalla and Babiker (2019) note that the draft "contained an impressive list of non-justiciable directive principles of state policy" including the promotion of ethnic harmony and ending economic exploitation. On the question of Islam, the draft constitution

adopted it as the established religion of the state and envisaged the state as having a proselytizing function in a country where 40% of the population at the time where non-Muslims. While indicative of serious issues of lack of deeper more inclusive processes of constitution-making, the draft was seen by the communist party as a direct existential threat. This is not surprising, since at the time the government was attempting to use the constitution-making process to outlaw communist activities based on an allegation that communist students blasphemed the prophet. The row eventually reached the High Court which decided on the unconstitutionality of this action. However, the government persisted in its course which produced Article 33(1) of the draft constitution which curtailed freedom of expression, freedom of conscience and freedom of assembly. The whole episode evinced a peculiar understanding of the function of constitutions; in this case as a weapon against political foes as well as mission statement for the government of the day. It also indicated the thinness of conception of democratic rule held by those in power which clearly does not include respect for the rule of law.

It is well known that following the constitutional stand-off between the Communist Party and the 1968 government, the former conspired with the Nimeri regime to end the second democratic rule in the country and usher in a dictatorship that lasted for 15 years. The actions of the CP in this regard provides further evidence of the cognitive dissonance beleaguering Sudanese political parties regarding democracy. The fact that it was the communist party that was instrumental in dismantling the second democratic government is significant in demonstrating that this lack of respect for the basics of democracy and the rule of law transcend the divide between traditional and modern parties and between religious and secular ones. The trend of collaboration with authoritarian regimes also continued well into the Bashir era. Having said that, it was clear that the Nimeri government was at least revolutionary in aspirations to begin with and sought to emulate the Naser regime in Egypt by focusing on nation-building and development. Significantly, it managed to ensure peace in the South by acquiescing to autonomous rule and produced the Permanent Constitution of 1973. Even though this time the constitutional making process was more credible and provided additional space for debate on its substance including by experts regarded as foes by the regime, the nature of the regime precluded wider public debate. Furthermore, Fadlalla and Babiker (2019) note the 1973 regime gave the president wide ranging legislative powers which undermined the focus on checks and balances in the constitutional-making stage. In addition, mounting threats of coups against Nimeri and his ever-changing associations with political parties compelled him to gradually concentrate power in his office which further undermined the regime's credibility. By the time the 1985 uprising happened, the regime was internally combusting with Nimeri using his additional powers to undo most of his achievements including the 1972 Addis Ababa Agreement that brought peace with the South.

Efforts to remake the constitution were lost in the squabble that followed during the third democratic period in the country. In fact, the political parties' haste to hold a national election where most of the Southern provinces could not vote had directly contributed to frustrating the process of constitution-making agreed on by a wide spectrum of political parties and civil society and professional organizations in the Koka-Dam Declaration of 1986. The said declaration was concluded with the participation of the SPLM/A and included all the political parties except the

DUP and the NIF.[5] The DUP did eventually sign a peace pact with the SPLM/A in 1988 despite the hard line which the government in Khartoum (Umma and NIF) was now holding on the war in the South. The declaration had called for a constitutional conference with the participation of all major political forces including the SPLM, but it required as a pre-condition the dissolution of the transitional government of the day and the holding off of elections until matters of governance are settled through national consensus. The SPLM's stance on the issue as well as subsequent refusals to become part of Al Sadiq's government was indicative of the movement's aims to radically change the way politics is done in Khartoum. However, the traditional political parties were keen on holding elections knowing that power will be vested in them to the exclusion of new political forces in the periphery. The elections were held shortly before the commencement of the constitutional conference which was scheduled for the third week of June in 1986. This disruption to the planned constitutional conference was a sure way to maintain the status quo, but it had also led to continuation of the war with the SPLA which was of the opinion that a radical change to the politics of Khartoum is required if a solution to the Southern Question is to be found.

