

# THE DILEMMA OF POLITICAL TRANSITION IN SUDAN

An Analytical Approach

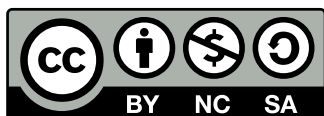


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International IDEA  
Strömsborg  
SE-103 34 Stockholm  
SWEDEN  
Tel: +46 8 698 37 00  
Email: [info@idea.int](mailto:info@idea.int)  
Website: <<https://www.idea.int>>

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# THE DILEMMA OF POLITICAL TRANSITION IN SUDAN

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*Atta H. el-Battahani*



**International IDEA**

Strömsborg  
SE-103 34 Stockholm  
SWEDEN  
+46 8 698 37 00  
info@idea.int  
www.idea.int

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## Original publisher's note

'The position we are in now merits our serious attention', warns Professor Atta el-Battahani, a Sudanese scholar who has been deeply engaged in thorough analyses of Sudan's state of affairs. In this invaluable research, he probes deep into the root causes of the ailments of Sudanese politics, providing a diagnosis, identifying the causes and prescribing the treatment.

The importance of such an endeavour at this critical juncture in Sudan's history cannot be overemphasized. With some hope looming on the horizon, earnest efforts are needed to closely examine Professor el-Battahani's book, or 'prescription'. We at the Regional Centre for Training and Development of Civil Society (RCDCS) are deeply indebted to him for giving us the rights to publish this well-researched document, out of his keenness to further cement the existing partnership between the centre and the Initiative of Khartoum University Teaching Staff.

The primary aim of this partnership is to spread awareness and give change agents a booster dose to help them navigate this precarious transition. The starting point of this effort is publication of this book, updated to reflect developments, and later to engage with the active elements in the community—in the political parties and in the grassroots organizations, including the resistance committees and service committees in neighbourhoods and villages—in constructive debate about the issues raised.

This effort will leverage the synergies between RCDCS's track record in this space and the Khartoum University Initiative, led by thinkers and scholars such as Professor el-Battahani, an academic and activist engaged in many civil society organizations from the Sudanese Development Association (SDA) to the Sudanese Environmental Conservation Society (SECS), Amnesty International committees, International IDEA and other entities at home and abroad. From his academic chair at the University of Khartoum and other educational institutions, Professor el-Battahani has supplied

academic and research institutions with scores of students who obtained postgraduate degrees in political science.

We are honoured to publish this invaluable work, which contains a foreword by Dr Abdel Rahim Bilal, another prominent scholar, and are confident that it could not have been better timed.

*Dr Abdel Mut'al Gorshab*

Director, RCDCS

20 September 2019



# Foreword

Sudan has experienced four transitional periods in its post-independence history, all of which have failed to achieve the aspired change. As we are heading into a fifth one, it is imperative to look closely at the reasons behind the failure of its predecessors in order to shield it against the same fate. This book by Professor el-Battahani is an excellent contribution to this discourse as it provides an in-depth analysis of those reasons.

If I can add anything here, I would begin by attempting to answer the question: what is the difference between a revolution and an uprising? An uprising does not go beyond changing the ruling political regime. Examples of this, in the context of Sudan, are what happened in October 1964 and April 1985. Revolution, on the other hand, is an all-encompassing change that penetrates the economic, social, political and cultural set-up of any given country. A revolution comes with a new political outlook for the country, and the revolutionary forces necessarily engage in prolonged battles against the guardians of the old regimes, both inside the country and abroad. Although they may not be able to meet all the conditions of a full historical transition, these forces manage in most cases to make a positive transition that renders a reversion to the pre-revolutionary era impossible.

Another question: what was unique about the past transitional periods? The first transitional period (1954–1956) was born out of a bilateral agreement between the United Kingdom and Egypt to end their condominium rule and grant Sudan the right to self-determination. The three-year transition, the main mandate for which was to Sudanize the civil service and oversee the departure of all foreign troops from Sudanese soil as a prelude to self-rule, was punctuated by major events, such as the outbreak of mutiny in the south and the Joudah massacre. This period was run by a national government under Isma'iel al-Azhari, which declared independence and announced that the transitional period was 'one of liberation, not of reconstruction'.

The second transitional period (October 1964 to May 1965) followed a popular uprising (the 'October Revolution'), which toppled the military regime of General Ibrahim Abboud. It lasted for only six months, paving the way for multi-partisan democratic rule that continued until May 1969 when another military coup seized power.

The third transitional period (1985–1986) came on the heels of the March/April popular uprising, which prompted the army to step in and oust the regime of Gaafar Nimeiri. A new transitional arrangement was put in place: a military council led by Field Marshal Abdel Rahman Suwar al-Dahab, which served as the sovereign body, while executive power was entrusted to a civilian cabinet composed of representatives of the uprising forces. With legislative power shared between the two sides, the one-year transition set the scene for general elections, which brought in a democratic government that continued in power until 30 June 1989, when there was another coup.

The fourth transitional period (2005–2011) was the result of an agreement between the ruling National Congress Party (NCP) and the Sudan People's Liberation Movement (SPLM), led by Dr John Garang. They agreed to establish a federal system of government. The south would enjoy full autonomy for six years, after which southerners would vote in a public referendum on whether they wanted to stay part of a unified Sudan or establish their own state. As it turned out, they voted for secession. Although that transitional period managed to end the civil war, it failed to achieve a transition to democracy. In addition, the NCP strengthened its grip on power and grew even more aggressive.

The fifth transitional period (2019–2021) was the outcome of strong waves of protests that swept the country, which prompted the army to side with protesters to end the long-standing dictatorship. This transitional period is far more complex than its predecessors. In a fixed term of three and a half years, it is meant to sweep away all traces of the old regime, lay the foundations for a sound democratic system and enable political parties to rebuild in preparation for a new democratic era.

The slogans used during demonstrations and after the fall of the regime were particularly unique. *Tasqut Bass* (you must go, no matter

what) went viral and served as a unifying factor. *Silmiyah* (peaceful) proved highly instrumental in defeating all oppressive attempts to silence protesters, while *Hurriyah, Salam, Adalah* (Freedom, Peace and Justice) epitomized a common goal and a holistic approach to change.

Another unique characteristic of the current transitional period is the fact that the new forces of change are made up mainly of the young generation and women, who were the fuel of demonstrations, while the Sudanese Professionals Association (SPA) served as the mastermind. A third characteristic is the wide geographical span of the demonstrations. The spark began in peripheral areas before reaching the capital, Khartoum, and quickly won the support of the Sudanese people across the globe. In addition, the uprising inspired a huge mass of cultural and social creative work, which helped to enflame the torch of the revolution and expand its geographical reach beyond Sudan. This creative work needs to be documented and reproduced to raise public awareness.

Before setting the tasks of the current transitional period, we must first analyse the policies and practices of the defunct regime in all areas from system of government to economic, social and cultural policies. That should provide us with the right tools for ‘dismantling’ the old regime and planning for ‘reconstruction’.

The starting point with reconstruction should be through quick response measures to ease daily livelihood hardships and ensure consistent delivery of services and basic necessities (water, power, transport, commodity prices), as well as a recovery programme and the development of alternative policies. Successful ‘dismantling of the old regime’ will require a thorough revision of the system of government, legislation, economic policy, and social and cultural issues.

How could the old regime have survived for 30 years? To answer this question, it is necessary to examine the regime’s strategies and policies. These included heavy-handed security and consolidation of power, a mix of intimidation and incentives, and building an arsenal of repressive organs—from popular defence forces to popular police, popular security and neighbourhood committees—and the

militarization of society through national service, popular defence and military uniforms for students, among other things.

On another front, the regime built political alliances, such as the so-called *Tawali* (allegiance) parties, national unity parties and national dialogue parties. In parallel, it worked diligently to weaken independent parties, such as the Umma and the Democratic Unionist parties. It also managed to 'tame' trade unions and civil society bodies through a combination of measures, which included the creation of so-called enterprise trade unions, enacting biased trade union laws, banning independent civil society organizations, persecuting civil activists and bans on civil activities. Other tactics adopted by the regime included turning ministries and all public departments into loyal bodies by firing opponents and appointing loyal elements, in addition to lay-offs and privatization.

On foreign policy, the regime became entangled in a policy of axes with Qatar, Turkey, the International Islamist Movement, the Arabic Islamic Conference, and so on. At home, it managed to destabilize the country by waging civil wars in various parts of Sudan and pursuing a policy of marginalization.

The economy was embroiled in institutional corruption, which manifest itself in a multitude of forms: (a) allowing defaulters to escape with impunity in return for repaying long overdue bank loans on easy terms; (b) giving select officials exclusive custody of public funds; (c) privatizing public assets for the benefit of influential circles; (d) commissions; (e) property scams; (f) multi-companies owned by regime figures; (g) lack of transparency on the proceeds of oil, gold and other exports; (h) smuggling corrupt money abroad and investing it in assets and businesses there; (i) draining off banks through uncontrolled provision of easy termed and collateral-free loans; and (j) deactivating the revenue and resource allocation function and the revenues fund. The Finance ministry also lost its custodianship over public money. To make things worse, rural development was ignored, while the cooperative system was ruined.

On the social front, the previous regime revived tribal affiliations. (Citizens had to specify their tribe when applying for personal identity documents or public jobs.) It also worked hard to feed ethnic polarity

(Arabs vs Africans) and social marginalization, demolishing informal housing developments in unplanned areas, forcing citizens to live as dislocated people, and then redeveloping the same areas and allocating them to loyal figures on which to build huge residential compounds. Instead of structural reform, the regime's approach to fighting poverty was to establish social charity funds and ill-fated small-scale schemes, and a policy of charity-based initiatives such as a martyrs' support package, group circumcision, a Ramadhan package, Hajj and Umra offers, and so on. A highly publicized campaign urging car owners to give a lift to others as a gesture of solidarity to help ease public transport shortages ended in utter failure simply because the patrons of the campaign refrained from participating in it. Instead of structural economic reform to create job opportunities, their answer to low rates of marriage was to organize group marriage festivals, particularly in public sector entities. Other ill-sighted policies included fighting non-Muslims, imposing Islam by force and demolishing churches (see Zain al-Abdeen 2003), as well as persecuting women through the community security law, the personal status law and the public order law, among others, and imposing Islamic dress codes in schools and universities or encouraging socio-economic class discrimination.

In the areas of culture and information, the regime tightened the noose on creative talent by forcing people out of the official media outlets and replacing them with loyal elements, and giving influential figures the exclusive right to own newspapers and private satellite stations to serve as mouthpieces for the regime. It also created tribal and Sufi order councils in order to enlist the support of these constituencies.

Another problem was the launch of the so-called higher education revolution, with Arabization and Islamization as its core objectives, at a time when universities were suffering acute shortages of teaching staff, auditoriums, laboratories, libraries and other basic infrastructure. As a result, unemployment among university graduates rose to 47 per cent. Following the dismissal of 53 university professors in a single wave, hundreds of scholars, lecturers and researchers left the country to seek opportunities abroad. Research institutions such as the Agricultural Research Corporation and

technical education institutions were ignored. Meanwhile, mediocre talent in music and drama found their way to the spotlight.

By leveraging its extensive political experience and financial capabilities, the Islamic Movement played an instrumental role in strengthening the regime's grip on power. The Movement had been a partner in power since 1977, following the national reconciliation with the May regime, which allowed the Movement's front-line leaders, such as Hassan al-Turabi, Ahmed Abdel Rahman and Ali el-Haj, to take up senior positions. Since 1989, the Islamic Movement had placed its huge financial and Islamic banking resources at the service of the regime's leaders. Meanwhile, the regime went unchallenged in consolidating its power using a combination of intimidation and incentives, thereby paralysing the political scene for political parties, trade unions and civil society organizations. Islam was used as a pretext for the exclusion and persecution of opponents. Nonetheless, the regime failed to build a sustainable cultural and intellectual base of its own while opposition sentiments continued to escalate despite oppression. This is a matter that I call on our intellectuals to study at length.

In closing, I would like to pray for the martyrs and the missing. I also feel indebted to salute the *kandakas* (the brave women) and the daring youth who stood against oppression, as well as all those who supported the glorious uprising. I must mention, however, that the same level of perseverance, awareness and prowess will be needed for the current transitional period to transform it into a fully-fledged revolution. A special salute is due to Professor el-Battahani for this scholarly work. Special thanks go to the University of Khartoum Teaching Staff Initiative and to the Regional Centre for Civil Society Training and Development, which has been working relentlessly in difficult conditions.

I invite all political parties and civil society organizations, particularly young leaders, and members of the resistance and service committees across the country, to take advantage of this invaluable book, which is inviting debate on very hot political issues.

*Dr Abdel Rahim Bilal*

# Introduction to the first edition

Political transition has been one of my top research interests. The June 1989 coup, and the regime that ruled the country for three decades thereafter, provided material for papers I presented both in Sudan and abroad. This interest continued into the third millennium, the first decade of which witnessed the commencement of negotiations between the ruling National Congress Party (NCP) and the Sudan People's Liberation Movement (SPLM), which culminated in a peace accord and ushered in a transitional period (2005–2011). There were great expectations that this transitional period would bring about a lasting peace, unity and democratic rule. Fuelled by that optimism, I presented a number of papers at workshops, conferences and other civil society events. In my book, *The Crisis of Governance in Sudan* (el-Battahani 2011) I dedicate a chapter to the transitional periods experienced by Sudan.

The secession of the south was a major development that had seismic effects on the Sudanese state, as it shook the belief in some circles in the viability of a Sudanese nationhood while reinforcing the faith of others in the theory of a plot to tear the country apart. At first, those in power cheered at the news, but they soon discovered what kind of a quagmire they had slid into.

With the events of the 'Arab Uprisings', and even before, political activists from among professionals, youth and women's groups, and the Sudanese abroad, stood in defiance of the oppressive regime. The spark of demonstrations and parades started away from the capital this time, in the provincial cities of Damazin and Atbara, before flames spread across the country. Employing smart tactics and slogans such as 'Behold, arrogant racist: we all are Darfurians', the protesters managed to defeat the regime's schismatic tactics and stay the course until the head of the regime was dethroned. They continued their struggle until military elements sided with the people and an agreement was reached with the military council, ushering in

a new transitional period. One hardly needs to emphasize that Sudan cannot afford to experience any more failure with transitional periods.

As indicated in its subtitle, 'an analytical approach', the purpose of this book is to discuss the challenges of the current transitional period. For a more informative discussion, I present a number of theoretical concepts and models to facilitate more accurate scrutiny of the weakness and strengths of the arrangements agreed for the transitional period, taking account of the balance of power dynamics, which may not necessarily be in harmony with these arrangements.

Although some arguments still need closer examination, I decided to send this edition to press in order to open debate on this issue early on. However, I hope to follow up soon with a second edition to monitor developments in the transitional period. Hopefully by then our country will have taken solid steps towards sustainable peace and democracy, equality and human dignity.

May I take this opportunity to thank Mr Mahgoub Mohammed Salih, Dr Abdel Rahim Bilal, Dr Abdel Mut'al Gorshab and Mr Mohammed Ahmed al-Filabi for their insightful remarks and keen follow-up. I owe a special thank you to Mr al-Filabi for editing the manuscript and overseeing the technical issues of production, and thanks to Ammar Agabien at the Printing Press.

*Atta H. el-Battahani*  
September 2019



# Preface

The question of political transition can be approached from many angles. One of them is so-called structured-complex totality with built-in inequalities, which is a holistic view of a social system characterized by social inequality, with a political class unable to carry out its 'historic' role of driving the transition. This inability may be attributable to several factors, such as an unproductive economy or traditional culture syndrome.

Hence, in a way, it is about a political class failing to implement a transformative national project that can achieve independence and create a sovereign state built on citizenship and a commitment to development. After several abortive attempts to make the aspired transition, that class exhausts its energy and loses its political legitimacy by leading the country to disintegration. The secession of South Sudan in 2011 was an earthquake that shook the foundations of the Sudanese state; its seismic waves are still battering the remaining institutions while at the same time nurturing demands from political and armed movements at the margins for greater autonomy. This has left the centre at an existential impasse: should it carry out a complete restructuring of state institutions to accommodate everyone on an equal footing or just expand the margin of democracy to accommodate the insurgents?

This is by no means the first time that the centre has faced such a crucial challenge. Sudan has experienced several transitional periods, or political transitions from military autocracy to civil democracy. In the first (1953), power passed from Anglo-Egyptian condominium rule to a national government that declared independence in 1954. In the second (1964), a broad coalition of political parties and trade unions managed through civil disobedience to topple the first post-independence military regime and establish a parliamentary system, which lasted for just five years, when another military coup took power for 16 years. The year 1985 saw a third transitional period when another broad coalition of political parties and trade unions led a popular uprising that forced the May regime out of power. Even

before the democratically elected civilian government had completed its first parliamentary cycle, however, another military coup seized power in 1989. With political and logistical backing from the National Islamic Front (NIF), the so-called Salvation Regime, '*Inghaz*' [إنقاذ], ruled for a staggering 30 years until April 2019. These three decades were punctuated by a six-year transitional period in 2005–2011, which followed the signing of the 2005 Comprehensive Peace Accord (CPA) between the ruling National Congress Party and the Sudan People's Liberation Movement (SPLM). That transitional period had a two-fold objective: ending a civil war, and establishing peace and a transition to democracy. It managed to put an end to the civil war but failed to achieve the transition to democracy. Ironically, the regime grew more oppressive in the ensuing years until its collapse in April 2019.

Since April 2019, the country has witnessed a state of political strife between the Forces of Freedom and Change (FFC), which steered the popular protests that led to the regime's collapse, and the Transitional Military Council (TMC), which stepped in at a crucial moment to expedite the fall of the regime. After so many ups and downs, the two parties finally signed a Constitutional Declaration on 17 August 2019, which paved the way for the creation of a sovereign council and a cabinet. A timeline plan for the agreed transitional period was agreed.

Obviously, political accords, constitutional decrees and timelines cannot arrest the dynamics of political life. The talk of the town in mid-September 2019 (as the first edition of this book went to press) was the outcome of meetings and initial agreements between the team of the prime minister and that of the Revolutionary Front in Juba, talks brokered by the South Sudan Government. Developments in the ensuing weeks and months are set to carve out the arc of political life and dynamics, and the influence of the various stakeholders, both internal and external, in setting the path of the transitional period. For this reason, an elaborate discussion of the dynamics of this political strife may be difficult now. Nonetheless, I decided to put out a first edition and to address new developments in subsequent editions. The focus of the present edition, therefore, is to analyse Sudan's experience with transitional periods by examining past experiments and weighing the current balance of power. Since the book's purpose, as indicated in the title, is to provide 'an analytical

approach', it cites a number of models and theories, and tries to apply these to explore the nature of the current transitional phase. By highlighting the unique aspects of the Sudanese experience, this approach will hopefully enrich academic research and add value to the transition literature.<sup>1</sup>

It is important to establish from the outset that a distinction should be made between the transitional period (and its success or failure) and the democratic experience that follows it (and its successes and failures). This distinction, however, does not necessarily mean there is no correlation between the success or failure of the transitional period and the fate of the democratic experience in Sudan. (Describing transition as 'democratic' does not mean that transition must be exclusively to democracy; there are other issues that involve transition, such as war and peace, fair and balanced development, and so on, see al-Badawi and el-Battahani (2010)). As is explained below, a failure to satisfy all the conditions for a proper transition to democracy is a prelude to the failure of democratic rule. This is because the crisis of governance in Sudan, as explained in a book by the same title (el-Battahani 2010), is linked to the structure of power, which is characterized by the incapacity of the ruling political class to lead the country; that is, they cannot lead even if they have access to power (Sorbo and Ahmed 2013).

