

**NEW NATIONAL SALVATION REVOLUTION
CONTTUTIONAL AND POLITICAL OPTIONS
IN SUDAN(1989-1992)**

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Introduction :

The Republic of Sudan experienced after independence in 1956 the form of a unitary State (i.e centralized power through which Sudan was ruled from Khartoum) while the form of government which began with the West-minister parliamentary system, was marked by political instability due to the alternation of parliamentary and military governments resulting in three parliamentary experiences, three military regimes and two transitional periods to which we can add a third transitional period of a distinctive nature, with the experience of the National Salvation Revolution (N.S.R.) of 30 June 1989.

It is to be remarked that the military regimes alone attempted to introduce some new political and constitutional changes. While the first military regime of General Ibrahim Aboud introduced the limited experience of the “ Central Council” for the sake of democratization through nomination, the second military regime of General Gaafar Numeiri attempted through “ May Revolution” to introduce drastic political and constitutional changes through the Regional Government Act (following Addis Ababa Agreement of 1972)

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and the presidential one party system (Sudanese Socialist Union) for a popular form of government. But this last attempt collapsed after 16 years as a result of April uprising of 1985 mainly because of its totalitarian character and its failure in both internal and external policies. Numeiri's presidential regime was based on referendum for one candidate (yes or no) and not on direct election from several candidates.

The present third military regime of General Omer El-Bechir starting from the 30th of June 1989, declared “ the National Salvation Revolution” with the intention of introducing radical changes in all fields that include the solution of the major national issues, namely peace, political stability, economic development and foreign policy.

This paper aims at concentrating on the new political and constitutional options of the National Salvation Revolution both in theory and practice and their expected future impacts on the political development in Sudan. These new options of the N.S.R. can be summarized mainly in the two terms “ federalism” and the “ congresses system”. These two options are totally new to the people of Sudan and they came after 33 years of independence.

The N.S.R. adopted the method of dialogue to reach these options as well as the other options in different fields through conferences.

The option of federalism:

As the most important problem in Sudan since 1955 is that of rebellion and war in the South, the first conference of the

N.S.R. was reserved to that issue. Hence the National Dialogue conference on Peace Issues was held in Khartoum from 9 September to 21 October 1989. The membership of the conference included representation of all political opinions and examined all national issues of peace in an atmosphere of freedom and objectivity. The conference was divided to sub-committees on the following issues: root-causes and the historical background of the conflict, impact and effects of the war, previous peace settlements and initiatives, options, data and documentation. The conference sought the assistance of the intellectuals and those of long experience and specialization through seminars and symposiums while it also sent some delegations to the southern regions, southern Blue Nile region and southern Kordofan to listen to the opinions of the local population in these areas.

It is important to concentrate here on the recommendations pertaining to the political and constitutional options raised by the options sub-committee as they deal with the solution of substantial issues relating to sharing of Power, sharing of national revenue, the expression of cultural diversity, identity and the relationship between State and Religion.

The most important recommendation on the issue of sharing of power was that related to the option of the federal system and this includes in the text the federal organs(federal presidency, legislative organ, executive organ and judiciary). The text states that the Federal Republic shall have a President and a Vice-President to be elected by direct vote by all Sudanese citizens. It also makes two lists for the allocation or division of powers and

jurisdictions between the Federal Government and the states' governments while the concurrent and residual powers and jurisdictions shall be allocated by the National Legislative organ, or be determined or settled by the Federal Judiciary. Also the formulation of a federal political charter was recommended for the close observation of new political ethics and norms ⁽¹⁾ .

This federal option has been adopted due to certain objective facts or realities namely the large area of Sudan and the lack of adequate means of communications, the ethnic, cultural and religious diversity of the people of Sudan, resulting in difficulties of building a strong Sudanese nation, the existence of non-balanced economic development that demands a stronger formula than that of regional government. Hence the federal system aims at :

- 1- The gradual construction of a united Sudanese nation.
- 2- The elaboration of popular participation and consultation so as to prepare all the people of Sudan to build and administer their regions.
- 3- The establishment of local government so as to enable the local masses to participate in political power,
- 4- The concentration of the central or federal government on the national issues like security, development and foreign relations.

- 5- The agreement on a formula that enables the majority to express their beliefs without touching on the basic rights of citizenship and the freedom of expression to others.
- 6- The existence of constitutional guarantees that prevent the transgression of either the Federal Government or the states' governments on the powers and jurisdictions of the other.
- 7- The establishment of balanced development in the making of national plans and through giving incentives to the regional effort so as to develop the regions⁽²⁾

In the issue of the sharing of national revenue, the recommendations listed the principles of the sharing of this revenue through the Federal Government whose role is to endeavour to remove disparity, realize social justice and restore confidence among the people for the promotion of development all over the Sudan⁽³⁾.