The next opportunity for constitution-making came in 1998 well into Al-Bashir's rule. This time, the text adopted by the legislature declared that sovereignty was to God alone in tandem with the regime's ideology to Islamize and Arabize the nation. The National Islamic Front (NIF) that masterminded the 1989 coup that brought Bashir to power had at the time limited seats in parliament and no way of influencing policy. The regime's obsession with enforcing strict dress code rules for women and regulating mixing between the sexes in public spaces including universities (D Johnson, 2003) is in fact quite foreign to Sudanese society[6] and the product of Islamic imports from the Gulf. In addition, the regime continued its repressive practices and went on to commit gross violations of human rights despite the apparent constraints in the 1998 constitution. Despite this, the eventual split in the Islamist party was occasioned not because of protestation over the wide-spread violations of basic human rights that even go against principles of Islam, but because the 1998 constitution sought to provide for perpetual rule. Again, the political arm of the Islamist movement in Sudan was not focusing on national interest, but on acquiring and maintaining power. In a famous Al-Jazeera documentary, secret recordings from the ruling party meetings in 2017 reveal how the concern within the party was the lack of equal distribution of gain from power as opposed to curbing wide-spread financial corruption practiced in all levels of government.

Naturally, the 1998 constitution had to be replaced once the Comprehensive Peace Agreement between the government and the Sudan People Liberation Movement (SPLM) was signed. The

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[5] Al Sadiq was a signatory of the declaration.

[6] Sudanese society is conservative but not fundamentalist. While there are strict rules of conduct for men and women dictated by village ethos which entail that the sexes exist and/or operate on parallel social universes (See e.g. Janice Brody, *Wombs and Alien Spirits: Women, Men and the Zar Cult in Northern Sudan*, 1989), institutionalised rules governing what women wear and whether or not they can speak to men are not part of the social makeup in Sudan.

SPLM and its military wing the Sudan People Liberation Army (SPLA) had led the fight against successive governments in Khartoum in pursuit of a new Sudan capable of accommodating the multiple ethnicities and religious beliefs within it. However, and despite the ethos of the movement, it had itself in time degenerated into an authoritarian structure incapable of self-reflection and accountability and was by that time accused of multiple violations of human rights and atrocities committed against people in South Sudan. It is therefore not surprising that the Interim Constitution of 2005 which was endorsed by a national assembly where 80% of the seats were held by the government and the SPLM, did not provide for accountability for the crimes committed during conflict or mechanisms for the restoration of victims' rights (Lutz and A Babiker (2014)). The constitution also failed to address excesses of the criminal justice system which were most egregious to Sudanese citizens. The CPA did however include a bill of rights which had a rejuvenating effect on political life at least until the cessation of the South in 2011 when legislative power was revested in the ruling National Congress Party (NCP). One of the absurdities of this constitution was the creation of multiple institutions concerned with reviewing constitutional performance, human rights protection, land right issues and judicial services only to make them prone to manipulation by the executive branch and practically ineffectual. Despite this, the international community welcomed both the CPA and the Interim Constitution as genuine transformations towards the realization of sustainable democracy in Sudan.

Fadlala and Babiker conclude that rather than constitution-making the practice in Sudan was one of constitution-writing (Fadlalla and Babiker 2019). Furthermore, they note that successive constitutions rather than provide a foundation for democracy and the rule of law, served ideological goals or were used as political repression tools as well as instruments of social engineering, indoctrination and control. This is true across the board, whether the government in question is democratic or authoritarian and whether the political party in charge is traditional or modern, Islamic or secular. It is therefore a more salient conclusion that political parties in Sudan seldom make decisions in the national interest and are often motivated by attaining and maintaining power regardless of their otherwise declared goals. Rather than a problem of failure to reach a political bargain between an elite and majority, the issue is one of cultural failure and intellectual confusion. There is no evidence that these issues are no longer part of the political scene in Sudan.

6. Conflict resolution

No doubt the newly signed Juba Agreement will be hailed as a landmark in Sudan's path to democracy given that it provides for peace with a number of armed opposition groups most notably of Darfur, Kordofan, Blue Nile and the Eastern Front.[7] It must be significant that at this juncture in Sudan's political transition when transformation of the political order is promised by the Transitional Government, the newly concluded peace agreement provided extensive guarantees not

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[7] See report of the UN Secretary General on the Situation in Sudan, May 2021

just to the traditional regions embroiled in conflict (West, South and East), but also to regions in the North and Central Sudan (Zaid Al Ali, 2021). If the issue underlying conflicts in Sudan is rightly defined as the relationship of the center to the periphery (Nouwen, 2007), what does it mean when the center has to agree on governance issues with itself? Also, what exactly is the definition of this elusive center? At the moment, it seems that the government in Khartoum is seeking to consolidate its power by continuing the program of assimilation of opposition started by the deposed government. This is not the first time; the politics of the market place are pursued to manage conflicts in Sudan. Both the CPA and the Doha Peace Agreements followed the same pattern of apportioning power and influence to armed rebel groups (De Waal, 2017). It is also significant that in the two occasions when agreements with the Darfur rebels were concluded it was the group least in control on the ground that agreed to the government's deal (Nouwen, 2007 and De Waal, 2017)