In transitions, the political crisis manifests itself in disturbances to the balance of power, which contribute, in association with other factors, to the failure of the transitional period arrangements to meet the conditions of democratic transition. I should point out here that the reference to 'democratic transition' does not mean that the ultimate aim of this process is to dispose of the head of the regime and call for elections, since that could bring the same regime back to power, albeit with new faces. Instead, the term means a full transition of the entire political system. In the case of Sudan, it means putting an end to war and embarking on collective efforts to preserve the country's unity, build a modern civil state on the pillars of equal citizenship and achieve economic development. However, these are the same objectives heralded invariably by all

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1 Some of the arguments cited here appeared in Chapter 9 of el-Battahani (2011), as well as in research papers presented at forums inside Sudan and abroad, the most recent of which was a workshop co-organized by the Al Ayam Center and the Friedrich Ebert Foundation in Khartoum on 24–25 July 2019.

the post-independence transitional regimes. What happened each time was that the historically influential political parties would focus on 'procedural requirements' at the expense of 'substantive requirements', effectively putting the core objectives on hold for the next period to handle. The mission of the transitional period grew all the more difficult as all the military regimes that seized power were keen to undermine and liquidate nationalist and democratic forces. As each military or partisan regime outsmarted its predecessor in this endeavour, the distance to the aspired goals of the transition grew longer, escalating internal conflicts to the point of threatening the country's unity, economic decay, shrinking the middle class and eroding democratic values and civic culture. Following the repeated failures of the previous transitional experiences (the independence transition in 1954–1956, October 1964, April 1985 and the CPA in 2005–2011), the gap between aspiration and reality grew even wider. Now with the fifth transition, which began in April 2019, the *Inghaz* (Salvation) regime has left a huge burden for its successor.

It is this exceptionally large burden that sets the current transitional period apart from previous transitions. The *Inghaz* regime, which managed to stay in power for three decades, was quite different from the previous autocracies of Ibrahim Abboud and Gaafar Nimeiri. The main distinction is that it deliberately restructured the state and remodelled it based on political Islam ideology, although it was not totally immune from strife among the top echelons of power.

One of the most serious pitfalls of the *Inghaz* regime was its failure to maintain the country's independence and unity. It demonstrated that it was not prepared to hand over power even when national sovereignty was at stake. This has had a profoundly negative impact on the country as it weakened the authority of the central government. The civil service grew incredibly weak and allegiance to a unified country gave way to allegiance to the clan, the tribe, the region and, above all, family connections. While many African countries made impressive advances on the path to development, the agendas of the first transitional period of 1954–1956 have not yet been addressed: independence and unity; building a modern state on the pillar of equal citizenship, with no discrimination based on sex or social status; and building the foundations of an independent economy focused on delivery of basic commodities and services

and spearheading the drive towards balanced, comprehensive development.

Another unique feature of the current transition is the mounting regional and international influence on Sudan. The build-up of external leverage is one of the most serious legacies of the *Inghaz* regime, which did not hesitate to trade the country's sovereignty and unity for the sake of remaining in power as a comprador for regional regimes, which in turn serve as compradors of Western capitalism.

It is clear that there has been no progress on any of the above missions. Even worse, Sudan is regressing. With declining performance levels, the burden grows even larger while the expectations of the various social segments soar higher, from marginalized regions demanding equality or the right to self-determination to women fighting for equal rights and younger generations pressing for their right to employment and political participation. This leaves us with a scenario of 'multiple transitions' (al-Badawi and el-Battahani 2010). It is no longer a question of democratic transition, or a quick move to procedural democracy through elections as happened in 1964 and 1985. Even free and fair elections would require proper preparations in terms of a sufficient transitional period to lay the foundations for a stable system. This transitional period would require the adoption of a constitution unanimously approved by all regions and an elections law approved by the majority of political forces; strong foundations for a federal system; a restructuring of the civil service and regular forces to make them professional, national institutions; the establishment of peace across the country; and economic bottlenecks to be addressed before the organization of free and impartial elections.

Now, along with political transition comes the need for a transition from a state of war and conflict to a state of peace and citizenship statehood, from a rentier economy and squandered natural resources to a production-based economy where the whole mass of the workforce can be embraced within the circle of a productive economy, and from hegemonic masculinity to gender equality and respect for women's dignity as persons and citizens. Economic transition takes many forms (see al-Badawi 2019). There is also a generational transition, which calls for youth to be given access not

only to work, but also to political participation in state institutions and civil society.

The book comprises five chapters. Chapter 1 discusses some transition concepts and models, with reference to some experiments, to compare successes and failures. Chapter 2 reviews past experiences while Chapter 3 attempts to identify why those experiments failed. Chapter 4 discusses the main features of the post-April 2019 stage, while Chapter 5 examines the fifth transitional period since 2019 and the revolutionary momentum that drove the popular action.

## Chapter 1

# THE TRANSITIONAL PERIOD: CONCEPT AND THEORETICAL FRAMEWORK

This chapter provides a brief definition of the transition concept and illustrates some examples. The concept of transition originated in modernization theory, which maintains that the modernization of traditional societies cannot be accomplished in one stroke but requires several stages. Some researchers refer to a model of progressive transition from a 'traditional' to a 'modern' society, while others suggest that it comprises five stages (Hosni 2017). While the study of transitional societies is a branch of socio-political studies with a rich history, our focus is on transitions in the post-Cold War era.

Transitology originated from the interest of academics and researchers in establishing a discipline dedicated to exploring the transition of many states from one political system to another. The focus shifted from revolution to transition, as if the age of grand historical revolutions, such as the French or Bolshevik, is no longer suitable for the present time. Interest in transitology intensified during the post-Cold War decade of the 1990s, as the number of states experiencing transition rose significantly. Between 1990 and 2002, around 100 states were classified as being in transitional systems (Carothers 2002: 6–7). Other researchers believe the number to be much higher. Analyses examined many theoretical concepts and paradigms, from the failed state to hybrid regimes. The most prominent of these paradigms is historical institutionalism (Haj Ali 2012).

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shift. The use of multiple synonyms reflects different viewpoints among researchers and scholars. Alan Thorin, for instance, believes that democratic transition is a gradual process in the context of the state–society relationship that follows protracted political strife (Political Encyclopedia n.d.).<sup>2</sup>

Charles Adrian, on the other hand, defines it as changes within the political system, whether deep or superficial. These changes span three dimensions: (a) the cultural dimension, the impact of democratic transition on social ideologies and on thinking, and even social relations and traditions; (b) the structural dimension; and (c) the political dimension, taking a different political course. These changes result from contradictions between the three dimensions, which leave the incumbent regime incapable of dealing with them using the same old methods. This gives birth in many cases to hybrid systems, or a combination of the old system and the new.

For his part, Mohammed Abed al-Jabiri links transformation to democratic transition; that is, a transition from a country where human rights in the broad sense of the term are not respected, where established institutions are superior to individuals and groups, and where power is not negotiated on the basis of political majority (see also al-Jabiri 1994). For reasons of space constraints, four paradigms are addressed briefly: (a) Samuel Huntington; (b) the historical institutionalism paradigm; (c) path dependence or historical critical juncture theory; and (d) class-based balance of power.

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## 1.1. DEMOCRATIC WAVES AND COUNTERWAVES

Huntington's paradigm distinguishes between several types of transition:

1. Transformation happens when a segment from within the regime unilaterally spearheads the reform effort, which eventually leads to a change of the entire regime (e.g. Brazil, Bulgaria, Hungary, the

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<sup>2</sup> <<https://tinyurl.com/mr3syk2t>>.



Soviet Union and Taiwan). There are certain conditions that must be met for such a transformation to take place.

2. Replacement occurs when the opposition manages to topple the regime and take over (e.g. Argentina, Greece, East Germany, Portugal and Romania), which leads to full revolutionary change.
3. Transplacement arises through conciliation between a reform-oriented wing of the regime and the opposition (e.g. Bolivia, Czechoslovakia, El Salvador, Honduras, Mongolia, Nicaragua, Poland, South Africa, South Korea and Uruguay). In most cases, such a transition is classified as a historic compromise.

According to Huntington, the historical context that governs transition is the global drive towards a continuous transition or a democratic revolution that is expanding in waves to cover all parts of the world (Salihi 2011). The first wave began in the 1820s and lasted for nearly a century, as a large proportion of the male population in the United States acquired the right to vote. That period witnessed 29 democratic governments. However, 1922 witnessed the first counterwave when Mussolini acceded to power. As a result of that counterwave, which continued until 1942, the number of the world's democracies declined to 12. The Allies' victory in World War II unleashed a second wave of transition to democracy, which reached its peak in the mid-1960s before declining again in the period 1965–1975.

So where do we stand now? At what stage are we in the third wave? Are we at the beginning of a long wave or at (or near) the end of a short wave? Will the third wave be succeeded by a third counterwave powerful enough to wash away many of the democratic gains of the 1970s and 1980s? Huntington is confident that social sciences can provide a crucial answer. He presents five factors that can have a major impact on unleashing the third wave and its timing (Huntington 1991).

If the number of states that transformed to democracy between 1974 and 1990 rose to at least 30 (i.e. doubled), were those democratic transitions part of a democratic revolution that was expanding to cover all the countries of the world, or were they only a limited expansion of democracy, if not a return to the past? Huntington believes that the current cycle of democratic transitions represents

Table 1.1. Democratic waves and counterwaves

|               | Democratic wave   | Counterwave   | Remarks   |
|---------------|---|---|---|
| <b>First</b>  | From the second half of the 19th century to 1922, the French and American revolutions | 1922–1942 (Nazism and fascism)  | Capitalism entering the colonial expansion era  |
| <b>Second</b> | Allies' victory 1945–1960   | 1958–1975   | The golden era of the Bretton Woods institutions  |
| <b>Third</b>  | Collapse of military regimes in Spain, Portugal and Greece 1974–1980                  | 1980–1990   | The rise of neoliberalism   |
| <b>Fourth</b> | Collapse of the socialist bloc 1990   |   |   |
| <b>Fifth</b>  | Arab Uprisings  | Arab armies' collapse. Existence of Iraq, Lebanon, Libya, Sudan, Syria and Yemen threatened | Second scramble for resources Geography of violence and political Islam syndrome and the neoliberalism crisis |

Source: Miscellaneous. Please note that periodization of democratic waves and counterwaves is contested.

a third wave of transition to democracy in modern world history, at a time when autocracies are increasingly facing serious issues of legitimacy in a world that is becoming increasingly open to democratic values. These transitions were:

1. The unprecedented economic growth in the 1960s, which led to a rise in living standards and in the number of teachers, as well as to a significant expansion of the urban middle class in many countries.
2. A dramatic shift in the doctrine and activities of the Catholic Church, as demonstrated in the second Vatican Council (1963–1965) and a shift in the stance of national Catholic churches from defenders of the status quo to opponents of totalitarianism and autocracy.
3. Changes in the policies of external powers, particularly Europe, the United States and the former Soviet Union.

The fact that there were successful experiences at the beginning of the wave encouraged other countries to take the path to democracy. It is worth noting here that Huntington does not subscribe to the opinion that democratic transition can be communicated to any country that lacks the right local ecosystem. The global democratic revolution can create an external ecosystem for democratic transition but cannot create the right conditions for democratic transition in any particular country. Some factors acted as catalysts for the democracy wave, but it is also true that difficulties encountered in consolidating the democratic drive can trigger setbacks for the democratization process. Two cases in point are Sudan and Nigeria, as both reverted to autocracy. Yet this should in no way drive us to pessimism. According to Huntington, the first two democratic waves were succeeded not by mere setbacks but by major counterwaves that turned most ruling systems in the world from democracy to autocracy. The main factors behind the shift from democracy in the first two counterwaves, according to Huntington, were:

1. Poor democratic culture among the elites and the public.
2. Various economic setbacks that intensified social strife and enhanced the popularity of solutions that only autocracies can adopt.
3. Social and political polarization, mostly by leftist governments seeking to implement major socio-economic reforms in too short a time.
4. An insistence among conservative groups in the middle and upper classes on keeping leftist and popular movements and the lower classes away from political power.
5. A collapse of law and order in the face of terrorism and insurgency.
6. Interference or invasion by a non-democratic foreign country.
7. Counter-infection as a result of collapse or the imposition of democratic systems in other countries.

More than 100 countries have been left behind by democracy since 1990. Most of these countries fall into four, sometimes overlapping, geo-cultural groups:

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1. The original Marxist Leninist regimes) the former Soviet Union). During the 1980s, these republics witnessed a significant shift towards liberalism and the birth of democratic movements.
2. Sub-Saharan Africa, which, save for a few exceptions, remained under the yoke of personal dictatorships, military regimes, one-party regimes or a combination of all three.
3. The Middle East countries which lack democratic regimes.
4. East Asia, from Myanmar (Burma) to Southeast Asia to China and North Korea, which include among them communist regimes, military regimes, personal dictatorships and two quasi-democratic countries (Thailand and Malaysia). The obstacles to transition to democracy in these countries are a combination of political, economic and cultural factors.

Perhaps one of the most significant impediments to future democratic transition is the lack of democratic experience in most of the countries that have been ruled by autocratic regimes. By 1990, only 13 of the 30 states that had experienced democracy between 1972 and 1990 had managed to take tangible steps towards democracy. Conversely, only a tiny minority of the states that were not democratic in 1990 can claim democratic experience. This latter group includes some countries that renounced democracy during the third wave, such as Nigeria, Sudan, Suriname and perhaps Pakistan. It also includes Fiji, Lebanon, Myanmar (Burma) and Sri Lanka, which reneged in the second wave and could not re-establish democracy in the third wave, while three others (Estonia, Latvia and Lithuania) managed a return to democracy.

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Another serious impediment to democratic transition is the poor commitment to democratic values among political leaders in Asia, Africa and the Middle East, who emerge as outspoken defenders of democracy for as long as they are out of power, but their commitment is put to a real rest once they assume power.

There is wide debate within this strand on the impact of culture and its associated behavioural patterns on democratic progress. Some argue that only Western culture provides a proper foundation for the development of democratic institutions, and some that non-Western cultures (notably Confucianism and Islam) are inherently anti-democratic. Huntington, however, doubts the notion that certain

cultures are incompatible with democracy and cites several reasons for this. First, similar arguments cited in the past could not hold for long. At one point, many researchers claimed that Catholicism was an obstacle to democracy. Others maintained that Catholic countries were unlikely to achieve economic growth similar to that achieved by Protestant countries. However, Catholic countries embraced democracy in the 1960s–1980s and scored higher economic growth than Protestant countries.

Second, grand cultural legacies such as Islam and Confucianism constitute highly intricate sets of ideas, beliefs, sects, assumptions and behaviour patterns. There is no doubt that every grand culture contains elements that are in tune with democracy. The question arises, however: which elements of Islam and Confucianism are suitable for democracy and why? In addition, under what circumstances can these elements replace or nullify the undemocratic elements?

Third, cultures are dynamic by nature. The dominant beliefs and mainstream trends in a society tend to change with time. While the elements that ensure sustainability are sustained, the prevalent culture of a given society can change significantly after one or two generations. On the other hand, Huntington believes that the main driver of cultural change is economic growth and that a strong correlation exists between the level of economic development and the existence of democratic policies. Most rich countries are democratic, and most democratic countries, except India, are rich. The correlation between wealth and democracy suggests that transition to democracy has to take place in countries that are halfway on the path to economic development. As a matter of fact, the shifts from totalitarianism to democracy during the third wave were concentrated in this transitional zone. The third wave of democratic transition received a strong boost from the extraordinary economic growth of the 1950s and 1960s, which came to a halt with the 1973–1974 hike in oil prices. Between 1974 and 1990, the democratization process picked up momentum across the world before global economic growth slowed down.

However, regions varied significantly in terms of growth rates. While growth rates remained high in East Asia throughout the 1970s

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and 1980s, they declined sharply in the Middle East, Latin America and the Caribbean in the same period. In the 1990s, the majority of countries with economic conditions conducive to economic transformation were in the Middle East and North Africa (MENA) region. As the economies of those countries—Iran, Iraq, Kuwait, Libya, Oman and the United Arab Emirates—depended largely on oil exports, the state bureaucracy was particularly strong. That does not mean that democratic progress is impossible in these countries. In fact, state control can collapse in the same way as it did in Eastern Europe, where state bureaucracy was much stronger than it is in some of the oil exporting countries. The Middle East economies and societies are approaching the stage of affluence while the regimes in power are built on a one-party model, with sharp variations from one state to another.

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**Based on historical evidence, economic development and political leadership are the most crucial factors in shaping the future of democracy.**

The pressing issue here is whether the democratization wave that swept the world in the 1970s and 1980s could become a dominant feature of policies in the MENA region, and what political forms and patterns might emerge in these countries when economic affluence interacts with tradition and Islamic values.

Huntington did not answer these questions, but he was confident that the third wave of democracy, or what he called the global democratic revolution in the late 20th century, would not last forever. It might be followed by a new wave of autocracy, which would represent a third counterwave, but that would not preclude the emergence of a fourth democratic wave in the 21st century. Based on historical evidence, economic development and political leadership are the most crucial factors in shaping the future of democracy. Surely, time is running in favour of democracy. Economic development can make democracy possible while leadership can translate it into reality. For democracies that are yet to be born, the future political elites need to believe that democracy is the *least bad* system of government, whether for their society or for themselves. Huntington believes that leaders and elites will need to acquire the necessary skills to make the transition to democracy. At the same time, they have to confront fundamentalist, autocratic opponents who will do everything in their power to thwart such endeavours. Democracy will spread only to the extent entertained by those in power—and only those in power in each individual country. The successive waves of democracy may have

swept away the shores of dictatorship, but history does not seem to travel in a straight line. It drives forward only when those at the helm are skilful, strong willed and supported by favourable conditions.

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## 1.2. HISTORICAL INSTITUTIONALISM

Other studies take a new historical institutionalism approach to the study of transition experiments, particularly since the Arab Uprisings. The focus of this approach is on gauging the impact of institutional patterns on a certain outcome(s). Such analyses are interested in history because an institution created at any historical period will continue to exist for a long period and to have an impact on the political process and associated outcomes in subsequent periods. The institution concept refers to the symbolic and behavioural systems, which include rules related to organizational mechanisms, that can influence individuals by incentivizing them to play certain roles or follow a specific routine or behaviour. These institutions include partisan systems, constitutions and financial organizations. The analysis seeks to demonstrate how one or more of these institutional characteristics can affect certain political interactions and lead to specific results. Historical institutionalism maintains that institutions are not the only variables in the analysis of political outcomes, but intermediary variables around which the struggle of interests, ideas and power revolves. The importance of the institutions is not merely because they are centres of political activity, but also because they provide incentives and set determinants for political actors, and as such they structure political activity.

The historical institutionalism approach is perceived as suitable for studying transition cases in the Arab World for a number of reasons:

1. It has been used to study several revolutions, enabling the researcher to compare similar historical cases.
2. The approach is effective in studying limited cases that do not repeat themselves frequently (such as revolutions), but is of little help in studies where the community to be researched is large and where the research involves the selection of samples and use of statistical induction.

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3. Some studies have used the historical institutionalism approach to interpret changes that took place in other regions of the developing world, such as Latin America. This helps to draw comparisons between the Arab region and other areas of the developing world.

As the Egyptian, Libyan and Tunisian revolutions followed different courses, this enables the researcher to interpret convergences and divergences in outcomes, to look for a common factor that interprets these cases and to guard against drifting into generalizations that do not take societal differences into consideration. Historical institutionalism employs comparative history instruments and the 'within case' analysis instruments, which use narrative and causal analysis by tracing the effects of certain factors. The uniformity of the analysis depends on collective structures such as social movements, political parties, and religious organizations. The researcher uses primary and secondary sources.

Historical institutionalism depends for its analysis on the following elements:

1. Path dependence which suggests that the options of actors rest on the formation of institutions or policies. The latter have a limiting impact that continues into the future. This is because institutions and policies are stagnant by nature and not prone to change. Once a specific course has been set, moving to a different course requires significant effort. This underlines the impact of history. Reproduction or change takes place for contingent reasons, and by other actors who have not taken part in the formation or maintenance of the institution or the policy.
2. The critical juncture, referred to above.
3. The chain reaction of political forces and institutions, which depends on the availability of feedback mechanisms that reproduce the old policies or institutions, or on a shock from an external source (Haj Ali 2012).

Table 1.2 illustrates the historical institutionalism model. The present study has modified the Mahoney paradigm because its interpretation of path dependency relies on the law of incremental returns. That law is based on the premise that the path is difficult to change once



**Table 1.2. Historical institutionalism model**

| Previous position  | Critical juncture  | Structural endurance  | Reaction   | Outcome                                   |
|--|--|---|--|---|
| Reactions for or against the elites and subjected groups | Reproduction of the class, or the government, or the government class structures, or change of the institution | Development of a specific government policy, or emergence of a new alliance | The relative power of major political or economic actors | Conflict resolved and new systems created |

formed, due to the high associated costs. The present study believes that interpretation based on a change of power structures instead of incremental return would dilute the deterministic nature of the paradigm. The change in the system's power structures explains the shift in institutions or, in the case of the Arab transition cases, their reproduction. Social institutions reflect the distribution of social powers, and it is this distribution that enables more powerful actors to impose their institutional interests on less powerful actors. Based on the research thesis, we can apply this general paradigm to the transitional stages of Arab revolutions (see Table 1.3).