With regard to the expression of cultural diversity, the text stated that cultural, ethnic, historical and environmental diversity is a factor of strength in the Sudan. The Arabic language is the official language as agreed upon since the Legislative Assembly of 1948 and the successive constitutions, but the State should curtail any inclination to give any privilege to any specific culture, language or historical heritage and should hence provide for these Sudanese characteristics the facilities for development. The Federal Government can realize these objectives in the fields of education, information and culture⁽⁴⁾.

Concerning the issue of identity, the text of the recommendations stated that the Sudanese are one people, and like many other peoples, they are a blend of diverse ethnic groups and cultures which intermixed and integrated over long periods of history in a tolerant and accommodating spirit. Hence Arabism and Africanism, says the text, are two important factors in the formation of the Sudan and resulting in the Sudanese identity being a source of strength and enrichment (5).

Lastly, with regard to the sensitive issue of the State and Religion, the text of the recommendations stated that the Sudanese are one nation, united by one citizenship which entails coexistence, solidarity and integration. Belief in religions forms a basic factor in their fabric and culture. Islam is the religion of the majority of the population and Christianity and African creeds are professed by a considerable number among them. The State and Society are, therefore, obliged to respect religions, care for their rights and be guided by their tolerant teachings in close observance of the following principles :

- a- Freedom of belief and worship shall be guaranteed to all Sudanese.
- b- Freedom of Daa'wa and preaching shall be guaranteed to all Sudanese without provocation.
- c- Islam is both worship and social transactions and it is the right of Muslims to observe the legislation of their religion in various fields of life without adversely

affecting the rights of others or causing damage or prejudice to them.

- d- Sharia and custom shall be the two main sources of legislation in the Sudan.
- e- Civil and criminal laws are of national origin and application, provided that due consideration is taken of religions and customs of regional groups.
- f- A state may in the federal system exempt itself from the application of any legislative provisions of a purely religious character.
- g- Personal laws affecting marriage, cohabitation, divorce, affiliation, paternity and inheritance are to be governed by the religion or custom followed by the people.
- h- Sudanese are equal in rights and duties before the law. No distinction or discrimination shall be made between citizens because of their religion, ethnic origin or sex ⁽⁶⁾.

We can conclude from these recommendations that the National Dialogue conference on Peace Issues has determined for the first time since the independence of Sudan the new form of the State following the federal option which was first demanded by the southern parties even before independence but was then rejected by Northern parties despite the British colonial policy of separating the South from the North for nearly quarter of a century, the thing which resulted in the problem of non-confidence between the two parts of the country. It is to be remarked here that while the British

initiated the idea of the federal system in Nigeria in 1954 (i.e. six years before the independence of Nigeria in 1960), Sudan was only offered at the same time a period of self-government through a parliamentary two-party system without any mention of federalism.

With this new option of federalism, the N.S.R. came through the National Dialogue Conference on Peace Issues to decide at the same time upon other important issues which were of controversial nature especially during the third parliamentary era(when EL-Sadig El-Mahdi was prime minister) which preceded the coming of the N.S.R. These issues as we have seen were treated within the option of federalism: the sharing of national revenue, expression of cultural diversity, identity, State and religion. The recommendations of the Dialogue conference became “the Government’s Peace Programme for Negotiations with the SPL/SPLM as they were approved by the Revolutionary Command Council (RCC) and the Council of Ministers on the 1st of November, 1989.

The Congresses System :

The option of “the new political system” in Sudan came after about a year from the federal option and 34 years from independence. It resulted from “the National Dialogue Conference on the Political System” held in Khartoum from August 6 to October 21, 1990. It was the longest of all the conferences held on the different issues and it followed the

same procedures of the first National Dialogue Conference on the Issues of Peace as its membership covered all the political trends, sectarian or interest groups, intellectuals and representation of all the regions of Sudan. The proceedings of the conference were made through four sub-committees, namely on the intellectual and cultural sources of the Sudanese society, the study of previous political Sudanese experiences, the study of comparative political experiences, and the role of sectarian groups and potentialities ⁽⁷⁾.

The first stage of the conference concentrated on the presentation of papers and discussion in the four sub-committees: the second stage was marked by field visits to the different regions of the Sudan and some other countries so as to dialogue with the local population and obtain knowledge about the experience of others⁽⁸⁾; the third stage conducted the discussion of the reports of the sub-committees and delegations before the formation of the options committee which presented to the conference three options: multiparty system , one party system and congresses system together with a suggestion of a transitional period aiming at the construction of national unity and the solution of major national issues especially peace and economic development. The conference finally adopted the option of the congresses system because of its positive aspects as compared to the former negative experiences of pluralism and the one-party system in Sudan⁽⁹⁾.