De Waal argues that the various agreements concluded between Al Bashir's government and the rebels in Darfur since the beginning of the conflict, were geared towards recruiting various rebel leaders to the government through the use of material incentives (De Waal, 2017). He also argued that both the CPA and the Doha Agreements can be understood as tools to consolidate military power both by the government and the rebel groups since their control over the territories in question is often contested (De Waal, 2017). A major criticism of the peace building process in Sudan has been the lack of wider consultation and issues of representation (Nouwen 2009, De Waal 2017), yet the Juba agreement resurrects the old model of bilateral peace agreements that entrenches patterns of despotism and presupposes that rebel leaders are legitimate representatives for their constituencies. The same has been previously contested in Darfur when Internally Displaced Persons (IDPs) in the region asked for different representatives than the belligerents (De Waal, 2017). Given this, it is surprising that a Transitional Government supposedly concerned with consolidating democracy will follow the steps of the previous regime in pursuing the politics of the market place in negotiating peace with the periphery.

One has to ask then whether the whole peace process pursued by the Transitional Government of 2019 detracts from the more fundamental issues of a constitutional conference which rather than seek to apportion power, influence and developmental solutions, looks to start an inclusive dialogue about national identity, a citizenship construct, a program for inclusive governance and democratic rule. As it has been implemented by the now ousted Transitional Government, the process of "peace-building" does not just continue on from the projects of Al-Bashir regime, but also clearly continues the pattern of exclusive duality of the process witnessed with the promulgation of the CPA and the Interim Constitution of 2005 (Fadlalla and Babiker 2019). The conclusion of the Juba Agreement, despite important holdouts, had in fact generated constitutional effects that were likely to derail the path towards political transition in Sudan envisaged by the revolutionary forces even if the October 2021 counter-coup had not happened. In this respect, it seems, the only position with regards to peace that is defensible is the position of the holdout groups. These are the SPLM-North and the SLM-Abdel Wahid faction who both seem to be keen on a constitutional process and a commitment to a secular state (Gallopin, 2021). Abdel Wahid's position with respect to the Juba Agreement echoes Garang's earlier position in the 1980s with respect to the question of peace in the South. At the time, the SPLM had already graduated from thinking that the South required a

regional solution that could then be duplicated with other parts of the country where rebellion is brewing (Darfur, North Kordofan and the Eastern Front). Yet, we see today that similar issues are again addressed through regional mechanisms and a process of peace building that surpasses the envisaged constitutional conference and ignores the representation of new political forces including the youth movement that largely led the December uprising.

This would hardly be the first time that a central government seeking consolidation of power in Khartoum uses the legitimate demands of the periphery to eschew the process of political transformation. The enactment of the Regional Government Act 1980 by the Nimeri regime was an assault on the central government and was designed to redistribute the power to new centers more likely to cooperate with the president as well as more likely to be amenable to manipulation and corruption. The same had already taken place with regards to the regional government in the South, control over which was co-opted by the president's office despite the unconstitutionality of his actions (Khaled, 1990). Given the timing of the Juba Agreement as well as the wide powers it confers on regions still under the control of factions not included in the agreement[8], its conclusion can only be understood as a means to exert control over the political process by subjecting the newly formed regional governments to the control of the Transitional Government in a style reminiscent of the Doha Accord between the Bashir regime and various factions in Khartoum (Nouwen, 2007). The effect of the Agreement has also been to weaken the civilian side of the Transitional Government by offering positions to the rebel leaders at the ruling table and by creating a Supreme Joint Council tasked with implementing security-related provisions of the Juba Agreement which has no civilian membership (Gallopin, 2021).