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### 1.3. PATH DEPENDENCE OR CRITICAL JUNCTURE

The path dependence paradigm (Haj Ali 2012) is capable of being accommodated and applied by different theories. Historical institutionalism, for instance, uses it to analyse transitional stages as it asserts that the options of actors at critical junctures have an impact on the formation of institutions or policies. Policy formation has a limiting impact that continues into the future because institutions have stability, are almost stagnant by nature and are not prone to easy change. Once a specific course has been set for them, taking them on a different course will require significant effort. Reproduction or change takes place for contingent reasons, and by other actors who have not taken part in formation or maintenance of the institution or the policy. The chain reaction of political forces and institutions depends on the availability of feedback mechanisms that reproduce the old policies or institutions, or on a shock from an external source (Haj Ali 2012).

**Table 1.3. Transitional stages of Arab revolutions**

| Previous position   | Critical juncture   | Structural endurance   | Reaction  | Outcome  |
|---|---|--|---|--|
| Nature of revolutionary change: toppling of regime heads (Egypt and Tunisia); collapse of the entire regime (Libya) | Toppling of the ruling regimes in Tunisia, Egypt and Libya due to their weak structures | Government–society relationship (a dominant role for the government in the three countries)<br><br>Government relationship with military and security institutions (a dominant role for these institutions in the three countries)<br><br>Nature of alliances (the army and the public sector in Egypt and Tunisia; the military and some tribes in Libya) | Struggle among the elites over reproducing state institutions or selecting new ones (struggle over the future of Egypt and Tunisia; security disturbances in Libya) | Reproduction of the old institutions (in Egypt, due to the availability of effective feedback mechanisms)<br><br>Institutions' adaptation to the new environment (in Tunisia, due to limited capacity of feedback mechanisms)<br><br>Creation of new political institutions or anarchy (in Libya, due to regime collapse through external influence) |

Source: Haj Ali, H., *Transition Stages of Arabic Revolutions: An Institutional Approach to Interpretation* (2012).

Despite the analytical richness of this interpretation, and the ability to incorporate the path dependence paradigm into the transition literature, we believe it would not be of much help in highlighting the past cases, including the case of Sudan.

The path dependence paradigm is also capable of being accommodated within historical evolution or the substantive course of that evolution. This is because the critical juncture options might not be compatible with the requirements (laws) of forward-bound historical motion. However, embracing the dependence paradigm does not necessarily mean adoption of historical inevitability. We, of course, recognize that inevitability takes multiple shapes: geographical, environmental, economic, biological, and so on, but what we mean here is the historical inevitability of Ibn Khaldoun, Marx, Barrington Moore and others.

The value of the path dependence paradigm lies in the fact that it defines a historical 'critical' juncture that is so historically dynamic and effective that it sets the path of subsequent stages; that is, the present is influenced by the past and the future is shaped by the present, particularly when reality does not lend itself to change (as in our case). Although the public stance of the ruling class has been in favour of facing reality, their behaviour has been characterized by fear of reality and a determination to fight it. We should therefore dig into the past to identify that critical juncture in the past that shaped the present. The question is: what is the decision point that can be called the critical juncture? How deep should we go into the past? What if more than one decision point can be identified?

A critical juncture represents a historical turn that has future implications even if it becomes associated with other competing options. In the absence of the multiple options, the chances of finding a critical juncture are reduced. Another important characteristic is that once a given option is selected, it will be difficult to return to the point where there were many options. One example might be agricultural reform in Nasser's era—a scheme that represented a breakthrough in the social structure. Not all options have the characteristics of a critical juncture in the life of a society, and it is only during true critical junctures that other choices become irrelevant—and only those decision points that close off important future outcomes should be treated as critical junctures.

Of course, all dominant trends take root in society, in that they develop physical presence in society and all their premises constitute alternative options to be adopted in the future. It is critically important to identify the active powers during the critical juncture, from the dominant role of charismatic leaders, such as Kamal Ataturk and Abdul Nasser, to the cumulative impact and frequency of events. Sometimes, critical junctures are described as moments where contingent, invisible events play a major role in shaping them, such as the emergence of the National Islamic Front in the 1980s and its exploitation of the civil war in the south. Hence, analysis as part of the path dependence paradigm is based on attention to small events with significant implications, on tracing the impact and emergence of the vital forces or on anachronisms outside of theoretical frames.

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Many periods in Sudan's history stand as candidates for classification as a critical juncture that influenced subsequent developments. It would be impractical to examine in this limited space all these periods and draw comparisons. I have chosen the period between the national reconciliation in 1977 and the declaration of September 1983 of Sharia law as a critical juncture that paved the way for ensuing developments (el-Battahani 2010). My selection is based on the fact that the period caused a structural shift in the balance of power of classes and ethnicities in Sudan.

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**The relationship between capital and work is the cornerstone of the democratic process.**

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#### 1.4. CLASS-BASED BALANCE OF POWER

Democracy is associated with what nations have gained across history, by varying degrees, in terms of freedom of expression for the individual and the group, and freedom of the working individual from control of the absolute monarchy, the church and capital. Lenin called democracy 'the best political shell for capitalism' (see Jessop 1983: 272–89). The concept of class power is not exclusive to the economic component, despite its dominant relative importance in the final analysis. This means that the relationship between capital and work is the cornerstone of the democratic process. Democracy in this context refers to a government elected by the majority of citizens who enjoy equal voting rights, exercised without coercion or intimidation. There is a clear acknowledgement that the hegemony of capital, or social and religious leverage, can reduce democracy to a superficial legal process. The challenge lies in transforming it to a democracy with a true social context, providing 'real choices' at elections and an environment that enables the governed to hold the governors accountable.

This perception goes beyond the superficial view of democracy as an institutional body and a legal-political formula that regulates the loyalty of the governed, to lend it human-liberal and social dimensions. The mere existence of institutions, such as parliament, political parties, the judiciary, and so on, will not bring about true democracy unless accompanied by the socio-economic conditions that give all the governed—the grassroots, trade unions, women's organizations, underrepresented ethnicities and youth movements—access to full constitutional rights, the right to participate voluntarily

in political and social activities, and the right of association unhindered by capital coercion, hegemony of the ruling ethnicity, and the influence of the sectarian, tribal and clannish groups.

Our emphasis here is on what we call the interrelatedness dimension: the underlying sub-structure of the legal architecture, which reflects the power relations between contending classes and ethnic groups, and the balance between these relations. We refer here to the capability of the grassroots classes to build associations independent of capital and state power, and to freely express their political and social interests. We also refer to the capacity of social categories and groups, such as those listed above, to self-organize and express their unique identity, and take part in the political power and economic development even in the absence of democratic institutions (el-Battahani 2011).

Historically, Western societies have managed, at least in some countries, to strike a balance between capitalism as a dynamic economic system and organized labour in a context of liberal democracy as an 'open' political system. This was possible because the growth of productive forces and increased productivity provided expansive exploitation capacity for capital while at the same time offering an opportunity to increase wages and enhance the incomes of the grassroots classes. This is what sets the social system of capitalism apart from other systems. 'There is exploitation, but there is better quality of life.' In addition, to a great extent, capitalism offers a true space for independent political activity thanks to a 'historical balance' between capital and labour (Therborn 1983). This socio-economic context provides solid grounds for a 'historical compromise' between capital and labour. In the presence of political parties and trade unions 'social-political agency' can lead the settlement. In relatively successful cases, the settlement is led by political forces under conditions of full hegemony in Gramscian terms. One example that comes to mind is the experience of the African National Congress (ANC) in South Africa. This provides the state with a significant margin for independence and capital with room for manoeuvre to readjust the class-based balance power in its favour. This distinctive characteristic of democratic Western societies is not shared by African and Arab societies with predominantly non-productive, rentier economies that are subordinate to

international capitalism. The key question in the case of African and Arab countries is how crucial the economic variable (capital) is in enhancing the efficiency of the economic system and lending a social dimension to democracy that would help the ruling class reach an acceptable political settlement with the governed classes; a settlement that gives the latter access to constitutional rights and political participation, as well as adequate economic rights to meet minimum livelihood requirements.

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**The paths of political-democratic transition are influenced by several factors that could result in the reinstatement of or lend legitimacy to the old regime.**

It could be argued that the paths of political-democratic transition are influenced by several factors, such as the distinctive geography and history of each country, the balance of power between the major social segments, external influence on the political scene, the efficiency of the economic system, democratic transition mechanisms, social-political agency and a reduction of the political-democratic transition to procedural aspects (early elections) that could result in the reinstatement of or lend legitimacy to the old regime. The brief references to the experiences of other countries reflect the relative importance of each factor in each case. In the case of Sudan, as mentioned below, each one of the analytical paradigms highlights one aspect of the various experiences. However, finding a linkage between the path dependence paradigm and the class-based balance of power provides a framework that can help to explain and understand transition cases, particularly in the post-April 1985 period.

Hence, to analyse the nature of a transitional stage, we need to define the main variants that govern that stage, the importance and relative weight of each variant and the variant that plays a crucial role in driving the transition from one transitional pattern to another. Even the patterns that are used as measures are 'optimal patterns' that do not reflect reality. They just provide general indicators for transition cases of patterns experienced by many countries and discussed in the comparative literature.

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## 1.5. SOME TRANSITION MANAGEMENT EXPERIENCES

### **Regime calcification and collapse: Yugoslavia**

After the dramatic experience of the socialist regime under Joseph Tito, an experience that might be more closely identifiable with

the state capitalism of the Soviet Union, the national ethnicities that made up Yugoslavia grew restive. The centre's grip on power loosened and the regime was defeated in an external or internal war, or failed to quell internal mutiny in one or more places. In the face of mounting opposition, the regime was forced to make partial concessions by calling free general elections. The opposition took advantage of the opportunity to pull together their ranks. The end of the regime came when it lost the election and the regime leaders were brought to justice. A regime's collapse is a combination of partial concessions and popular mobilization from the bottom up. This is because any concession, no matter how small, is tantamount to making a hole in the wall of totalitarianism. Such a hole will continue to expand and will lead, in association with other factors, to the collapse of the political centre. This case is also exemplified by varying degrees by Argentina, Brazil and Chile, Portugal and Spain.

### **Reform as a manoeuvre: MENA**

The regime is built on historical legitimacy, leading the struggle for independence or state-led development in the absence of an independent property-owning class. At some point, however, the regime is faced with internal and external pressures for modernization and to keep pace with development. To absorb the pressure, the regime adopts peaceful tactics where possible (Egypt under Sadat and Mubarak, Algeria, Morocco, and Jordan). Sometimes, it emerges victorious from strife with the opposition by managing to keep its socio-political structure intact in return for some concessions and amendments to the constitutional and legal framework of government. Under these concessions and amendments, the peaceful or armed opposition is allowed 'partial' access to political participation, while the ruling party curtails, or seems to curtail, its powers and privileges. They end up as an elder brother and a number of younger brothers and sisters with a limited margin for freedom and limited space for association and mobilization. That margin is expanded or squeezed as dictated by political events.

### **Expanded centre and co-opted opposition: Angola**

One of the characteristics of this partnership model is the ability of the centre (the incumbent regime) to absorb both peaceful and largely armed blows, and its ability to employ the rent proceeds of its

natural resources (oil, diamonds and gold) to buy arms to liquidate armed opposition while offering lucrative incentives to opposition leaders to participate in the existing power structure.

Something similar to this has happened in Angola. Since it seized power, the Luanda Government led by the People's Movement for the Liberation of Angola faced armed opposition from The National Union for the Total Independence of Angola (UNITA), led by Jonas Savimbi. After extensive cycles of triumphs and defeats in guerrilla war, and a series of futile negotiations, a breakthrough came with the collapse of the socialist bloc and the fall of the racist regime of South Africa. These two major events presented new realities that both the Luanda regime and UNITA worked hard to take advantage of. The central government adopted a two-track strategy: gradual renouncement of its Marxist programme and embracing of the market economy and opening the door for opposition forces to have a share in power. In parallel, it channelled all its revenues into enhancing its military capabilities. Using a combination of military force and political tactics, it ultimately managed to defeat the UNITA forces and, following the death of the opposition leader, the government was able to lure UNITA and impose its own partnership terms. This type of partnership reflects the ability of the ruling regime to expand and pool its resources to defeat and accommodate armed forces in such a way that it manages to maintain its grip on power, despite the concessions it has to make, including a significant shift in its ideological line.

### **Reform from inside: The Soviet Union and Eastern Europe**

The experience of the Soviet Union remained a source of inspiration for many countries until, as was the case in Yugoslavia, the nationalities that made up the federation began to dispute Russian hegemony. In this case, however, the response came from within the regime, when Mikhail Gorbachev presented his *Perestroika* and *Glasnost* policies in a bid to revive his regime. However, he failed to implement the aspired reforms due to a combination of internal and external factors, things got out of control and conservative forces failed to protect the old regime even by staging a military coup. As a result, the federation disintegrated. The only difference with the case of Yugoslavia was that the Russian centre inherited the power of the Soviet Union and managed to maintain a confederate relationship



with a number of the former Soviet republics. The rest of Eastern Europe witnessed different transition patterns.

### **Transition based on partnership and mutual interest: Mozambique**

The same factors that brought about change in Angola and South Africa caused a somewhat similar change in Mozambique. Post-Cold War developments, which put an end to the racist regime in South Africa and paved the way for international community intervention, forced the ruling Mozambique Liberation Front (FRELIMO) to come to the negotiation table with the armed opposition movement: the Mozambican National Resistance (RENAMO). Despite ideological differences, the two parties forged a bilateral partnership that was to change the structure of the entire political system, as it excluded all other political forces while the two parties grabbed each a share of power and a part of the country. This was a partnership built on suspicion and distrust.

The difference between this partnership pattern and the historical compromise partnership is that the concessions made under this partnership are made by the parties within a framework of bilateral partnership that does not factor in the public interest or mobilize the energy of the entire society towards national development. In other words, the bilateral partnership in Mozambique served the exclusive interests of the two parties at the expense of the public interest. This alienated the other political forces and a great proportion of the population as the two partners turned a deaf ear to their demands and aspirations. This created a state of political indifference, which manifested itself in a popular boycott of the 2000 elections.

### **Rebuilding the centre: The Ethiopian/Ugandan model**

Here two countries are enduring protracted civil war and violent conflict. Responses from the centre of power to internal and external changes are slow, hesitant and unclear. Losing the support of external allies, the authorities have no resources to improve their military arsenal to protect against mounting military opposition from several groups and ethnicities that hold historical grievances against the centre. The centre collapses and emerging regional ethnic powers ascend to power, but the new centre does not offer a fair share of power to all parties. The centre is rebuilt on a new centrism that

shows a willingness to change, but its steps in this direction are also slow and hesitant. It should be noted that Ethiopia and Uganda took somewhat different courses, as the former adopted ethnic-based federalism and a looser grip from the centre, while Uganda opted for a strong one-party model. Both experiences tried to present a model of a development-focused state or 'development without pluralistic democracy' (el-Battahani 2011).

### **Transition based on historical compromise: South Africa**

The South Africa experience reflects the importance of a class-based, socio-political balance between capital (white settlers) and labour (the native population) at the time of transition. The ruling elite remained in power for a relatively long period during which major socio-economic developments along capitalist lines took place. Nonetheless, the ruling class failed to gain political legitimacy or to silence the opposition, while the opposition posed a direct threat to political and economic stability but failed to depose the ruling authority. This tempted the rulers and the opposition to agree a 'historic compromise' based on a win-win formula rather than a zero-option where the winner takes all and the loser loses everything.

Transition leads to a regime substantially different from the old one, particularly in terms of political and constitutional rights, but what happens is something closer to a mutually acceptable trade-off, as the political elite takes a back seat to look after its economic, business and academic interests while a new elite leaves the opposition seat to take power without prejudice to the existing economic order.

A salient feature of this partnership pattern is that neither party is able to defeat the other. However, one of its most important characteristics is that both parties are convinced of the need to accept and work with each other to achieve their respective interests, as well as the public interest. The partners do not waive their private interests, but they do make some concessions that create ample space for combining private interests with the overall national interest. The partnership here guarantees each partner a space in the political system, but not necessarily a place in executive control of key economic levers.

As is well known, the racist regime in South Africa could not stand in the face of mounting ANC-led internal opposition and the growing isolation and boycott by the international community. On the other hand, the ANC managed to make the cost of remaining in power extremely high for the regime but could not overthrow it. A combination of internal and external factors set the stage for a historical settlement. Domestically, the racist regime succeeded in transforming the productive structure of the economy and creating independent economic bases for its constituency. At the same time, the emergence of a new local bourgeoisie and middle class prompted the ANC to veer gradually towards a moderate nationalist course. Externally, the collapse of the socialist bloc prompted the USA and other Western states to pressurize the two parties to make mutual concessions and reach a settlement that would keep the country together. Both parties responded positively to the proposed arrangements, which then expanded to include other parties such as the Inkatha Freedom Party, trade unions and other civil society organizations. Although driven by two main parties, the arrangements transformed into a partnership open to all, where a share of power is justified by historical interests.

### **The vicious circle transition: Sudan and Nigeria**

Here ruling political elites find themselves from time to time in the midst of tough economic hardships aggravated by civil war, insurgency, drought and desertification, as well as strong waves of migration from rural to urban areas. The regime cannot keep things under control and the opposition steps up its action against the regime. Demonstrations and unrest break out in cities, led by students and professional associations, attracting other classes. The regime collapses but the fractured opposition elites fail to revive their organic relationships with their ranks.

At a critical moment at the apex of confrontation, the army, representing the state oppressive organs, takes a neutral stance allowing regime change. A limited period of transition is agreed as part of a deal struck among the elites but gives way to changes in the regime's constitutional and legal structure. Following free and fair elections (at least in procedural terms), representatives of triumphant political parties take power. However, the elected civilian government quickly circumvents the call by popular forces for radical or at least

meaningful change. The civil elites fail to run the country efficiently and in the face of mounting crises the army steps in once again in a military coup. Almost immediately, some of the same crises as previously besiege the new military regime, leading once again to protests and the overthrow of the military regime. A sequence of transitions follows as elections bring back civilian elites that once again fail to deliver, triggering a military takeover. This is a scenario of a vicious circle: a failed civil regime followed by a military coup, then a revolution or an uprising that brings another ineffective civil regime, a military coup, an uprising, and so on. Examples of this are the case of Sudan in 1964–1985 and Nigeria.

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As noted above, we are trying to establish a link between the path dependence paradigm and the class-based balance of power paradigm, which will hopefully help to analyse and understand past transitions in Sudan. Chapter 2 discusses Sudan's past experiences and presents the proposed analytical framework.

## Chapter 2

# PROCEDURAL AND SUBSTANTIVE REQUIREMENTS FOR TRANSITION

Past experiences are helpful in building a paradigm for analysis and extracting lessons to avoid future failure. The first step in building an analysis paradigm is to define the terms and the concepts. We have to define exactly what we are talking about, whether it is a coup, a reform, a transition, a revolution, a limited or an all-out transition. We also need to determine the difference between a revolution and an uprising, and to specify whether it is a single transition or multiple ones, and what the transitional stages are.

The limited space available here does not allow an elaborate distinction between all these terms. However, based on the general definition of transition experiments in Sudan (the October 1964 Revolution and the April 1985 Uprising), it may suffice to explain the difference between a revolution and an uprising. There is a huge difference. An uprising aims to change the ruling political regime, such as happened in October 1964 and April 1985, but does not go beyond that to bring about a structural change in the power structure. A revolution, on the other hand, is an all-encompassing change that involves the economic, social, political and cultural set-up of any given country, such as the French and Bolshevik revolutions. Historical revolutions herald a political vision of irreversible, structural change. The revolutionary forces necessarily engage in continuous battles against the guards of the old regimes, both within the country and abroad. Although they may not be able to achieve all the revolution's objectives, these revolutionary forces manage in most cases to drive societies along an objectively progressive forward course of history, thereby rendering regression to the pre-revolution era unlikely.

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**Past experiences are helpful in building a paradigm for analysis and extracting lessons to avoid future failure.**

**Political parties and socio-political forces hold divergent views on the concept and substance of the 'transitional period'. Some restrict it to technical and procedural processes.**

Political parties and socio-political forces hold divergent views on the concept and substance of the 'transitional period'. Some restrict it to technical and procedural processes. The main focus of this group is to have elections as early as possible, little bothered by the question of the legitimacy of the prevalent political, social and cultural conditions under which such elections are to be conducted. This stream of thinking does not dig deep into the nature of the state or the structure of power. The transition in this case is 'partial', and limited to the allegiance group. It is not a qualitative change in the state apparatus and the structure of power. This concept is represented by the National Congress Party, and at varying degrees its allies. In contrast to this partial and limited concept stands the comprehensive transition concept, which leads to the creation of a political system that is substantially different from the existing regime in terms of institutions, laws, orientation and 'core beliefs'. This concept was largely represented by the Democratic National Alliance, although it was an umbrella for diverse components.

If the concept of transition is multifaceted and multidimensional, then it would be legitimate to ask what type of transition we are talking about:

1. From autocracy to democracy, without affecting existing state institutions?
2. From a state of war and conflict to a new stage that sets the foundations for a social contract to govern the institutions of a state built on equal citizenship?
3. From a market and predatory capitalism economy to a state and social justice economy?
4. From a conservative, masculine, patriarchal social system to a social system that preserves gender equality and opens the door for youth to engage in all life's activities?
5. From a system where social authority is monopolized by the clergy class to one where the social authority respects human rights and frees the individual from clergy control? Or;
6. From a system that squanders natural resources to one that maintains environmental balance?

Transition, whatever its concept and substance might be, has certain requirements.

### Procedural requirements

Technical, procedural requirements represent half the total requirements of transition. They reflect the balance of power on the ground, but they must be highly sensitive to the interests of the powers that supported the transition. They must also keep a vigilant eye on the forces that can hamper it.

1. How did the past regime collapse?
2. How can the 'most active' forces be represented in the transition process?
3. To what extent are the opposing forces united? Are they dominated by a spirit of unity or by political and ideological divergence and polarization?
4. How are resolutions passed: by a simple majority, a two-thirds majority or unanimous vote?

### Substantive requirements

Among the substantive requirements, which represent the other half, are:

1. The concept of transition: What does it stand for? What is the content of transition?
2. What kind of forces led the opposition against the incumbent regime? Did they establish an alliance with some wings of the ruling regime?
3. The major challenges facing the transitional period: settling armed conflicts; finalizing nation-building efforts; building state institutions; establishing political participation criteria, etc.
4. External relations: regional and international, and the extent of their involvement.

There is no clear-cut dividing line between procedural and substantive requirements. Some issues are both procedural and substantive. One example of this in Sudan is the agreement to conduct a probe into the sit-in massacre (Salih 2019b).

In sum, it is the balance of power at the moment of political change that defines the guiding principles of the political agreement. These are subsequently translated into a constitutional declaration that defines the powers and functions of the transitional authority and the

practical steps for forming a transitional government for a definite period with defined tasks. Usually, the charter has a higher legal value than the constitutional declaration and the fundamental laws. Where a conflict exists between the constitutional declaration and the charter, the latter prevails in conjunction with the balance of power.

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**Transition is a process that involves a series of successive processes with outcomes that supposedly help the whole of society to move forward.**

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## 2.1. ANALYTICAL FRAMEWORK OF TRANSITION

This is a framework built on a synthesis accommodating a number of variables, citing the dictum reality is richer than theory. While acknowledging that transition is a universal phenomenon, our proposed framework still allows for accommodation of the unique characteristics of each particular case. Transition is a process that involves a series of successive processes with outcomes that supposedly help the whole of society to move forward. This framework, in other words, views transition as an intertwined process that presages a shift to a new and different stage where the interaction of variables should ideally drive the whole of society forward, although it may lead to unexpected outcomes, such as stopping midway or reproducing a slightly improved version of the old system.

This proposed framework builds on Hegel's and Marx's concept of history. Hegel's dialectic conceives of society moving forward '... painfully in stages to self-knowledge' in the larger movement of human history. Human consciousness driving change forward reflects objective laws of motion based on socio-economic drivers.<sup>3</sup> Concepts and theories may find a place within this wide frame to explain some cases. However, in the present case, we believe that the path dependence paradigm along with Gramsci's concept of hegemony are suitable for the purpose of analysis (el-Battahani 2011). It is worth saying that awareness of the dynamic nature of the transition period and its variances requires a package of

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3 On Hegel see Cohen (1978: 2). On Marx see *The Communist Manifesto* (Marx and Engels 1848). In the absence of awareness of the dynamism of history, the matter is resolved by the laws of nature, i.e. politics as physics as described by David Landes (1988: 63), who put forward a law of social and political relationships, that three factors cannot coexist: (a) a marked disparity in power; (b) private access to the instruments of power; and (c) equality of groups or nations. Where one group is strong enough to push another around and stands to gain by it, it will do so. Even if the state abstains from aggression, companies and individuals will not wait for permission. Instead, they will act in their own interests, drawing others along, including the state.



interventions or procedural and substantive steps in a creative blend that might constitute what we call the 'ideal pattern for management of the transition process'. The idea was inspired by South Africa's experience in the early 1990s. The procedural and substantive components are equally important, as each accounts for half of the requirements of a successful transition.

I should point out once again that the emphasis here is not on identifying the political forces' perceptions of the transitional period, but rather on examining the phenomenon of transition from the current political system in Sudan to another system, and the outcome of this process. We examine it as an objective, substantive phenomenon that interacts with several variables. In our opinion, the roles and perceptions of political parties are just one variable among many (see Table 2.1).

### Transition period tasks

1. Translate the balance of power into a political agreement (declaration of principles).
2. Include political arrangements as part of a Constitutional Declaration.<sup>4</sup> The Constitutional Declaration must reign supreme over the transitional authority's institutions.
3. Move from a Constitutional Declaration to transitional period institutions (sovereign council, legislative council, transitional government).

Translating the balance of power into a political agreement is influenced by many factors on the ground, such as squabbles and manoeuvring between political parties behind the scenes that lead to regime change. These manoeuvres are governed by a number of variables, and positions can change frequently and lead to unexpected outcomes, such as the Egyptian Muslim Brotherhood's stance after the removal of Hosni Mubarak, or may stay firm from the early moments of regime change (as in Ethiopia in 1974 and also in 1990).

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**The procedural and substantive components are equally important, as each accounts for half of the requirements of a successful transition.**

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<sup>4</sup> We have to distinguish here between constitutional consensus and political stands. While the former is binding, the latter is variable and dynamic. For instance, the Muslim Brotherhood in Egypt committed to the constitutional arrangements, but their agreements with the other political forces kept changing based on political considerations. However, that did not constitute a violation of the Constitutional Declaration.

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**The tasks of transitional periods often differ from those of governments with an 'election mandate'.**

The tasks of transitional periods often differ from those of governments with an 'election mandate'. Transitional governments are temporary political-legal arrangements for carrying out specific tasks that reflect the balance of power. These tasks do not include those of a permanent constitutional nature that require a direct mandate from the people, as the source of legitimacy. Legitimacy in this case is a 'legitimacy of transition' (Al Ashqar 2019), which is different from 'revolutionary legitimacy' even though the old regime has lost its justification for existence, but it is not an all-out revolution. They may include the creation of transitional institutions: a state system, an executive organ and a legislative council for specific tasks, falling short of a total revolution.

As noted above, transition patterns vary according to the internal balance of power, the role of external players in political action, the efficiency of the economic system and socio-political agency. Reducing the political-democratic transition to procedural aspects (such as early elections) could result in reinstating or lending legitimacy to the old regime. Once again, we stress that the outcome of the transition processes can be influenced by many other variables, such as:

1. The unity of the forces for change, how well organized and coherent they are and the level of popular support they enjoy.
2. The role and intervention of external actors.
3. Civil war, and the difficulty of peaceful coexistence under a single political entity.
4. The position of the army, and more recently of other armed forces (neutral or unable to win by military force).
5. Political activity and the relationship between civil society and political forces.
6. Polarization, fragmentation and the absence of minimum grounds for agreement between political forces.
7. The economy's productive base and capacity for economic growth.
8. The economic importance of the state to the ruling elite (crony capitalism).

Not all these variables appear in all cases of transitions. Their existence and importance vary from one country to another, and

even within the same country from one period to another. These variables interact positively and negatively during the transition stage, giving birth to several transition patterns, not just one. Of course, this depends on the relative importance—and the interactions—of the variables. One party's confidence in its ability to win a war will have an impact on the transitional stage, even if the warring parties are taking part in it (see Angola). The external factor may be crucial (the role of Tanzania in Uganda). The absence of opportunities for peaceful coexistence can modify the nature of the political system, just as happened in Eastern Europe following the collapse of the Soviet bloc. The state may lose its economic importance to the political elite, and this will facilitate the transition process. However, the state might continue to be an important economic factor for the ruling elite, in which case the transition process will be jeopardized, as was the case in Sudan post-April 2019. The armed forces can play a primary role in helping one faction to dominate others, thereby expediting transition, as happened in Yugoslavia and Romania. On the other hand, reliance on natural resources (gold, diamonds and oil) coupled with poor productive infrastructure invites more insurgencies and jeopardizes transition to democracy and a sustainable peace, as has been the case in many Central African states (such as the Democratic Republic of the Congo and Sierra Leone).

Hence, to analyse the nature of a transitional stage, we need to define the main variants that govern that stage, as well as the importance and relative weight of each variant, and identify the one that plays a crucial role in driving the transition from one transitional pattern to another. Even the patterns that are used as measures are 'optimal patterns' that do not reflect reality. They just provide general indicators for transition cases and patterns experienced by many countries and discussed in the comparative literature.

Each type of transition has its own logic. A transition from autocracy to democracy is different from a transition from war and conflict to peace. Advocates of the former transition have their eyes set on early elections because their priority is to join the existing institutions, with which they are not really at odds. On the other hand, proponents of the latter transition stand against the existing regime institutions that do not recognize their human and citizenship rights. Therefore, transition to a post-conflict era differs significantly from transition to

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**The absence of opportunities for peaceful coexistence can modify the nature of the political system.**

a post-autocracy era, as it aspires to a social contract to govern the institutions of the citizenship state.

Countries suffering from both autocratic rule and internal conflict and war will have to combine these two types of transition. Things become even more complicated in the case of the expanded influence of conservative patriarchy on social, cultural and religious institutions, which undermine women's and youth rights.

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## 2.2. POLITICAL FORCES AND TRANSITION

I believe that a strategic focus of political forces drives the political transition process, including the achievement of peace and democratic transitions, and leverages the positive energy resulting from the transitional period arrangements to meet the procedural and substantive requirements for a credible transition that serves the mutual interests of all parties to the political process.

It is important to stress that the inner movement behind transition led by opposition forces should not target achieving all the objectives sought by opposition parties and those of the national interest, assuming the interests of the parties overlap with national ones. Nor should it be inferred that reluctant members of the opposition or even some pockets within the defunct ruling party are keen to maintain the status quo. This is a delicate balancing act. In the space between full achievement of the goals sought by transition forces and moving away from the status quo can be found boundaries in which political forces struggle to shape the outcome of transition. This perception is based on three themes.

The first theme is the concept of transitionality, which is linked to the nature of power as power. We suggest that the perspective of opposition factions tends to liberate the concept of power from its coercive element, which is based on physical coercion (legal, cultural, ethnic, and masculine) as well as mental coercion, and which reduces all the dimensions of power to military force. This is a transition with an unlimited timeframe. It is not foreseeable, but it is not impossible either, that the transitional period would lead to a full transformation of the social order and its full liberation from the unilateral hegemony

of the two ruling parties. However, the political movement should not rest on its laurels, as drastic change to the concept and structure of power constitutes a future work agenda.

The second theme is the political constitutional arrangements, which are the balance of power between the various segments of society. It is clear that the peace agreement and the transitional constitution have provided for power sharing among the parties that renounced a military solution and reached a power-sharing agreement that excluded active political and social players.

The third theme is linked to the political and constitutional arrangements, which gave birth to a new political reality that permits a relatively large space for political forces to mobilize their constituencies and membership, and establish alliances with emerging social actors by taking advantage of the current socio-economic climate.

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**The political movement should not rest on its laurels, as drastic change to the concept and structure of power constitutes a future work agenda.**

## 2.3. OVERVIEW OF THE PAST TRANSITIONAL PERIODS

Below is a summary of the general historical context of the Sudanese transition processes. Each of the subtitles could be the subject of separate research. This list is followed by a brief description of the main characteristics of each transitional period.

1. Colonial rule, 1898–1956; the first transitional period, 1953–1956.
2. The first democracy, 1956–1958.
3. The first military rule, 1958–1964.
4. The second democracy, 1964–1969; the second transitional period, 1964–1965.
5. The second military rule, 1969–1985.
6. The third democracy, 1985–1989; the third transitional period, 1985–1986.
7. The third military rule, 1989–2019; the fourth transitional period, 2005–2011.
8. The fifth transitional period, 2019–unknown.

**Table 2.1. Transitional periods, 1953–2019**

| Transitional period | Time span     | Factors         | Actors  | Modalities of change                | General evaluation                     | Comments            |                                 |
|---------------------|---------------|-----------------|---|-------------------------------------|--|---------------------|---------------------------------|
| 1                   | 1953–1956     | Relatively long | Development of nationalist movement; political independence | The UK, Egypt, Nationalist Movement | Negotiations and post-war era          | Relative success    | Notable role of external powers |
| 2                   | 1964          | Short           | Trade unions; the South issue; freedoms                     | Trade unions, students              | Civil disobedience; army stays neutral | Success and failure |                                 |
| 3                   | 1985          | Short           | Autocracy; political repression; the South                  | Trade unions, students              | Popular uprising, army intervention    | Success and failure |                                 |
| 4                   | 2005–2011     | Long            | The South, Centre-Margins                                   | NCP, SPLM, IGAD*, the West          | Protracted negotiations                | Failure             | Notable role of external powers |
| 5                   | 2019– unknown | ?               | Corruption; political repression; armed conflicts           | The youth, women, rural areas       | Demonstrations, sit-in                 | ?                   | ?                               |

Source: el-Battahani, A., *The Crisis of Governance in Sudan: A Crisis of Hegemony or a Hegemony of a Crisis?* (Khartoum: Khartoum University Press, 2011).

\* Note: Intergovernmental Authority on Development (IGAD)

### The first transitional period, 1953–1956

- The Graduates Congress, the formation of political parties and the state of fragmentation that prevailed in the country (Hasabu 1985; Collins 2008: 61–68).
- The local and international climate after World War II; the rise of nationalist movement.
- The Juba Conference, 1947, and the Legislative Assembly after the North Sudan Consultative Council experience.
- Self-rule agreement, 1953 to the 1954 elections.
- From unity with Egypt to declaration of independence 1956.

The first transitional period began in March 1953 when the Anglo-Egyptian condominium agreed to put Sudan under three-year self-rule, during which time it was to Sudanize senior government posts and oversee the departure of all foreign troops (Salih 2019a). While these tasks were achieved in two years, that transitional period witnessed serious security challenges: namely the March 1954 incidents and the Torit Mutiny of August 1955. Nonetheless, Mr Mahgoub Mohammed Salih describes it as one of the most successful transitional periods for several reasons, notably that the duration was long enough to overcome the challenges, and that the objectives were clear-cut and a great spirit of cooperation prevailed among all stakeholders.<sup>5</sup>

### The second transition, 1964–1965

- A 10-year plan with socio-economic development at its centre.
- The rise of workers, trade unions, and peasant, student and professional activism.

<sup>5</sup> The row over economic development was stirred by the then Finance Minister Hammad Tawfig's decision to raise the price of one pound of sugar by one piaster. That would have allowed him to save 5 million pounds sterling, which would have been enough to pay reparations to the British as per the agreement to pay 8,000 pounds sterling for each position to be vacated by the British in favour of the Sudanese. With sugar consumption estimated at 800 tonnes, adding just one piaster to the selling price would save the necessary amount to facilitate the British departure from Sudan. The opposition wanted the proceeds of the price increase to be invested in development and construction, while the minister's priority was the departure of the British, which gave rise to the famous slogan 'liberation, not construction'. However, the policy was controversial (Salih 2019a).

- A leftist-majority government disbanded in February 1965 under pressure from the Ansar Sect.
- The new transitional government reflected the influence of the two major parties: the Umma and the Democratic Unionist Party (DUP).
- Increased tensions in the South.
- Outbreak of tension in 1964.

The second transitional period started after the October Revolution deposed the regime of General Abboud. This transition lasted only six months, from late October 1964 to April 1965 when parliamentary elections were organized. One shortcoming of that transition, apart from its short span, was the lack of cooperation between the parties concerned. Mr Mahgoub Mohammed Salih points out that the United National Front (UNF) was markedly weak, although the balance of power was tilting towards professionals in the beginning. The UNF failed to take advantage of this, however, and could not form effective alliances. Its 'all power to the UNF' motto was ill-judged. This created a schism between modernist and traditional elements, and widespread confrontations that culminated in a reshuffle of the cabinet and the formation of a new one mostly of conservatives. The leftist-oriented professionals had to settle for a single portfolio in this new government, even though they had held 7 portfolios out of 15 in the first government, with one portfolio for each one of the five parties and two for southern parties. The period witnessed heightened polarization between rightist and leftist forces, as well as procrastination in addressing the South issue despite great efforts from the Round Table and the Committee of 12 (Collins 2008: 80–85).

### **The third transition, 1985–1986**

- Economic deterioration, one-party grip on power, September 1983 Sharia laws.
- Activity by professional and student associations; strike by the judiciary.
- SPLM and show of solidarity from rural forces (Collins 2008: 61–68).



The third transitional period began in April 1985 following removal of Gaafar Nimeiri. The then Defence Minister Abdul Rahman Sogar al-Dahab at first refused to act on the grounds that he had pledged allegiance to the regime. However, senior generals finally convinced him. It continued for one year at the end of which general elections were held and political parties returned to power. This period was bogged down by many negative factors that were similar to those experienced during the second transition. These included lack of cooperation between stakeholders, as well as complacency in sweeping away the traces of the May regime, which enabled its loyal cadres to join with other parties to thwart the democratization process. In addition, there was complacency in addressing economic grievances and local strife retriggered civil war, the flames of which extended to some regions in the north.

#### **The fourth transition, 2005–2011**

- Increased cost of war and humanitarian assistance.
- Oil becomes part of the political-military formula.
- Regional and international intervention to put an end to civil war (Collins 2008: 61–68, 264–71).
- The 2005 peace agreement, end of civil war, a new era of transition to peace.

The 2005 Comprehensive Peace Agreement (CPA) ushered in a new transitional period that differed from its predecessors in that it was not the result of a collapse of the incumbent regime but rather the outcome of an alliance between the regime and the SPLM. SPLM leader John Garang died in his first month as First Vice President and head of South Sudan Government. He was succeeded by Salva Kiir, who lacked the charisma of his predecessor. This period was characterized by the intense presence of regional and international stakeholders as sponsors and guardians of the CPA. These stakeholders focused on ending the war, paying little attention to paving the road for democratic transition as stipulated in the agreement.

With limited representation of some of the political forces of the north, the political scene was dominated by squabbling and bullying between the two partners, who paid no attention to the transitional period objectives: the creation of an environment conducive to unity (to avoid the secession option) and taking tangible steps to establish the foundations for sustainable democracy. The environment fostered by the two parties and their allies was far from conducive to unity. At the same time, the political and legislative measures adopted only enabled the security forces to throttle the political activities of the opposition parties and civil society organizations.

Furthermore, the parties to the ruling coalition failed to invest the huge oil proceeds in building infrastructure and supporting productive schemes in both the north and the south. Instead, they used the proceeds to create and expand political support networks and attract new allies in support of their respective secret strategic objectives: clinging to power in the case of the ruling party in the north and separation for the SPLM. Although the fourth transitional period was fairly long and enjoyed huge resources and strong regional and international support, the performance of the ruling parties was governed by an obsession with consolidating their grip on power, paying little attention to the objectives of the peace agreement.

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**The underlying cause, in my opinion, was the structure of political power, as the postcolonial political class failed to undertake its historical responsibility to lead the country.**

Chapter 3 discusses the failure of the transitional periods collectively rather than individually. The underlying cause, in my opinion, was the structure of political power, as the postcolonial political class failed to undertake its historical responsibility to lead the country. This applies invariably to all the transitional periods. The failure of the fourth transition is accorded more focus because it provides the backdrop for the fifth transition, which is discussed in Chapter 5.