In what can only be seen as a continuation of the previous regime's program of assimilating the armed groups within the corrupt governance structure in Khartoum, Minni Minawi was appointed to head the regional government in Darfur and to be part of the Transitional Government in Khartoum. This despite the fact that Abdel Wahid's SLM is the group with actual power on the ground. Commentators worry that the move may upset the military-civilian balance further by consolidating Darfuri based armed groups including those led by Minni Minawi and the Rapid Support Forces (RSF) led by Himedti in a show of solidarity against the traditional centres of power in Khartoum (Gallopin, 2021). This is not the only concern. Minawi had previously accepted appointments in the regional government in Darfur as well as a position as assistant adviser to the deposed president Omar Al Bashir in 2006 following the Darfur Peace Agreement with the then incumbent government. At the time, the African Union High Level Panel on Darfur had established that the Internally Displaced Persons (IDPs) demanded their own political representatives in peace negotiations in Khartoum (De Waal, 2017). This is invariably the result of rebel forces being themselves involved in human rights abuses against civilians (see e.g. Human Rights Watch, 2007). Flint and De Waal maintain that despite the commission of a number of atrocities by the rebel

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[8] Reference is made to the provisions for autonomous rule in Art 8 of Chapter 3 on the Blue Nile and South Kordofan. At the time of writing, the SPLM-Hilu faction which controls key areas in both regions had not acceded to the Juba Agreement.

leader Minni Minawi against "Arab" tribes during the Darfur conflict, he continued to be regarded as the 'West's strong man in Darfur' and was afforded center position in the ensuing peace negotiations which eventually faltered (Flint and De Waal, 2008). While the inclusion of Minawi in Bashir's government would not have raised eyebrows given the government's own extensive record of gross human rights violations and atrocities both within and outside conflicts (Khalid, 2003), offering Minawi a seat at the Transitional Government at the very least was an exercise in reverse-branding. The timing of the Juba Agreement is also suspect given the priority ought to be the setting up of a constitutional conference to deal with the same issues with which the Juba Agreement is concerned. Naturally, and given the current events in Sudan, it is not clear what the ultimate fate of the Juba Agreement will be especially since the October 2021 counter-coup was overtly supported by Minnawi's SPLM and JEM.

When Nimeri unilaterally modified the regional arrangements of the South in 1982 by re-dividing the region into three smaller regions to the dismay of Southerners, he was of the opinion that given that the Addis Ababa Accord 1972 was signed between him and General Lagu (as the leader of the Anyanya I), it was sufficient to secure only their agreements to affect any modifications of the peace agreement. This co-option of the peace process eventually resulted in reigniting the conflict in the South when John Garang decried treating the issue as separate from the issue of wider political reform and democratization of the government in Khartoum (Khalid, 1990). The Juba Agreement, regardless of its immediate effects, is likely to engender further conflict in the future given its seemingly intentional undermining of wider consultation. It also entrenches a previous pattern of elitism which invariably led to the collapse of other peace processes (De Waal, 2017). However, and despite Sudan's previous experimentation with such processes, the international community seems intent on encouraging the Transitional Government in its endeavors.

In addition to imposing a number of constitutional arrangements that ought to have been subject to a constitutional debate (including a federal system of government for the whole country, significant and asymmetric devolution of power to various regions as well as power and wealth sharing arrangements), the Juba Agreement's sub-agreements co-opt decision making regarding the responsibilities and benefits of other parts of the country which were not consulted apriori (Zaid Al-Ali, 2021). A number of the sub-agreements also have the effect of amending the Constitutional Charter, amendments which were only envisaged through the Transitional Legislative Council which is yet to be formed. In addition to this encroachment on popular will, the Agreement provides for significant representation of the armed groups on the Transitional Sovereign Council and the Legislative Council, the composition of which was subject to the approval of the revolutionary forces most notably the youth movement. Some of these sub-agreements also guarantee seats in national sub-structures in the stage following the transitional period. This is also naturally reflected on issues of accountability for past wrongs which are not adequately addressed by the Juba Agreement.

One of the important implications of the Juba Agreement is the reintegration of the armed groups in the national structures of the military forces in Sudan. This, however, says little about the restructuring of the armed forces itself (or indeed the official militias, the police and the intelligence services). In fact, the agreement seems to have the effect of institutionalizing the RSF which at the

moment pose a singular threat to internal peace and security within Sudan given the inability of the army to contain it. A major demand of the revolutionary forces is disbanding this irregular force which is not subject to the same training that the armed forces undergo and which focuses on military ethos of protecting the people and country against eternal threats. In general, the Agreement rather than providing national solutions for the myriad of national problems before the Transitional Government, seems to offer short-term fixes to long term and interconnected issues which are yet to be considered as a whole. This threatens to create a feeble structure on which whatever constitutional arrangements will be erected are bound to collapse given enough time. It is also not likely to satisfy the aspirations of the revolutionary forces who are most interested in lasting peace and accountability.