## Chapter 3

# FAILURE OF TRANSITIONS AND DEMOCRATIC RULE

What are the conditions for an optimal transition from one regime to another? What are the mechanisms? To what extent can the failure of democratically elected governments after the transitions of 1964 and 1985 be attributed to the fragility of the transitional arrangements, to their failure to address their transition tasks (the South issue after 1964) or to their mishandling of their transition tasks (Sudanization of the civil service in al-Azhari's first government in 1954)?

As noted above, the ideal transition from one regime to another must satisfy both procedural and substantive requirements. This chapter addresses a key question: Why have the transition experiments in Sudan failed? It is important to distinguish between the failure of transitional period arrangements and the failure of democratically elected governments, which leads to military intervention. The focus here is on how the balances of power shaped uncertainty and volatility associated with transitional periods and how they configured political, constitutional and legal arrangements in that period, whether it runs for six months or several years.

Rather than discussing each individual transitional experience, this chapter examines the common factors between them and highlights the factors that have had the biggest impact on a particular transitional period. The 2005–2011 transition is given a detailed examination for several reasons. Apart from its relatively long duration, that transition presented a good chance for a more credible political transition and seemed to have enlisted regional and international support. In addition, being closely connected with the

transition that began in April 2019, that period can serve as a suitable backdrop to the brewing political transition.

The common factors/variables in the four transitional periods are: (a) colonial heritage/foreign interference; (b) dishonouring constitutional principles; (c) failure to resolve conflicts and civil war; and (d) recurrent political practices (see Table 3.1). For more details on the first three transitions, see Qadir Ali and el-Battahani (2011: 411–52).

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**There is consensus among political scientists and historians that three social groups enjoyed significant leverage on the political, economic and social life of northern Sudan and across the country, in both the pre- and post-independence periods: religious leaders, tribal chiefs and merchants.**

### **Colonial heritage and foreign intervention**

The importance of this factor was evident during the first transitional period (1953–1956). Its importance stems from the limited impact of colonial rule on the social class structure (Majid 1983). There is consensus among political scientists and historians that three social groups enjoyed significant leverage on the political, economic and social life of northern Sudan and across the country, in both the pre- and post-independence periods: religious leaders, tribal chiefs and merchants. That is linked to historical factors such as British rulers enacting limited change, the use of tribal leaders and the strong influence of Islamic Sufi schools on the religious life of the north, and the colonial state's strategy of indirect rule. From the 16th century through to the 18th century, religious leaders consolidated considerable wealth and status, taking advantage of the limited savings, and the loyalty, of their followers. The most tangible Sufi impact on the political, economic and social life of northern Sudan is represented by the Mahdist Revolution, despite the doubts cast over its role. The colonial state, for its part, consciously adopted a policy of favouritism designed to serve the interests of certain families and groups by awarding privileges in the allocation of production resources (particularly land), business contracts and bank loans (convertible to grants). These privileges were not earned on merit through positive contributions to socio-economic development that served the interests of other sectors. This trend continued into the post-independence era, according to Mohammed Hashim Awad (1967). The aim of the policy was to mitigate the risks of resistance to colonial rule (Qadir Ali and el-Battahani 2011).

In parallel, some modern social groups emerged in the railways, agricultural schemes, civil service, business and urban service

sectors. These groups, which served as incubators for the modern political currents of nationalists, leftists (the Communist Party) and Islamist groups (Muslim Brotherhood), played roles incompatible with their tiny size. There were also southern forces, represented in tribal chiefs and sultans and a limited number of educated locals.

Although the British had promised to grant the Sudanese the right to self-determination if they fought with the Allies in World War II, and a similar promise was made by Mohammed Naguib and Jamal Abdul Nasser after July 1952, it was the UK and Egypt, the parties to the condominium rule, who played a crucial role in determining Sudan's fate.

Of course, the impact of Nasserist ideology on the free soldiers and their stance in support of the October Revolution cannot be ruled out. Some observers cite the visit of US Vice President George H. W. Bush to Khartoum in 1985, just before the overthrow of President Nimeiri, as an example of external influence. In contrast to the first transition, external factors had a minor influence on the transitions of October 1964 and April 1985, where the internal balance of power was the crucial factor in the transfer of power each time.

The National Unionist Party's government collapsed six months after the proclamation of independence. It was replaced by a coalition government of the Umma Party (UP) and the People's Democratic Party (PDP), two parties that were at odds on almost all policy issues. While the so-called radicals in the PDP were aligned with the incumbent Egyptian Government, the Umma Party was seen as more aligned with the West (Khalid 1990). Nonetheless, the coalition managed to hold, largely due to the mounting popularity of the National Unionist Party in the rural areas. That potential threat prompted the PDP-UP coalition government to revise the electoral law to allow the coalition government to continue in power after the 1958 elections.

### **Dishonouring of constitutional principles**

Both Abel Alier, in his book *Too Many Agreements Dishonored* (1990), and Mansour Khalid, in his book *The Sudanese Elite and Addiction to Failure* (1994), documented cases of dishonouring established constitutional principles. The long list of events they

cite demonstrates that the ruling class had failed to learn any lessons. In the early 1950s, a time of heightened national struggle for independence, the political forces in South Sudan agreed to join the call for a unified Sudan based on a pledge by the northern political forces to establish a federal system in the south that would recognize its distinctive cultural identity in the context of a united Sudan. However, the ruling political parties in the north continued to turn their backs on their promise, which prompted the outbreak of mutiny in 1955 and the first military coup in 1958.

After the October 1964 Revolution and the round-table recommendations of 1965, the northern parties once again disavowed their pledges to grant autonomous rule for the south. On 9 June 1969, the second military regime announced that it recognized southern Sudan's cultural identity and its right to self-rule in the context of a united Sudan. That recognition provided the basis for a peace agreement concluded in 1972, which ushered in a long period of peace until 1983, when the same military ruler breached that peace agreement.

The 2005 CPA and the interim constitution of the 2005–2011 transitional period are further examples of backing away from commitments to democratic transition and the unity of the country.

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**Undoubtedly, the pre-independence transition arrangements ultimately triggered the revolt of the southern regiment.**

### **Failure to resolve conflicts**

The roots of the north-south conflict can be traced back to the condominium era, or perhaps earlier. Undoubtedly, the pre-independence transition arrangements—deportation of foreign troops, the merger of southern and northern military units into a national army and the atmosphere of mistrust resulting from the northern political elite's indifferent attitude to the southerners' aspirations—ultimately triggered the revolt of the southern regiment in August 1955. That revolt ushered in a civil war that continued until 2005 when the CPA was signed, coming to a standstill only in 1972–1983 following the signing of the Addis Ababa Accord.

In negotiating transition arrangements (in 1953, 1964 and 1985), the political class paid little attention to substantive issues of transition, as their focus was on procedural aspects, such as ensuring a speedy

transition to elections and power. Evidently, access to power through elections proved ineffective at ending conflict and war.

The post-October 1964 transitional period did a good job and probed new routes to address the north–south conflict (the round-table conference, the Committee of Twelve). Unfortunately, the elected governments did not share the same level of enthusiasm and the issue quickly fell victim to partisan manoeuvring (Yousef 2012).

The same scenario was repeated in 1986: the transitional coalition government Alliance of National Salvation (ANS) focused on ending the civil war, although it could have signed the Koka Dam Declaration (KDD) with SPLM/SPLA in March 1986. While the UP was one of the signatories, it was striking that the DUP was not represented in the declaration and later moved quickly to sign a peace agreement with the SPLM which called for certain steps—including abolition, or at least freezing, of Sharia laws—to pave the way for a national constitutional conference. After all that, the UP-led coalition government formed after the elections failed to abide by the agreed prerequisites (Qadir Ali and el-Battahani 2011).

### Recurrent political practices

Fragmentation is an inherent feature of Sudan's political class. It was an attribute born with the nationalist movement, while the colonialist power, for its part, worked hard to nurture the roots of sectarianism in the political parties.

The presence of too many political parties and political forces makes conciliation during transitional periods difficult and enhances the chances of spoilers succeeding in thwarting solutions in the national interest. Even under optimal transition scenarios, representation of all parties is practically difficult and often impossible. Transitional periods witness considerable recalculation and repositioning tactics among parties craving a share in power. Such practices continue even after elections and the formation of an elected government. Historically, all the governments formed during the first democratic periods in Sudan, with the exception of the first, pre-independence government, were coalitions. Overall, there were 12 coalition

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**Fragmentation is an inherent feature of Sudan's political class. It was an attribute born with the nationalist movement, while the colonialist power, for its part, worked hard to nurture the roots of sectarianism in the political parties.**

governments in 13 years of democratic rule.<sup>6</sup> In the final days of the second democracy, after the 1968 elections, the leading politicians 'had literally exhausted their energy in intra-party and inter-party intrigues, paying little attention to a sick economy, a divided country, and a flaring civil war' (Khalid 1990: 226).

The same practices towards the civil war continued during the transitional period after April 1985. The Intifada Forces reached out to the SPLM in Ethiopia in 1986, and later at the Ambo Seminar in Ethiopia in 1987. Apparently, that move antagonized the UP, DUP and NIF, as some of those who attended the meetings were interrogated or arrested on their return. Nonetheless, the shifting sands of politics drove the DUP to sign a peace agreement with the SPLM in 1988. The so-called al-Mirghani-Garang Agreement had many things in common with the 1986 Koka Dam Declaration, including the freezing of Sharia law. The only parties that stood against the deal were the NIF and the UP. The latter opposed it partially because its leaders were somewhat ideologically committed to Islamic law, or perhaps they did not want the rival DUP to win politically from striking a peace deal with the SPLM. Using its technical majority of the UP and NIF, parliament rejected the peace deal, and tasked the prime minister to enter into negotiations with the SPLM 'taking into consideration' all the previous peace agreements. Once again, that peace process fell victim to political parties' squabbles as a revised version of the deal put forward by the prime minister was rejected (Qadir Ali and el-Battahani 2011).

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**Sudan is unique in that it has experienced successive turns of postcolonial conservative and radical governments.**

Bickering, factionalism, fragmentation, short sightedness and putting personal and partisan interests ahead of the national interest are inherent characteristics of the political class. Sudan is unique in that it has experienced successive turns of postcolonial conservative and radical governments. While the conservative regimes always enjoyed the protection of democratically elected governments, the radical regimes were introduced by military governments (Qadir Ali and el-Battahani 2011), but only for a short period before a realignment of forces pushed the military authorities to become part of the political game. More interestingly, the most salient feature of Sudan's unique

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<sup>6</sup> There were NUP/UP and UP/PDP governments between 1956 and 1958; a UP/PDP government in 1958; UP/PDP in 1965–1966; BUP/SUP in 1966–1967; IUP/NUP in 1967–1968; IUP/DUP in 1968–1969; UP/DUP in 1986–1988 (two governments); UP/DUP/NIF in 1988; UP/NIF in 1988–1989; and a broad coalition in 1989.



colonial experience is that not only the colonial institutions, but also the political practices and behaviour of that period survived into the postcolonial era.

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### 3.1. FAILURE OF THE FOURTH TRANSITION, 2005–2011

The purpose of the above discussion is not to evaluate the rule of the *Inghaz* period but rather to set out the factors that led to the failure of the 2005–2011 transition. This fourth transitional period warrants a more elaborate discussion because, being fairly long (2005–2011), there were great hopes that it would enable the political forces to bridge the transition crisis syndrome to a new historical era. Another reason for the special focus is to explore its potential impact on the next transition and the relative importance of new developments in the next transition.

#### Failure to win by military force

In its first years in power, the Islamist *Inghaz* regime managed to mobilize the Arab-Islamic forces in Sudan and their extensions in the Arab and Islamic worlds behind its military campaign to defeat the SPLM-led mutiny. That mobilization took advantage of favourable conditions at the local, regional and international levels: internal divisions within the SPLM, the end of Soviet influence in the region, the collapse of Mengistu Haile Mariam's regime in Ethiopia in the early 1990s, the Ethiopian–Eritrean war in 1988 and foreign interest in investing in Sudan's oil.

The ruling Islamist regime forced the SPLM to retreat and desert many of its strongholds. However, the government army and popular defence militias failed to eliminate the military presence of the SPLM, which later managed to recapture many of the territories it had lost.

Later, the regime's aggressive language softened to a defensive tone, from 'liquidating the SPLM' to 'defending faith' and 'protecting oil production zones and guarding supplies against SPLM threats'. A similar change was noted in the language of the Democratic National Alliance (DNA) and the SPLA. Slogans such as 'toppling the regime by force', 'marching in from the south and the west' and 'protected

civil uprising' were replaced by a 'peaceful resolution' as a 'strategic option'. It must be noted, however, that all these options had always been on the table for both the DNA and the SPLM, which kept reordering them in response to changing political circumstances. It is in this light that the change in the position of the opposition alliance should be seen, as it responded positively to the Intergovernmental Authority on Development (IGAD) initiative and the Egyptian–Libyan initiative without totally discarding the other options.

It is therefore possible to argue that, for both parties, belief in their ability to win by force had waned significantly, albeit to varying degrees. The ruling regime was no longer able to repeat the old scenarios of the 'breakthrough summer', 'wrath of the forbearing', and 'the perfect conclusion'. For its part, the DNA failed to carry through its pledge to wage a conclusive military march on Khartoum from the east and the south, and the SPLM's objective of removing the regime by force took a back seat behind its newly proclaimed objective of attacking oil wells. We can thus say that the parties' belief in the viability of the military solution waned, but it is difficult to claim that their commitment to military force as an option faded or died. Winning by military force is one thing, while renouncing the option of military force is quite different. The latter is about not only military force variables, but also the psychological factor and preparedness to respond to events and developments. A case in point is the white minority in South Africa. Even when they reached the conviction that they were not going to win by force, they did not immediately discard the military option. It took them some time, as if to come to terms psychologically with their new reality. Other examples include UNITA in Angola and the Irish Republican Army in Northern Ireland. The public statements of the *Inghaz* leaders, such as 'It will remain intact', 'The *Inghaz* is here to stay' and 'the *Inghaz* pillars', can be read as an attempt to conciliate psychologically with the new political reality. Clinging to power until the last breath is typical of all autocracies.

### **The external factor**

In assessing the impact of the external factor on the transitional process in Sudan, several points must be taken into consideration. First, the end of the Cold War and the emergence of a sole superpower reduced the strategic importance of many third world countries, particularly in the Horn of Africa. The volume of economic

aid for and investment in African states also dwindled, particularly as Eastern Europe, Central Asia and Southeast Asia emerged as strong competitors. There was much less political and diplomatic leverage as Western countries no longer sought to win African countries to their side. In fact, the opposite was true; the African countries felt the need to curry favour with Western countries to gain access to the globalization club and the World Trade Organization.

Second, these developments coincided with another development in the internal political system of influential Western states: the accession to power of new governments that combined neoliberalism with democratic socialism. This development lent new attributes to politics in those countries, particularly after the collapse of the socialist bloc and the racist regime in South Africa. It looked as if the political movements with radical classic agendas of a war on corruption, pluralism and human rights had shifted to Southeast Asia, leaving the floor for protest movements in Europe to concentrate on globalization-related issues.

Apparently, countries, such as the UK, that had adopted human rights as one of the pillars of their foreign policy quickly forgot this fact, and it seems that human rights violations ceased to trigger strong reactions from social movements in the West. This happened despite some milestone developments, such as the appointment of a UN High Commissioner for Human Rights, and the bold steps by some countries and organizations, such as Amnesty International, to bring the former president of Chile and Yugoslavia's war criminals to trial.

One of the reasons (both for and against) the revival of social movements was perhaps the organized and unorganized migration from third world (particularly African) countries to Europe. The influx of immigrants to European countries helped to strengthen the position of anti-immigrant radical right-wing groups, which pressured their governments to adopt anti-immigration measures and policies. It is interesting to note that some of the limited political reform measures in some third world and African countries are sometimes portrayed as precursors to a radical departure from the regime's autocratic nature. One example of this was a European ambassador to Sudan who was so outspoken in defending and praising Sudanese Government policies that he was dubbed the 'ambassador of the

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**One of the reasons (both for and against) the revival of social movements was perhaps the organized and unorganized migration from third world (particularly African) countries to Europe.**

National Islamic Front to Khartoum'. That ambassador was by no means alone. Others argued that progress to democracy in third world countries should not be measured against European standards. Apart from cultural and behavioural differences, the democratization process took quite a long time before it was embedded in Europe. Hence, we should not expect immediate results. The measures being applied by the Sudanese regime should be appreciated and should be given ample time to come to fruition.

The *Inghaz* regime's relations with the German and French governments were driven by strategic and political interests more than by economic interests. Taking advantage of their strong influence within the EU, France and Germany managed to win the other member states round to favouring democratic transition in Sudan.

Canada's interest in Sudan began with Talisman's engagement in oil exploration but that interest subsided when the Canadian company walked away. The United States was particularly instrumental in driving external influence on Sudan. Many factors have had a bearing on US relations with Sudan. These include the strong Christian lobby in Congress, interest from US oil firms in Sudan and the US Government's stance on international terrorism and the fundamentalist Islamist regimes such as Afghanistan, Iran and Sudan. In any case, the US Administration neither stepped away completely from the Sudanese scene, as it did in Rwanda and Burundi, nor immersed itself deeply as it did in Somalia. It is still now contemplating a role that is yet to be defined but the US is unlikely to intervene powerfully enough to enable one party to outweigh the other.

Regionally, Egypt stands out as highly instrumental in shaping Arab influence on Sudan. Although it had worked hard to promote the regime in its early days (1989–1990), it made a 180-degree turn following the attempted assassination of its president in 1995. Nonetheless, it has never overlooked its strategic interests in Sudan, particularly after the GERD 'Nahda Dam' drama. Meanwhile, the influence of neighbouring African countries on the Sudanese regime faded significantly.

An external role for Western countries in Sudan received new momentum when Sudan joined the oil exporters club. In a bid to avert the Angolan experience, Western countries, along with their IGAD allies and the African Union, pushed for a resolution to the Sudanese conflict. It can be safely argued that the external factor has played out in favour of the Sudanese regime. The regime managed to overcome the 'blockade' it faced in the early stages with the help of Islamist funds, which poured in to protect the regime and meet its needs for fuel and arms (Al Quds newspaper, 1990, Al-Turabi, US\$65million). The regime managed to resist external pressure with the help of oil. In fact, it showed great skill in containing and neutralizing pressures, and circumventing endless internal and external initiatives, by offering calculated conciliatory gestures that did not undermine its grip on power. With the help of oil too, it managed to defeat the SPLM on the battlefield. As petrodollars poured into the treasury of the Khartoum regime, Western countries saw no justification for the continued payment of nearly USD 2 million a day in foreign aid, and for bearing the costs of the Darfur peacekeeping force. The US Administration therefore put its weight behind peace talks, which culminated in the 2005 CPA.

### **Sudan's economic resources**

Large-scale agricultural schemes were rolled out in the 1970s in line with the motto 'Sudan is the Middle East's food basket', shortly after the government accepted the World Bank and International Monetary Fund's prescription for fixing the economy. Later, and building on this, the *Inghaz* government announced its intention to downscale its engagement in productive schemes in agricultural and industry, and possibly also in the social services and economic field.

The state's role in the economy and how it negatively affected the economy's productive base are both closely intertwined, signifying the ascendancy of the fraction of capital that emerged at a major turning point in the history of Sudanese economy—the late 1970s and early 1980s. During that period, following an economic crisis in the West, some international investors decided to reinvest part of the cash surplus generated from international oil partnerships in the Middle East in a number of African third world countries. For various reasons, part of these funds landed in Sudan between 1985 and 1989 under the label of Islamic banks and charitable activities.

Observers of this period will not fail to see a direct link between the increased economic and social influence of Islamic banks and businesses and the call for a downscaling of the role of the state in the economy and social services. That call was echoed in the NIF elections agenda in 1987 when its representatives in the Constitutional Assembly pressed for unreserved adoption of privatization and a market economy. However, a fragile alliance of local businesses, trade unions, political parties and the army managed to keep those aspirations at bay until June 1989.

After the June 1989 coup, Islamist capital managed to penetrate the Sudanese state, ushering in a new 'Islamist compradorism' that put the economy under the influence of regional and international business houses. This large-scale regional and international support helped the regime not only with internal housekeeping, but also to survive the oil and arms boycott (Bin Laden 1996) and to launch *jihad* crusades to effect demographic change and build a new infrastructure as a prelude to investment in oil-rich regions, as documented by human rights organizations.

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**For the first time after almost four parliamentary cycles, the economy had lost its productive base (agriculture and industry) and became more dependent on the mining and services sectors.**

The state was no longer that same model of a fragile alliance between business, trade unions, political parties and the army that existed before 1989. The emerging Islamist elite that took control had no national economic agenda, in the words of Mohammed Abul Qasim Haj Hamad. For the first time after almost four parliamentary cycles, the economy had lost its productive base (agriculture and industry) and became more dependent on the mining and services sectors, which were ideal investments for rentier, parasitic Islamist capital always on the lookout for quick returns.

A brief glance at economic performance in the period 1989–2002 shows a decline in the productive sectors (agriculture and industry) and an overexpansion of non-productive sectors, as well as deployment of cash flow from the Middle East and Southeast Asia in Sudan's service sector through the Islamist financial institutions.

Why are all these factors important for the transitional period? In the pre-transition period, ruling elites were supposed to have impressive records of achievement in economic development, carving out for themselves vested interests in sectors and business not under direct

government control. Unless its interest in keeping direct hold of state power declined, the ruling elite would not be tempted to give away power. By the same token, unless the economy leaned more on the expansive capacity of productive sectors—that is, more on agriculture and industry, and less on mining natural resources—the middle and working classes would not be prepared to forgive and forego, and accept a compromise with ruling elites.

In this context, Sudan's dependence on mining natural resources (gold, oil, land) cannot be read as a good sign. According to media reports, the oil sector accounted for 41 per cent of GDP in 2002, with a turnover of 132 billion Sudanese Dinars. How can foreign investors from Islamic and other countries be persuaded to relinquish their USD 6 billion investments? How could such an important sector not provide a huge temptation for insurgent groups, oil companies and the superpowers to intervene to serve their interests? Where would the ruling Islamist elite go after relinquishing power: to industry, trade or business? Has it consolidated its position in preparation for new developments? Will it resist to the end? What is the impact of the overlap between security organs and business institutions and activities? What are the chances of coexistence between Sudan's multi-ethnicities, and what impact would this have on the transition to a new system? Coexistence in this context refers to overcoming both the ethno-cultural issue and the socio-economic issue.

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### 3.2. SOCIO-CULTURAL ETHNIC COEXISTENCE

For more than half a century, the Arab Islamist ruling elite in the north continued to use Arabic culture, identity and Islam interchangeably to keep all other ethnic, cultural and linguistic groups under control and away from decision making and wealth circles. In response, the ethno-nationalities and groups escalated their demands gradually from demands for services and development, to self-rule to federal rule to the right of self-determination, which could lead either to secession or to voluntary reintegration into a new united country not based on race, religion or culture.

The failure of the Islamization drive, among other internal and external factors, forced the Islamists and other political forces to

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**For more than half a century, the Arab Islamist ruling elite in the north continued to use Arabic culture, identity and Islam interchangeably to keep all other ethnic, cultural and linguistic groups under control and away from decision making and wealth circles.**

accept a new formula of coexistence where all rights and duties are based on citizenship, without discrimination based on ethnic background, religious belief or culture, and where the only criterion for distinction is contribution to the progress and welfare of the homeland. For such a formula to survive, it has to be supported by solid constitutional and political pillars, and a culture that acknowledges the injustices many groups suffered and the need to end that discrimination. There will also be a need for a new political thought that puts Sudan first and offers room for all political, social and cultural currents to compete and interact to consolidate national unity. While current indicators in the political scene favour unity, things can go in the opposite direction if the prerequisites for peaceful coexistence and equal citizenship are not met.

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**For coexistence to become a reality, it must be built on a socio-economic foundation that can remove both the ethnic and the social faces of poverty.**

For coexistence to become a reality, it must be built on a socio-economic foundation that can remove both the ethnic and the social faces of poverty. It is no secret that a tiny minority of the population possesses most of the country's wealth. According to Professor Mohammed Hashim Awad, 10 per cent of the population receives 58 per cent of national income, while the share of national income among 40 per cent of the population declined from 12 per cent to 8 per cent in the period 1992–1996. It is no secret that the majority of the poor were from the marginalized minorities in the south, west and east. However, a large section of the population in the north joined the 90 per cent living below the poverty line in this period (see the Annexes).

Proponents of the *Inghaz* regime repeatedly claimed that the root cause of Sudan's problems lay in the absence of what they called a 'civilization project' or a 'renaissance-building scheme', obscure terms that eventually boiled down to loud bragging about expansion of the higher education umbrella, expansion of the telecommunications network (Etisalat), oil, military and civil industries, new bridges and residential compounds.

The development agendas of any given society are defined by the agendas pursued by its ruling class. Here, the issue is whether the ruling class took society forward along progressive lines of history, as alluded to above. The interests of the ruling class coincide with and are served when society moves forward. In Sudan, the Islamists'



schemes failed to tackle Sudan's major problems. In other words, the *Inghaz*'s renaissance-building scheme only served the interests of the groups that benefited tremendously from the economic transformations of the 1970s–1990s. This aggravated Sudan's problems. It is arguable that the Islamist regime in Sudan in 1989–2019 pitched the country into fighting a far more powerful opponent. However, the natural outcome of that unbalanced battle was that external powers gained greater leverage over the country's affairs and the regime ended up playing the role of comprador, thereby trading the country's sovereignty and territorial integrity for the sake of staying in power. Table 3.1 depicts the political landscape as the country was about to go into its fifth transition, which is discussed in Chapter 4.

**Table 3.1. Political movements' reactions to the variables of the 2005–2011 transition**

| <b>Transition variables</b>                                       | <b>Political forces' reaction to/impact on the variables</b>   | <b>Remarks</b>   |
|---|--|--|
| Failure to win by military force gave way to compromise solutions | The civil political forces (political parties, trade unions) were in an unfavourable position with regard to the balance of power, which tilted in favour of the military. Although accommodated in the transition, they could not play an active role.  | NCP-SPLM partnership impeded the transition to democracy.  |
| The external factor: international community solidarity           | The opposition played an active role in mobilizing the international community against the ruling regime before the CPA. However, its impact weakened after the agreement.   | The oil factor has enhanced the importance of the external factor.   |
| Favourable conditions for coexistence and civil society action    | Space for civil society activism expanded comparatively in 2005–2011.  | The war left behind deep wounds that could not be effectively treated during the transitional period.  |
| Ruling elites' interests in gaining access to state rents         | Political partnership based on sharing oil revenues and hegemony of the ruling elite over the state apparatus, which inflated exponentially due to investment of political capital in building and expanding popular support networks. Nonetheless, 'market economy' could have propelled socio-economic activity. | Expansion of a revenue-conscious political class.  |
| National economy built on a production base                       | After the liquidation of the productive sectors to provide funding for <i>jihad</i> in the 1990s, the oil-decade (1999–2011) further enhanced the role of non-productive sectors.  | The continuation of these economic policies obstructed the breeding of social forces in the productive sectors, while encouraging a boom in the informal sector. |
| Impartiality of the armed forces and the judiciary                | The role of the armed forces diminished in the face of the mounting militarization of society and the rise of militias affiliated with political parties and religious, ethnic and regional forces.  | The result was further deterioration in the security situation, with vulnerable groups bearing the brunt.  |

Source: The author.

## Chapter 4

# THE *INGHAZ* LEGACY AND THE FIFTH TRANSITION

### 4.1. BACKGROUND TO TRANSITION TO POST-*INGHAZ* ERA

Mahgoub Mohammed Salih believes that the current transitional period faces serious challenges in the areas of security and the economy, alongside the rampant corruption in the state apparatus and the deeply embedded bitterness created by hate speech. These challenges will require national reconciliation, and a transitional period of at least four years would have been appropriate to address this legacy of destruction. However, such national reconciliation cannot be effective using transitional justice arrangements, but can only be achieved through national consensus. Obviously, the latter is non-existent and Sudan lacks responsible civil leadership capable of setting political agendas for the future.

It should be stressed that the discussion in Chapter 3 was not intended to evaluate the *Inghaz* era, as an excellent volume of studies has already dealt with that subject (Khalid 1994). Rather, the intention was to identify the reasons behind the failure of the 2005–2011 transition and use the lessons of that experience as background for evaluating the post-April 2019 era in light of the above-mentioned paradigms.

#### **The regime's advantages, if any**

It seems that the prophecy of Mr Mahmoud Mohammed Taha has come true: that the Islamists would pursue every possible means to

**National reconciliation cannot be effective using transitional justice arrangements, but can only be achieved through national consensus.**

ascend to power and that they would eventually succeed, and that their failure in their role would be a blessing in disguise as the people would get to know their real worth.

Through its ill-advised policies, the regime exposed the country's huge potential in terms of its land, water and animal resources to outside interests. A large sector of the population was forced to leave the country. The younger generation aged 20 to 40, who account for 40 per cent of the total population, was a potential strong driving force for development and economic activity. Investment in the telecommunications network and expansion of the banking system were not carefully planned. Private capital found its way into healthcare, education and real estate areas. Oil production and export became the main source of state revenue and supported the pillars of a revenue-reliant economy at the expense of productive activities.

### **The regime's disadvantages**

- Performance of the state corporations declined while their economic importance to the ruling military elite increased.
- The national economy became more reliant on a non-productive economic base.
- Internal wars and conflicts caused deep lacerations in the social fabric. The regime worked consistently to destroy local community associations to obtain easier control over them.
- Political parties, trade unions and civil society organizations were eliminated as forces of change. The middle class was displaced.
- There was a tendency to succumb to international pressure, particularly from the United States, so long as this would maintain the regime's grip on power (Mohammed Ali Jadain).
- There was historical external leverage from the Arab World (Egypt, Saudi Arabia, Iraq and Libya), the West (France, the UK and the United States) and Asia (China and Malaysia).
- The struggle over Sudan's resources took on regional and international proportions, turning Sudan into a backyard battlefield.

### The formative steps to transition to the post-*Inghaz* era (April 2019–current)

- A youth-led peaceful protest staged over a protracted period; the effect of the Arab Uprisings.
- Escalated action by Sudanese youth groups and professionals.
- The growing importance of new youth and non-partisan forces.
- Economic and financial collapse.
- Setbacks to reform and internal dialogue.
- Strong momentum from the regime itself.
- The growing role of external forces.
- The final wave of protests starting from regional centres.

In a lengthy article in *al-Sudani*, Mohammed Osman Ibrahim (2019) draws a comparison between the last days of Blaise Compaoré, former President of Burkina Faso, and Sudan's former President al-Bashir, and their involvement in the conflicts of neighbouring countries (the former was involved in the conflicts of Liberia, Guinea, Nigeria and Ivory Coast while the latter was entangled in the affairs of Eritrea, Ethiopia, Chad, Libya, Uganda and South Sudan) and the army's acquiescence to public demands for the removal of General Yacouba Isaac Zida and the appointment of diplomat Michel Kafando as interim president, in a scenario similar to what happened to Lt. Gen. Ahmed Awad Ibn Auf in Sudan.

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## 4.2. THE CURRENT TRANSITIONAL PERIOD: MAIN FEATURES

The most recent transitional period (April 2019–2021) was the culmination of five months of widespread popular protest in which hundreds of demonstrators were killed or injured, and thousands of activists, politicians, journalists and professionals of both sexes were arrested in the capital and various parts of the country.

A unique challenge associated with this transition is the fact that it came after a dictatorship that had remained in power for 30 long years, punctuated by jihadi wars, and ethnic and tribal strife in different parts of the country, particularly Darfur, the Nuba Mountains and the Blue Nile. It also left behind the so-called deep state and a network of internal interests with external affiliations. Its policies led to the systematic destruction of agriculture, industry and infrastructure in the name of the market economy and economic liberalization (Mahgoub 2019).

Mahgoub Mohammed Salih argues that the current transitional period faces serious challenges in the areas of security and the economy, in addition to the rampant corruption in the state apparatus and the deeply embedded bitterness created by hate speech. These challenges will need national reconciliation, which is why a transitional period of at least four years would have been appropriate to address this legacy of destruction. However, such national reconciliation cannot be effective with transitional justice arrangements, which can only be achieved through national consensus, which simply does not exist. 'What Sudan lacks today is responsible civil leadership capable of setting up political agendas for the future' (Khairalla 2019). Table 4.1 shows the variables of the most recent transition.

**Table 4.1. Political forces: Response to the variables of the 2019–2022 transition**

| <b>Variable</b>                 | <b>Political forces' reaction to/<br/>impact on the variables</b>   | <b>1989–2019</b>  |
|---------------------------------|---|---|
| <b>Balance of power</b>         | In whose favour is the balance of power tilted?<br>Failure to win by military force gave way to compromise solutions.<br>Civil political forces (parties, trade unions) fell victim to military action.                       | The Islamist regime relied heavily on empowerment through militarization, and a heavy hand.   |
| <b>Political polarization</b>   | Coexistence in a diverse society; active civic society in support of political mobilization for a comprehensive solution.<br>Favourable conditions for coexistence and an active civic society; peacefully competing parties. | Political empowerment of the ruling party aggravated already existing political polarization, lending it structural dimensions.   |
| <b>Role of the armed forces</b> | Impartiality of the armed forces, deterioration in the security situation and an absence of law and order.  | The armed forces' role diminished in the face of a mounting militarization of society and the rise of militias affiliated with political parties and religious, ethnic and regional forces. This led to a further deterioration in security. Vulnerable groups bore the brunt.  |
| <b>The economic factor</b>      | The economic importance of the state to the ruling elite. Will it cling to power despite its failure to achieve a production-based development?   | The Dutch Disease and the market economy? From dependence to dependence? Might drive socio-political mobilization forward.<br>War economy and inclination towards 'guided' market economy.<br>The growing role of oil was detrimental to non-productive sectors.<br>Pursuit of such economic policies will have a negative effect on the political (grassroots) movement. |
| <b>Civil society action</b>     | A paradigm shift manifest in the link between IT and non-violent struggle (from 'clicktivism' to activism).   | Social media played an active role in mobilizing the public against the ruling regime. The Sudanese in the diaspora were particularly active.<br>The neighbourhood resistance committees were highly instrumental.  |

**Table 4.1. Political forces: Response to the variables of the 2019–2022 transition (cont.)**

| Variable   | Political forces' reaction to/<br>impact on the variables  | 1989–2019   |
|--|--|---|
| The external factor:<br>international community solidarity | Opposition plays an active role in mobilizing the international community against the ruling regime. | The regime's frequent shifts of external coalitions, coupled with state bankruptcy, led the country finally to fall under the control of the Saudi–Emirati–Egyptian alliance. |

*Source:* The author, 2019.



## Chapter 5

# THE FIFTH TRANSITIONAL PERIOD, 2019–2022

While the tremendous revolutionary stamina demonstrated by the masses during their long, steadfast resistance gives reasons for hope, many challenges remain. The most serious challenge facing change agents—the trade unions, students’ and women’s organizations, and the political movements at the margins—is whether they will manage to build a ‘historical bloc’ under a political leadership that can rid itself of the old diseases and disadvantages of the political class and lead a successful, positive transition to take the country forward.

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### 5.1. PROCEDURAL AND SUBSTANTIVE ARRANGEMENTS

The overthrow of President al-Bashir, announced on the evening of Thursday 11 April 2019, set off a series of dramatic events, beginning with the resignation of his successor Awad Ab Naouf after less than 24 hours in office, and his replacement by Abdel Fattah al-Burhan. That too triggered a keen competition between the two major blocs—the FFC and its components, on one side, and the Military Council and its components, on the other—with each bloc working hard to tilt the balance of power in its favour. It is impractical to attempt to enumerate in this limited space the events that took place between 11 April and 17 August 2019; however, it can be said that the focus of the discourse between the major players during that period was procedural in nature, as the emphasis was on setting the rules of the game for managing the transitional period despite the dramatic events of 3–30 June 2019 and the intervention of the African Union.

The first few months were spent on procedural matters for managing the transitional period and how to meet set milestones. The Constitutional Declaration (the governing constitution of the transitional period) was signed on 17 August 2019 in a high-profile ceremony in which major regional and international stakeholders were represented. That paved the way for a series of actions, including the disbanding of the Military Council and the setting up of a sovereign council, the naming of a prime minister, appointment of a cabinet, and so on. Meanwhile, however, the parties that felt their views had not been taken into consideration in shaping the transitional arrangements pushed for amendments to the transitional Constitutional Declaration. The Juba talks in the second week of September 2019, with the Revolutionary Front and SPLM, involved discussions on amending the Constitutional Declaration to reflect what had been agreed.

It is difficult to properly analyse the current scene, as many basic facts about events are still missing, and testimonies by the parties involved in recent developments are just starting to trickle in. The events that took place between February and post-April 2019 still await proper documentation. Nonetheless, it is possible to share some basic observations on the arrangements of the procedural phase. These points will, hopefully, be dealt with at length in the next edition of this book.

First, the political agreement based on power-sharing mirrored the balance of power between the Forces of Freedom and Change (FFC), on the one hand, and the Transitional Military Council (TMC), on the other. However, the ultimate collective stance of each party is the result of internal balances between its components. FFC, for instance, is a broad coalition of more than 18 entities (including the Sudan Call, the Sudanese Professionals Association and the National Consensus Forces). Although it looks more coherent, the stance of the Transitional Military Council must cater for the interests of several stakeholders, both internal and external, which may not be easy to align with the prerequisites of a successful transition to a new era.

Second, the agreements reached as part of political compromise are swayed by the balance of power. In some instances, compromise

deals were dismissed by the people in the street as below the expectations of the revolutionary forces.

Third, the balance of power is asymmetrical by nature, even in the case of a broad balance. Oscillation, therefore, is an inherent attribute of power relations. Here, we must distinguish between 'balance-upsetting' oscillation and the 'natural' oscillation inherent in power relations (see Holland 2002–2003 on Foucault). Power is measurable, just as the temperature and Earth tremors. Judging from the second observation, there is no guarantee that the balance of power will always work in favour of the FFC or the TMC. Even if agreement on procedural arrangements were reached and its implementation begun, nothing can keep it immune from balance of power fluctuations. (In the scramble for power during the period October 1964 to February 1965, Prime Minister el-Khatim al-Khalifa was forced to disband the United National Front (UNF) government and replace it with a new one where the UNF had just one seat instead of eight in the previous cabinet.)

In a nutshell, the events demonstrated clearly that the procedural phase was affected by the oscillation of the balance of power between the major political players: the FFC and the TMC. This left the centre at an existential impasse: should it carry out a complete restructuring of state institutions to accommodate everyone on an equal footing or should it just expand the democracy margin to accommodate the insurgents?

This was by no means the first time that the centre faced such a crucial challenge. Today, a long list of issues is on the table: peace, the economy, the judiciary and the civil service, to name just a few. The most crucial challenge is how to formulate a working relationship between the parties to power and how to invest the decision-making process and the resources available to ensure commitment to the objectives of the procedural arrangements.

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**The events demonstrated clearly that the procedural phase was affected by the oscillation of the balance of power between the major political players: the FFC and the TMC.**

## Chapter 6

# CONCLUSIONS

In interpreting the various transition experiences, we favour use of a framework for analysis that combines path dependence with class-based balance of power. However, analytical concepts and frameworks can shed light on important aspects of transition experiences. A brief analysis of the performance of the previous transitional periods follows.

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**Each wave of democratic transition paves the way for a democratically elected partisan system, which quickly loses ground to a military regime that outsmarts the previous military regime in dismantling the pillars of transition to democracy.**

### **Huntington and the counterwaves**

Each wave of democratic transition paves the way for a democratically elected partisan system, which quickly loses ground to a military regime that outsmarts the previous military regime in dismantling the pillars of transition to democracy. The failure of the first democratic system led to Abboud's military regime, the failure of the various democratic governments of the 1960s paved the way for a military coup led by Gaafar Nimeiri, while the failure of 1980s democracy led to al-Bashir's coup. The failure of the fourth transition (2005–2011) helped to set the scene for a series of popular uprisings in 2012 and 2013, which reached their peak in December 2018. However, the current transition, which began in April 2019, is still overshadowed by signs of a counterwave that can be read from frequent allusions to 'deep state' elements and stakeholder networks working hard to derail the transition.