A repeat of the CPA, despite its extensive bill of rights and apparent inclusivity will entrench the existing power structures (especially the military council) as opposed to challenge them. It also threatens to reinforce divisiveness as opposed to encouraging the formulation of a citizenship construct capable of reflecting and respecting diversity (Nouwen, 2007). Rather than working for a new Sudan, the process seems to be geared towards fragmenting the country. It is not clear why the Transitional Government felt compelled to pursue this course of action given that the other option was to negotiate for a cease fire until a constitutional conference is set up that includes all relevant political forces including representatives of the armed groups and of their constituencies. The latter has been the process envisaged by the revolutionary forces in June 2019. Retreating from this position is a sign that the Transitional Government is neither serious about peace nor concerned with an effective political transition to democracy.

7. Conclusion

From the pattern of struggle and collaboration from both the Nimeri era and the Bashir era, it seems clear that rather than commitment to ideals of democracy, the rule of law and the advancement of human rights, political parties in Sudan agitate the masses in order to build enough push against these regimes to guarantee them access to power. In order for any serious change to occur and given this repeated pattern of decision making by the old political parties, the youth movement must establish its own political blocks. Young people who led the protests cannot afford to delegate decision making in the period post revolution. The similarity between the current transitional government and the previous one post-Nimeri is cause for concern. But more than this, the inability to institute reforms essential to state building whether on the economic front or on peace-building is evidence of the impotence of the Transitional Government. There is also a considerable measure of continuity between the Transitional Government and the previous regime in these policy spaces. In addition, with the delay to the constitutional conference and the constitutional implications of the signed Juba Agreement, there is little to suggest a departure from the previous regime's policies with regards to political transformation.

There are only two possible explanations for the political stagnation (if not regression) in Khartoum prior to the October 2021 counter-coup. Either the Transitional Government is consciously pursuing the soft-landing approach advocated by Washington for the last couple of decades, or it is unable to affect actual change give the hegemonic control of the military over issues of governance. Either way, the policies that were pursued in Khartoum by Hamdock's government were hardly line with the revolutionary demands for "liberty, peace and justice". In May 2021, peaceful protestors commemorating the victims of the June 3rd massacre which took place in 2019 were violently dispersed by armed forces (Human Rights Watch, 2022). Two civilians were killed and fifteen were injured. The response of the authorities was to charge a handful of suspects with murder and crimes against humanity. However, barring wider security sector reforms, state violence is bound to continue unabated even if the Transitional Government is re-instated in terms similar to the pre-October 2021 arrangements. The Adeeb report on the 2019 massacre is still outstanding, some argue because it will likely lead to a coup given the suspected role of the RSF in the incident (Nashad, 2021). Violence in Darfur has also continued with credible reports that the RSF supported tribal militias in their attacks against civilians (Radio Dabanga, 2021). The RSF remains under the command of the deputy chairman of the Military Council who seems to have de-facto power in post counter-coup Sudan.

With the Juba Agreement guaranteeing further marginalization of the civilian part of the Transitional Government as well as a prolongation of the transitional period and re-entrenchment of the power of the Military Council, there was already little hope left for an effective political transformation. Ironically, the future may hinge on the army and its ability to control the RSF as well as its willingness to side with the revolutionary forces both in and outside the Transitional Government. As was expected, and just prior to the October counter-coup, Prime Minister Hamdock called for the integration of the RSF within Sudan's armed forces calling it an essential step towards the transition to democracy (Arab Weekly, 2021). However, General Himedti is unlikely to acquiesce unless he is promised a role in Sudan's future post-transition. It is also not clear why the army – given its current command - would choose to side with revolutionary forces intent on achieving justice for past wrongs.

However, and regardless of the likely end of this game of thrones, the youth movement responsible for dislodging the deposed Bashir-regime must organize their own political parties so that in the event participation in future governments becomes possible, they are better equipped to make decisions in line with their own revolutionary demands. This paper sought to argue that the old political parties were not sufficiently invested in bringing about a comprehensive political transformation that can guarantee democracy, respect for the rule of law and human rights. Instead, they consistently pursued self-serving policies in order to entrench their own power and ensure they have access to political decision making. If a clean break from the old ways of doing politics is to be achieved, revolutionary forces must establish their own structures and organize politically in order to bring about the Sudan they desire. Prioritizing social justice, accountability for past wrongs and inclusivity has never been the forte of the traditional political parties. It is also not clear, given the Transitional Government's track record on these issues, that there is any discernible shift on issues of economic reform, state-building or conflict resolution. In fact, there is evidence

of continuity not just from the previous regime but throughout Sudan's contemporary history of self-governance.

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