### **Institutionalism and feedback**

There was, as of August 2019 when the first edition of this book went to press, near consensus that the April 2019 uprising had only managed to remove the top echelon of al-Bashir's regime, leaving the middle and lower echelons intact. This means that the conservative

**Table 6.1. The five transitional periods: Characteristics, goals and gains**

| <b>Duration</b>                                  | <b>Characteristics</b>  | <b>Objectives</b>  | <b>Driving force</b>  | <b>Result</b>   |
|--|---|--|---|---|
| <b>1954–1956<br/>(3 years)</b>                   | Came on the heels of the Anglo-Egyptian agreement to end their condominium and grant Sudan the right to self-determination.   | Sudanization of the public services.<br>Deportation of foreign troops from Sudanese soil.<br>Preparations for self-determination | Anti-colonial forces  | A national government proclaimed Sudan an independent state.<br>Outbreak of insurgency in the south.<br>The Jouda massacre. |
| <b>October 1964–<br/>May 1965<br/>(6 months)</b> | Followed the collapse of the Abboud regime after a popular uprising (October Revolution). A brief transition that set the stage for the return of partisan rule.  | Set the stage for a return to democratic rule through free elections.  | A broad coalition of political parties and trade unions                       | A partisan system was established (until dismantled by the May 1969 coup).  |
| <b>1985–1986<br/>(1 year)</b>                    | A popular uprising in April/May 1985. The army intervened and a new transitional authority was created with executive power (cabinet level) assigned to the uprising forces, while the military council (Suwar al-Dahab) served as head of state. | Set the stage for a return to democratic rule through free elections.  | A broad coalition of political parties and trade unions (the uprising forces) | A parliamentary system was established (until dismantled by the June 1989 coup).  |

**Table 6.1. The five transitional periods: Characteristics, goals and gains (cont.)**

| <b>Duration</b>   | <b>Characteristics</b>  | <b>Objectives</b>  | <b>Driving force</b>  | <b>Result</b>  |
|---|---|--|---|--|
| <b>2005–2011<br/>(6 years)</b>  | Sudan People's Liberation Movement (led by Dr John Garang) and the National Congress Party's government reach an interim solution: a federal system of government based on full autonomy for the south for a specific period, after which the south would choose between unity and cessation. | Ended the war. Applied a federal system of government in the south. Preparations for a public referendum in the south to choose between unity and cessation. | NCP government and SPLM   | Succeeded in putting an end to war but failed to achieve transition to democracy. Led to cessation of the south. NCP government grew more powerful and aggressive. |
| <b>2019-2022<br/>(3.5 years)</b><br><br><b>The coup of 2021 put an end to this plan</b> | The result of a successful popular uprising at the peak of which the army intervened and sided with the revolutionary forces. Far more complex than the previous transitions.   | Stamp out the legacy of the defunct regime. Lay the foundations for civil rule. Enable political parties to rebuild their structures.                        | Sudanese Professional Associations and the Forces of Freedom and Change | Constitutional Declaration signed and new civil government named. 3 June massacre.   |

Source: The author, 2019.

forces will always find ways to abort the transition to democracy, either from their position inside the democratic system or from outside of it. Looking at the action of the opposition parties in the democratic eras—establishing their own cells within the army, using trade unions to lobby in their favour, using tabloid newspapers owned by the National Islamic Front in the 1980s—now, in the post-April 2019 era, there is talk of 'shadow brigades', coup attempts, the sit-in dispersal massacre and the deep state's actions aimed at aborting the drive towards real political change. Could the Islamists absorb the shock and come back in one way or another, or is this an irreversible change of direction that is still in the making?

### Path dependence

Is the political class capable of making this transition a critical juncture in the country's history? Is there a political leadership of the calibre of South Africa's ANC: a charismatic, Bonaparte-style leadership in the style of Gandhi or Mandela that stands above everyone and is daring enough to stand against the interests of its socio-political base to serve the broader national interest? Mansour Khalid's book *The Sudanese Elite and Addiction to Failure* (1994) analyses the stances of the political elites at historical junctures. In my book *The Crisis of Governance in Sudan* (el-Battahani 2011) I stipulate that the late 1970s and early 1980s marked a critical juncture, the reverberations of which are still shaping the dynamics of politics in Sudan in one way or another.

### Class-based balance of power

As can be read from the public statements of officials, socio-economic macro policies favour a synthesis between transition to democracy and transition to durable peace that puts an end to conflict and war and reaches a peace agreement with the armed movements. When this happens, the economy will play a crucial role in facilitating the transition. Peace and reconstruction come at a cost that has to be paid. In addition, the grassroots and the productive forces in the formal and informal sectors, which were the worst hit by the *Inghaz* policies, are desperate for measures that reduce the cost of living and encourage productivity. On the other hand, many interest groups and networks have made fortunes from the *Inghaz* regime's policies. Although they may not necessarily be classified as 'Islamists', these interest groups and networks will form a strong opposition to economic reform.

Nonetheless, of the political dimension of economic reform, many questions need to be answered: who will pay the costs of economic reform? Will the transitional period have a socio-political incubator capable of supporting the transitional government's policies? Will the FFC serve as this incubator? Will it hold or stay the course in the face of the transitional period's challenges? Or will it be infected with the virus of disintegration and fragmentation? What would the international community's demands be in return for facilitating Sudan's return to the international community? Will Sudan's debts be rescheduled or cancelled? How would the street react to the lifting of

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**The economy will play a crucial role in facilitating the transition. Peace and reconstruction come at a cost that has to be paid.**

subsidies? What would be the appropriate approach to mobilizing the people behind the pooling of resources? Is the all-embracing national political project capable of incentivizing the socio-political incubator to provide the necessary political support for the transitional government? Will the trade unions raise demands for pay rises or put them on hold in appreciation of the special economic situation? These questions, for which there are no answers, highlight some of the main risks looming on the horizon.

### **A historical bloc for addressing the Sudan syndrome**

The December 2018 Revolution has won the world's admiration for its peacefulness and perseverance until it managed to topple the head of the regime. However, the transition that has just begun is not the first, but it is the hope of everyone that it will be the last. The track record of failed transitions, and the catastrophic impact of the *Inghaz* regime, have reduced the country to a state similar to a sick person who is shunned by everyone for fear of contracting a transmissible disease (Talu 2017), a state some observers dub 'Sudan syndrome' (al-Ramahi 2019).

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**The most serious challenge facing change agents is whether they can manage to build a 'historical bloc' under a political leadership that can rid itself of the 'old diseases' and disadvantages of the political class and lead a successful, positive transition.**

While acknowledging the tremendous revolutionary stamina demonstrated by the masses during their long, steadfast resistance gives reasons to hope, many challenges remain. The most serious challenge facing change agents—the trade unions, students' and women's organizations, and the political movements of the margins—is whether they can manage to build a 'historical bloc' under a political leadership that can rid itself of the 'old diseases' and disadvantages of the political class and lead a successful, positive transition—a transition unhindered by 'political compromises' but one based on a 'historical settlement' that brings together all the components of the political scene and opens the door wide for society at large to forge ahead in parallel with the mainstream of historical evolution. It is a transition that helps to cast off the negative image of Sudan in the eyes of foreign observers, which came to be described as Sudan syndrome.

There are now the big questions about where the transition process will lead post-April 2019. The above hypothesis is that the heavy historical failures since the 1970s and the tilted class-based balance of power will impede a deep transition but does not pose



a huge obstacle if the political class has learned the lessons of the past and allows genuine representation of the vital forces that led the revolution. Will events support this? Or will the regional and international coalition of conservative forces in the neoliberal era manage to curb and tame the revolutionary drive? Perhaps the law of physics, according to David Landis, will have something to say.

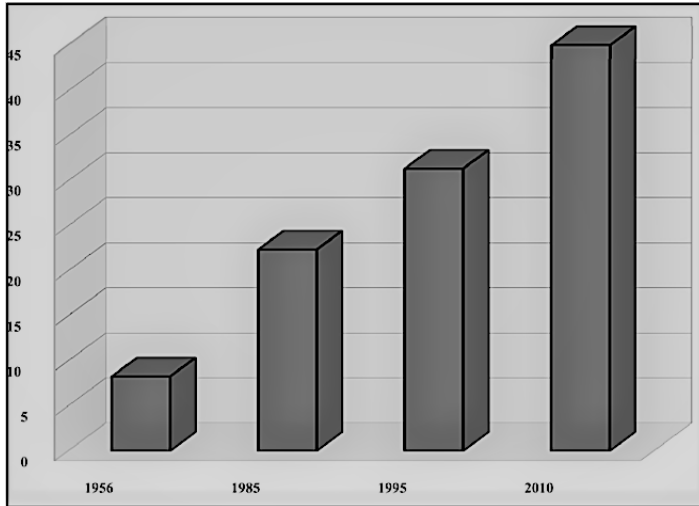
# Annex 1. Diversity elements in Sudan

Diversity in Sudan is multifaceted. Let us take the ethnic aspect. According to the frequently referenced 1955–1956 census, the biggest ethnic group was the Arabs (39 per cent), followed by the southerners (30 per cent), western Darfurians (9 per cent), Beja (6 per cent), West Africans (6 per cent), Nubians (5), Nuba Mountains (3 per cent) and Fung (1.7 per cent).

Another classification categorizes the Sudanese people into 19 main ethnicities and 597 ethnic groups. Starting from 1956, Sudan experienced significant socio-economic changes and a combination of natural and man-made factors (desertification, famine, civil war) that were not reflected in the 1973 and 1983 censuses. Those factors have not modified the ethnic diversity of the country, which was further deepened by a set of cultural, linguistic, religious, social and political factors.

According to many, there are 115 dialects, including 26 living languages spoken by more than 100,000 people: 52 per cent of the population speak Arabic while the remaining 48 per cent speak other languages. Diversity is also evident in faith, with the population divided between Islam, Christianity and other beliefs. Islamic fundamentalism has deepened the polarization of religious diversity.

Figure A.1. Urban growth



Source: 1955–1956 census.

# Annex 2. National income distribution in the early 1970s and late 1990s

## 1970

- 48 per cent of the national income shared by 20 per cent of the population.
- 30 per cent of the national income shared by 30 per cent of the population.
- 22 per cent of the national income shared by 50 per cent of the population.

## 1990

- 76 per cent of the national income shared by 20 per cent of the population.
- 17 per cent of the national income shared by 30 per cent of the population.
- 7 per cent of the national income shared by 50 per cent of the population.

## The socio-historical context

- The richest (48 per cent).
- The middle class (30 per cent).
- The poorest (22 per cent).

## Annex 3. Budgets and financial information

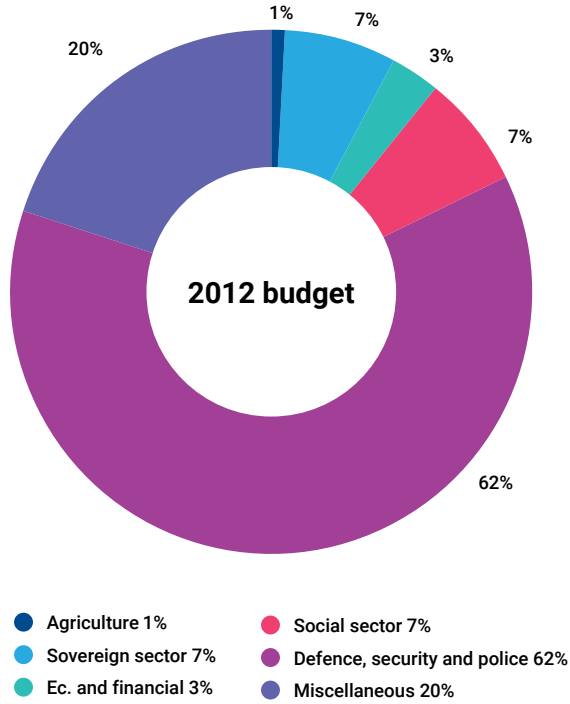
The budgets of 2015 to 2019 were 'war budgets', where the share of defence and security rose to 88 per cent of the total budget in 2017, up from 78 per cent in 2014 (Al Sudani 14 August 2014). The rise, according to the newspaper, was made in anticipation of the lifting of subsidies by year end in line with International Monetary Fund (IMF) recommendations.

Table A.1. 2010 Budget

| Item                         | Allocations<br>(million) | %          |
|------------------------------|--------------------------|------------|
| Elections and referendum     | 790                      | 7.37       |
| Sovereign sector             | 1,100                    | 10.3       |
| Defence, security and police | 6,500                    | 60.6       |
| Agricultural sector          | 918                      | 8.56       |
| Industrial sector            | 76                       | 0.71       |
| Energy and mining            | 304                      | 2.84       |
| Healthcare                   | 491                      | 4.58       |
| Education                    | 540                      | 5.04       |
| <b>Total</b>                 | <b>10,719</b>            | <b>100</b> |

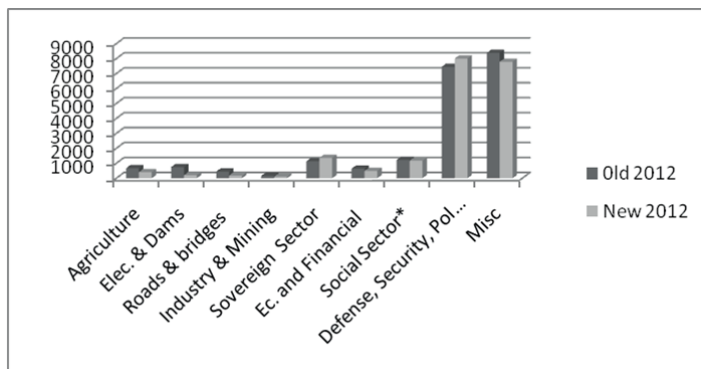
Source: Al-Sudani newspaper, 4 November 2009.

Figure A.2. The 2012 budget



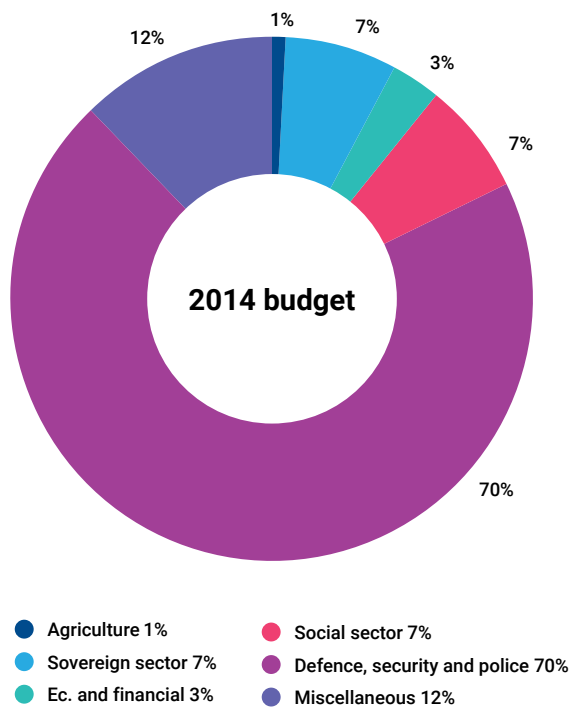
Source: Ministry of Finance.

Figure A.3. Government spending on various sectors, the 2012 budget (thousands of pounds)



Source: Ministry of Finance and National Economy: 2012 budget.

Figure A.4. 2014 Budget



Source: Ministry of Finance.

Table A.2. Sudan 2017 budget (billions SDG)

| Sector                    | Allocation |
|---------------------------|------------|
| Defence, security, police | 29,122     |
| Healthcare                | 5.3        |
| Education                 | 0.828      |
| Sovereign                 | 5.37       |

**Table A.3. Shift from oil to gold (millions USD)**

|  | 2008   | 2009  | 2010   | 2011   | 2012<br>(est.) | 2013<br>(proj.) | 2014<br>(proj.) | 2015<br>(proj.) | 2016<br>(proj.) |
|--|--------|-------|--------|--------|----------------|-----------------|-----------------|-----------------|-----------------|
| <b>Total exports</b>                       | 12,628 | 8,087 | 12,700 | 11,063 | 5,174          | 5,378           | 6,091           | 6,760           | 6,802           |
| <b>Oil exports</b>                         | 12,052 | 7,067 | 10,991 | 8,679  | 2,012          | 2,576           | 3,256           | 3,817           | 3,780           |
| <b>Gold</b>                                | 112    | 403   | 1,018  | 1,442  | 2,158          | 2,104           | 2,150           | 2,238           | 2,290           |
| <b>Gold/<br/>total<br/>exports<br/>(%)</b> | 0.9    | 5.0   | 8.0    | 13.0   | 41.7           | 39.1            | 35              | 33.1            | 32              |

Source: IMF Sudan country report, October 2013, p.11., <<https://www.imf.org/en/Publications/CR/Issues/2016/12/31/Sudan-Selected-Issues-41027>>, accessed 28 July 2023



Figure A.5. Poverty in the regions and states in Sudan (%)

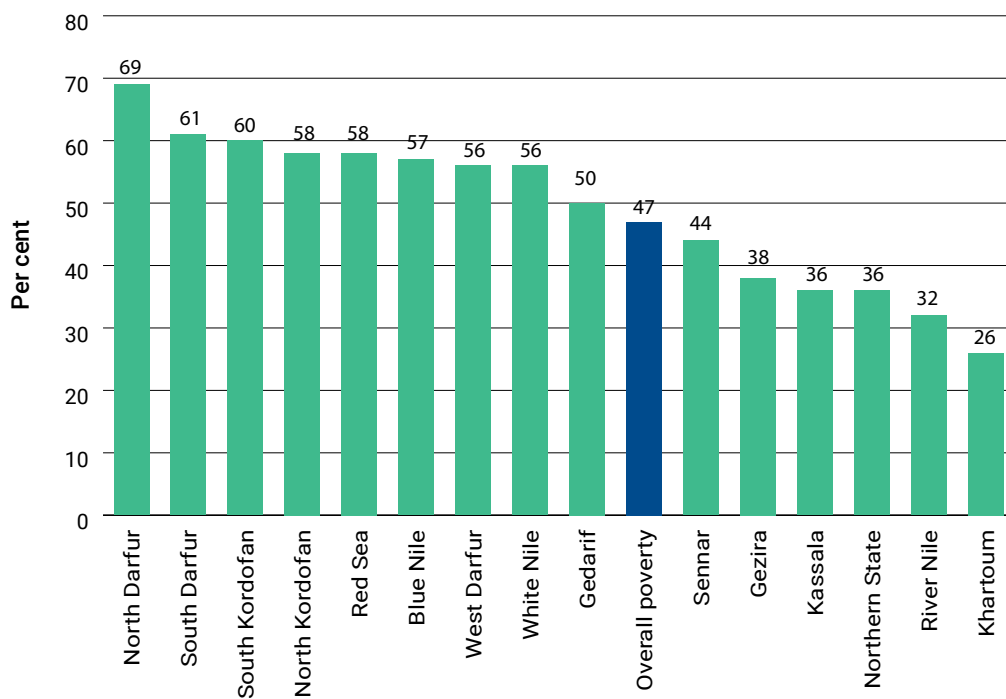
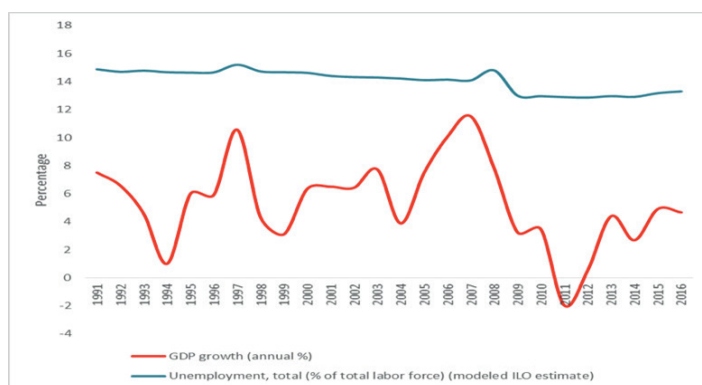


Figure A.6. Unemployment rate in relation to GDP growth



Source: World Bank, World development indicator, <<https://databank.worldbank.org/source/world-development-indicators>>, accessed 28 July 2023.

## **Annex 4. The parliament: The 2018 budget is dedicated to security and defence: Don't dream of a flowery world**

25 May 2017, 11:23 pm, Khartoum, al-Rakuba Online

A new set of harsh economic measures is on the way. The Parliament on Monday confirmed that the 2018 budget will be largely devoted to security and defence. Contrary to promises by the Bashir regime leaders that the economic situation will get better once an anticipated decision to lift US sanctions is announced, Parliament Speaker Ibrahim Ahmed Omer said at an MP gathering hosted by the Supreme Military Academy: 'The security and defence sector is the mainstay of the country. We have to strengthen it, otherwise our country will disintegrate'.

Most of the country's resources are used to fuel the wars instigated by the National Congress Party in the margins. The Bashir regime tends to design the public budget as an emergency budget dedicated to militarization, and the parliament leaders' statements show clearly that the National Congress Party is not serious about reaching a durable settlement that would end the civil war.

*Source:* el-Battahani, A., 'Sudan uprising: Anything can happen', Middle East Eye, 6 February 2019, <<https://www.middleeasteye.net/opinion/sudan-uprising-anything-can-happen>>, accessed 12 July 2023.

# Annex 5. Constitutional Declaration provisions related to peace and transition to democracy

## Chapter 5. Fundamental Rights and Freedoms

**Article 17:** The principles and standards contained in the international and regional pacts and charters ratified by the Republic of the Sudan shall be considered as an integral part of this Transitional Constitution; any law or decree that contradicts with the above shall be considered invalid and unconstitutional.

**Article 18:** The law guarantees that all people are equal before the law based on equal citizenship, respect of religious beliefs, traditions, without discrimination between them on the basis of political opinion, religious faith, ethnicity, gender, culture, or any other reason.

**Article 19:** The state recognizes and respects diversity of faiths, beliefs, and traditions, and commits to facilitating co-existence, interaction, equality, and tolerance among different faiths and beliefs. It permits free peaceful propagation of faiths and beliefs and prohibits coercion and instigation of religious strife and racial hatred in the country.

**Article 20:** The media and educational programmes shall be based on respect and commitment to the values and principles of our nation and international and regional human rights, and shall reflect ethno-cultural diversity of Sudan.

**Article 21:** The state shall protect, enhance, guarantee, and uphold rights and freedoms.

**Article 22:** Legislations shall not undermine or confiscate the constitutional rights and freedoms.

**Article 23: Life and human dignity**

Every person has a fundamental right to life, dignity, and personal safety, which shall be protected by law. No person may be arbitrarily deprived of life.

**Article 24: Personal freedom**

Every person has the right to freedom and security. No one shall be subjected to arrest or detention, and no one's freedom may be confiscated or restricted except for cause, and pursuant to the procedures stipulated by the law.

**Article 25: Prohibition of slavery and forced labour**

1. Slavery and human trafficking shall be prohibited in all forms. No person shall be enslaved or subjected to forced labour.
2. No person shall be compelled to perform work by force except as a punishment following conviction by a competent court.

**Article 26: Equality before the law**

People are equal before the law, and have the right to the protection of the law without discrimination between them on the basis of ethnicity, colour, gender, language, religious faith, political opinion, racial or ethnic origin, or any other reason.

**Article 27: Women's and children's rights**

1. The state shall protect the rights, freedoms, and dignity of Sudanese women, and recognize their positive contribution to the Sudanese national movement. It shall also uphold all relevant rights and obligations set forth in international and regional agreements ratified or to be ratified by Sudan.

The state shall guarantee to both men and women the equal right to enjoy all civil, political, social, cultural, and economic rights, including the right to equal pay for equal work, and other professional benefits.

2. The state shall guarantee women's rights in all fields and enhance them through positive discrimination.
3. The state shall endeavour to combat harmful customs and traditions that reduce the dignity and status of women.

4. The state shall provide free healthcare for maternity, childhood, and pregnant women.
5. The state shall protect the rights of the child as set forth in international and regional agreements ratified by Sudan.

**Article 28:** Protection against torture

No one shall be subjected to torture or harsh, inhumane, or degrading treatment or punishment, or debasement of human dignity.

**Article 29:** Fair trial

1. An accused person is innocent until proven guilty by law.
2. Upon being arrested, the person arrested shall be promptly notified of the reasons for the arrest and the charge against them.
3. Any person subjected to civil or criminal proceedings shall have the right to a fair and open hearing before a competent ordinary court in accordance with the procedures defined by law.
4. No charges may be brought against any person because of an act or failure to act unless such act or failure to act constituted a crime at the time of occurrence.
5. Every person facing any criminal charge shall have the right to be tried in person, without unjustified delay. The law shall regulate trials in absentia.
6. The accused shall have the right to defend themselves personally or via an attorney of their choice. They shall have the right to legal assistance by the state if they are unable to defend themselves in crimes of extreme gravity.

**Article 30:** The right to litigate

The right to litigate shall be guaranteed for all, and no one shall be deprived of the right to resort to justice.

**Article 31:** Death penalty

1. The death penalty may not be inflicted on anyone who is convicted in a political crime or who has not reached 18 years of age or who has reached 70 years of age.
2. The death penalty may only be inflicted on pregnant women and nursing mothers two years after (they have finished) breastfeeding.

**Article 32: Right to privacy**

No one's privacy may be violated, nor shall any interference in the personal or family life of any person, whether at their home or in correspondence, be permitted except by law.

**Article 33: Freedom of belief and worship**

Every person shall have the right to freedom of religious belief and worship. They shall have the right to profess or express their religion or belief through worship, education, practice, performance of rituals, or celebrations, in accordance with the requirements of the law and public order. No one shall be compelled to convert to a religion they do not believe in or to practise rites or rituals against their will.

**Article 34: Freedom of expression and the press**

1. Every citizen shall have unrestricted right to freedom of expression, to receive and publish information and publications, and to access the press, without prejudice to public order, safety, and morals, as defined by law.
2. The state shall guarantee freedom of the press and other media, as regulated by law in a democratic, pluralistic society.
3. All media shall adhere to the professional ethics and shall not incite religious, ethnic, racial, or cultural hatred, or call for violence or war.

**Article 35: Freedom of assembly and organization**

1. The right to peaceful assembly shall be guaranteed and every person shall have the right to free association with others, including the right to form political parties, associations, organizations, syndicates, and professional unions, or to join the same in order to protect their interests.

**Article 36:**

1. Every citizen shall have the right to engage in public affairs through voting as regulated by the law.
2. Every citizen who reached the age designated by this Constitution or the law shall have the right to vote for or to be voted for in regular elections that guarantee free expression of the will of voters, to be conducted in secret balloting.

**Article 37:** Freedom of travel and residence

1. Every citizen shall have the right to freedom of travel and free choice of place of residence, except for reasons required by public health or safety, as regulated by law.
2. Every citizen shall have the right to leave the country, as regulated by law, and the right to return.

**Article 38:** Right to own

1. Every citizen shall have the right to acquire or own by law.
2. Private property shall not be appropriated except by virtue of a law and for the public interest, and in return for fair, immediate compensation. Private funds may only be confiscated by virtue of a court ruling.

**Article 39:** Right to education

1. Every citizen shall have the right to education. The state shall guarantee access to education without discrimination on the basis of religion, race, ethnicity, gender, or disability.
2. Education at the basic level shall be compulsory, and the state shall provide it free of charge.

**Article 40:** Right of persons with special needs and the elderly

1. The state shall guarantee for persons with special needs all the rights and freedoms set forth in this Declaration, respect their human dignity, secure proper education and work for them, and guarantee their full participation in society.
2. The state shall ensure that the dignity of the elderly is preserved and that they have access to appropriate healthcare and medical services, as regulated by law.

**Article 41:** The powers of the Cabinet in a state of emergency

While the state of emergency is in effect, the Cabinet may take any measures that do not restrict or partially impede or limit the effects of the provisions of this Declaration. However, if the exceptional situation reaches the point of threatening the safety of the nation, the Cabinet may, in consultation with the Sovereignty Council, suspend part of the rights charter set forth in this Declaration, without

prejudice to the right to life; protection from enslavement, torture, and non-discrimination on the basis of race, gender, religious conviction; the right to litigate, or the right to a fair trial.

## **Chapter 14. Rights and Freedoms Charter**

### **Article 42: The essence of the Rights Document**

1. The Rights Document is a pact between all people of Sudan, and between them and their governments at every level. It is an obligation on their part to respect the human rights and fundamental freedoms contained in the Document, and to work to advance them, being the cornerstone of social justice, equality, and democracy in Sudan.
2. All rights and freedoms contained in international human rights agreements, pacts, and charters ratified by the Republic of Sudan shall be an integral part of this Document.
3. Legislations shall organize the rights and freedoms contained in this Document but shall not confiscate or reduce them. These rights may only be restricted to the extent needed for protecting the democratic society.

### **Article 43: The state's obligations**

The state undertakes to protect and strengthen the rights contained in this Document and guarantee them for all without discrimination on the basis of race, colour, gender, language, religion, political opinion, social status, or other reason.

### **Article 44: Life and human dignity**

Every person has a fundamental right to life, dignity, and personal safety, which shall be protected by law. No person may be arbitrarily deprived of life.

### **Article 45: Citizenship and nationality**

1. Citizenship is the basis of equal rights and obligations for all Sudanese.
2. Anyone born to a Sudanese mother or father has an inalienable right to possess Sudanese nationality and citizenship.
3. The law shall organize citizenship and naturalization, and no one who has acquired citizenship by naturalization shall be deprived of nationality except by law.
4. Any Sudanese person may acquire the nationality of another country, as regulated by law.



**Article 46: Personal freedom**

1. Every person has the right to freedom and security. No one shall be subjected to arrest or detention, and no one's freedom may be confiscated or restricted except for cause, and pursuant to the procedures stipulated by the law.
2. Every person who is deprived of freedom shall have the right to humane treatment and respect of their human dignity.

**Article 47: Prohibition of slavery and forced labour**

1. Slavery and human trafficking shall be prohibited in all forms. No person shall be enslaved or subjected to forced labour.
2. No person shall be compelled to perform work by force except as a punishment following conviction by a competent court.

**Article 48: Equality before the law**

People are equal before the law, and have the right to the protection of the law without discrimination between them on the basis of ethnicity, colour, gender, language, religious faith, political opinion, racial or ethnic origin, or any other reason.

**Article 49: Women's rights**

1. The state shall protect women's rights as set forth in international and regional agreements ratified by Sudan.
2. The state shall guarantee to both men and women the equal right to enjoy all civil, political, social, cultural, and economic rights, including the right to equal pay for equal work, and other professional benefits.
3. The state shall guarantee women's rights in all fields and enhance them through positive discrimination.
4. The state shall endeavour to combat harmful customs and traditions that reduce the dignity and status of women.
5. The state shall provide free healthcare for maternity, childhood, and pregnant women.

**Article 50: Children's rights**

The state shall protect the rights of the child as set forth in international and regional agreements ratified by Sudan.

**Article 51: Protection against torture**

No one shall be subjected to torture or harsh, inhumane, or degrading treatment or punishment, or debasement of human dignity.

**Article 52: Fair trial**

1. An accused person is innocent until proven guilty by law.
2. Upon being arrested, the person arrested shall be promptly notified of the reasons for the arrest and the charge against them.
3. Any person subjected to civil or criminal proceedings shall have the right to a fair and open hearing before a competent ordinary court in accordance with the procedures defined by law.
4. No charges may be brought against any person because of an act or failure to act unless such act or failure to act constituted a crime at the time of occurrence.
5. Every person facing any criminal charge shall have the right to be tried in person without unjustified delay. The law shall regulate trials in absentia.
6. The accused shall have the right to defend themselves personally or via an attorney of their choice. They shall have the right to legal assistance by the state if they are unable to defend themselves in crimes of extreme gravity.

**Article 53: Right to litigate**

The right to litigate shall be guaranteed for all, and no one shall be deprived of the right to resort to justice.

**Article 54: Restriction of the death penalty**

1. The death penalty may only be inflicted as retribution (*qasas*), a *hudud* punishment, or as a penalty for crimes of extreme gravity, in accordance with the law.
2. The death penalty may not be inflicted on anyone who has not reached 18 years of age at the time the crime was committed, and it may not be inflicted on anyone who has reached 70 years of age, except in the case of *qasas* and *hudud* crimes.
3. The death penalty may only be inflicted on pregnant women and nursing mothers two years after (they have finished) breastfeeding.

**Article 55:** Right to privacy

No one's privacy may be violated, nor shall any interference in the personal or family life of any person, whether at his home or correspondence, be permitted except by law.

**Article 56:** Freedom of belief and worship

Every person shall have the right to freedom of religious belief and worship. They shall have the right to profess or express their religion or belief through worship, education, practice, performance of rituals, or celebrations, in accordance with the requirements of the law and public order. No one shall be compelled to convert to a religion they do not believe in or to practise rites or rituals against their will.

**Article 57:** Freedom of expression and the press

1. Every citizen shall have unrestricted right to freedom of expression, to receive and publish information and publications, and to access the press, without prejudice to public order, safety, and morals, as defined by law.
2. Every citizen shall have the right to access the Internet, without prejudice to public order, safety, and morals, as defined by the law.
3. The state shall guarantee freedom of the press and other media, as regulated by law in a democratic, pluralistic society.
4. All media shall adhere to the professional ethics and shall not incite religious, ethnic, racial, or crucial hatred, or call for violence or war.

**Article 58:** Freedom of assembly and organization

The right to peaceful assembly shall be guaranteed and every person shall have the right to free association with others, including the right to form political parties, associations, organizations, syndicates, and professional unions, or to join the same in order to protect their interests.

(Articles 59–64 were removed by intention.)

**Article 65:** Ethnic and cultural groups

All ethnic and cultural groups shall freely enjoy and nurture their own culture. The members of such groups shall have the right to exercise their beliefs, use

their languages, observe their religions or customs, and raise their children in the framework of such cultures and customs.

**Article 66: Protection of rights and freedoms**

Subject to article 30 of this Document, the rights and freedoms set forth in this Document shall not be reduced. The Constitutional Court and other competent courts shall preserve, protect, and apply this Document, and the Human Rights Commission shall oversee its application in the state.

**Chapter 15. Comprehensive Peace Issues**

**Article 67:** State agencies shall perform the following duties during the transitional period:

1. Achieve a just and comprehensive peace, end the war by addressing the roots of the Sudanese problem and its effects, taking into account the provisional preferential measures for the war-affected and underdeveloped regions, and address the issues of the marginalized, vulnerable, and most affected groups.
2. Prioritize working on implementing the comprehensive peace agreement mentioned in the above paragraph within a period not to exceed six months from the signing date of this agreement, beginning within one month from the date that the Peace Commission is formed.
3. Apply UN Security Council Resolution 1325 and the relevant African Union resolutions regarding participation of women at all levels in the peace process, and apply regional and international charters regarding women's rights.
4. Put in force legal reforms that guarantee women's rights, by repealing all laws that discriminate against women, and protect the rights granted to them by this Constitutional Charter.
5. Work on stopping hostilities in disputed regions, and build a comprehensive and fair peace process by opening corridors for delivery of humanitarian assistance, and release prisoners and persons convicted because of war, and exchange prisoners.
6. Issue a general pardon from rulings issued against political leaders and members of armed movements on account of their membership therein.
7. Start implementing transitional justice and accountability measures for crimes against humanity and war crimes, and present the accused to national and international courts, in application of the no-impunity principle.
8. Facilitate the mission of the UN delegation of the High Commissioner of Human Rights to work in Sudan.

9. Return properties belonging to organizations and individuals that were confiscated due to war, in accordance with the law.
10. Adhere to the relevant international standards for compensation and return of properties to displaced persons and refugees, and guarantee the human rights of displaced persons and refugees set forth in international and national laws during and after the voluntary return process.
11. Ensure the right of displaced persons and refugees to participate in general elections and the Constitutional Conference.

**Article 68:** The essential issues for peace negotiations include the following:

1. Special status of the regions affected by war.
2. Security arrangements.
3. Voluntary return and sustainable solutions to the issues of displaced persons and refugees.
4. Issues of marginalization and vulnerable groups.
5. Equal citizenship.
6. The system of governance and the relationship between the centre and the provinces/regions.
7. Issues of lands and tribal lands (*hawakir*).
8. Fair distribution of power and wealth.
9. Fair and sustainable development.
10. Reconstruction of regions affected by the war.
11. Compensation and restoration of property.
12. Transitional justice, reconciliation and restitution of victims.
13. The administrative status of provinces/regions affected by the war.
14. Any other issues relevant to achieving a comprehensive and just peace process.

**Article 69:** The comprehensive peace agreements signed between the transitional authority and the armed movements shall be included in the Constitutional Charter in accordance with its provisions.

## Chapter 16. Miscellaneous Provisions

**Article 70:**

1. The provisions of this Constitutional Charter have been derived from the political agreement on the governing structures of the transitional period, signed between the Forces of Freedom and Change and the Transitional Military

Council. If any provisions of these two documents are in conflict, the provisions of this present Declaration shall prevail.

2. The Transitional Military Council shall be dissolved once the members of the Sovereignty Council are sworn in.
3. Except where a relevant provision is included in this Constitutional Charter, the work of the existing state agencies and institutions shall continue, unless they are dissolved, abolished, or reinstated by any subsequent measure.
  - a. With the exception of the authorities and powers granted to the Sovereignty Council by virtue of this Constitutional Charter, all executive authorities and powers of the President of the Republic set forth in a valid law shall be vested in the Prime Minister.
  - b. Any dispute that arises between a sovereign authority and an executive authority shall be resolved by the Constitutional Court.
4. The Sovereignty Council and the Cabinet shall represent the state abroad in accordance with their respective powers.
5. Peace agreements concluded between the government of Sudan and armed movements shall be reviewed to address any imbalances and ensure a comprehensive and just peace.

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## About the author

**Atta El-Battahani** is a Professor in Political Science, Political Economy, educated at Khartoum University (Sudan) and Sussex University (UK). During 2003–2006 he was Head of the Department of Political Science, Faculty of Economics, University of Khartoum. He is a founding member of Amnesty International Khartoum Group (1987–1989), and also a founding and leading member of Sudanese Civil Society Network for Poverty Alleviation (SCSNPA) 2002–2005. He served as Manager and Senior Advisor for International IDEA in Sudan from 2006 to 2011.

El-Battahani did a number of consultancies for UNDP, ECA, IDRC, IGAD, OXFAM, IFAD and World Bank on governance, resource-based conflict, early warning, urban poverty and gender and development, respectively. He is an Associate of Partners in Development Services (PID) and Gender Centre for Research and Training (GCRT) and Rift Valley Institute (RVI). He served as Editor-in-Chief of the *Sudan Journal of Economic and Social Studies* during 2010–2020.

El-Battahani has over 25 years experience as a researcher and has published widely on issues of governance and conflict in Sudan. His areas of research include development impact of ethnic and religious conflicts in African societies; governance and state institutional reform in Africa and the Middle East; conflict and cooperation in the Nile Valley; gender politics; and peripheral capitalism and political Islam in sub-Saharan Africa; and elections and political transitions. Dr El-Battahani has conducted research and published on federalism and economic development in Sudan, economic liberalization and institutional reform in irrigated agriculture, Indigenous conflict resolution mechanisms, the politics of HIV/AIDS in Sudan, and economic transformation and political Islam, and democracy deficit in the Arab World.

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The International Institute for Democracy and Electoral Assistance (International IDEA) is an intergovernmental organization with 34 Member States founded in 1995, with an exclusive mandate to support and advance democracy worldwide.

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<https://www.idea.int>



**International IDEA**  
Strömsborg  
SE-103 34 Stockholm  
SWEDEN  
+46 8 698 37 00  
info@idea.int  
www.idea.int

Sudan has experienced four transitional periods in its post-independence history, all of which have failed to achieve the desired change. The fifth transition, which began in 2019, was hindered by the October 2021 coup d'état and later by the April 2023 armed conflict, resulting in yet another failed transition. This book delves into an investigation of these failed transitions and the challenges they faced. It provides an in-depth analysis of the reasons behind their failures, incorporating various models and theories to explore the nature of Sudan's latest transition. By highlighting the unique aspects of the Sudanese experience, this approach aims to enrich academic research and contribute value to the literature on transitology.

The book claims that the failure to fulfil all the conditions necessary for a proper transition to democracy serves as a prelude to the failure of democratic rule. This is attributed to the crisis of governance in Sudan that is rooted in the structure of power, characterized by the ruling political class's incapability to lead the country effectively. The author argues that a successful transition in Sudan must be unhindered by 'political compromises' but based on a 'historical settlement' that brings together all the components of the political scene and opens the door wide open for the society at large to forge ahead in parallel with the mainstream of historical evolution.

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