In the final report of the National Dialogue Conference on the Political System , it was stated that the bases or the logic

behind the option of the Congresses System depended on the following considerations ⁽¹⁰⁾ :

- 1- The necessity of the existence of basic values in the political system, i.e justice, liberty, “Shura” (consultation), unity and participation, which are original Sudanese values.
- 2- The necessity of adopting the positive aspects of the former Sudanese experiences (pluralism and totalitarianism) while avoiding their defects.
- 3- The necessity of making use of the experiences of other peoples for the sake of their positive aspects, especially those whose conditions are similar to Sudan .
- 4- The experience of N.S.R in the specialized conferences and that of popular committees for the direct solution of local problems.
- 5- The political system should be comprehensive so as to offer complete solutions to all the problems of the Society and also to determine the relation between the popular organizations and the State constitutional and administrative institutions as well as the cultural, social and economic institutions of the Society.

Moreover the option of the congresses system has confirmed the former options of the National Dialogue Conference on the Issues of Peace as appeared in the final report and recommendations. The structure of the new political system, is formed by three elements: the popular

congresses from the basic level at the bottom to the global or national level at the top, the sectarian congresses at both state and national levels, and the basic national constituencies. The popular congresses at the different levels (basic, local, provincial, State and national levels) assure direct popular participation; the sectarian congresses guarantee the participation of the different modern groups in the political system; the basic national constituencies confirm the participation of traditional groups according to rational parliamentary basis⁽¹¹⁾.

Briefly speaking about the structure of the new political system⁽¹²⁾, the basic congress is constituted of direct meeting of all citizens, men and women, in quarter, village or area without any isolation, discrimination or restriction. The basic congress shall, in its session, practice policies pertaining to administration of local affairs or any other relevant political issues together with appointing a secretariat to run its affairs. It shall elect a popular committee to implement those policies and undertake as well the enlightenment and political mobilization necessitated by national action.

The local (or council) congress is constituted from the totality of the popular committees elected by the basic congresses within the framework of the town council, rural council or municipal council. The local congress shall make policies related to administration of its affairs or any other matter pertaining to political issues and shall also appoint a secretariat. The local congress shall elect an administrative council to supervise administrative functioning and local

legislation according to the guide-lines set up by the local congress.

The province congress is constituted from members promoted from the local congresses and administrative councils and shall, in its session, make general policies concerning the running of the province's affairs and the relevant political issues and shall appoint a secretariat. The province congress shall elect the province council.

The state (wilaya) congress is composed of members promoted from the congresses and councils and the four sectarian congresses, i.e. economic, social and cultural, youth and students, and women. It shall initiate, in its session, general policies pertaining to the State and the relevant political issues, appoint a secretariat to administer its affairs and as well promote its representatives in the state assembly. The state assembly consists of two components: one elected by the state congress and the other elected by the geographical constituencies. It is a legislative body undertaking legislation and parliamentary control at the state level, and the Governor of the state is the head of the executive organ.

Lastly, the National congress shall be composed from those promoted from the state congresses and the eight sectarian congresses : economic, social and cultural , youth and students, women, legal, administrative, diplomatic, defense and security, and shall appoint a secretariat to undertake its administrative actions and public relations. The National Congress shall outline the general trends for the national policies and legislation. The National Assembly consists of two

parts: one elected by the National Congress and the other directly elected through geographical constituencies at the national level. It is the national constitutional and legislative organ (the Parliament).

It is to be noticed from this structure of the congresses system that this political system is connected with the constitutional federal system at the states and National levels. The congresses initiate policies while the state assemblies and the National Assembly perform the function of legislation according to the powers and jurisdictions specified in the constitution for both sides. The Governor of the state is the head of the state government while the President is the head of the Federal Government and he is directly elected by the people. This leads to the establishment of a presidential system which is the option already confirmed by the National Conference on the Peace Issue in 1989.

We can summarize the objectives of the political system as follows: ⁽¹³⁾

- 1- Realization of the democracy by participation through securing an effective role of national participation for all citizens.
- 2- Mobilization of the national will and potentialities for reconstruction of the country and promotion of progress.
- 3- Giving the legislative and political decision-making power to the citizens at all levels of national action, i.e giving power to the masses.

- 4- Allowing all social forces, especially the modern forces represented in the trade unions, associations, societies and groups of different affiliations, the chance to participate in political action through sectarian congresses.
- 5- Creation of a framework for national action, realizing freedom, participation, consultation (shura), equality and justice for all citizens.

It is important to add that a “constituent period” has been suggested in the final report of the National Dialogue Conference on the Political system. The aim of this period is to start the construction of the political system through gradual processes beginning by appointments, candidatures and central selection until proceeding finally to free direct elections. It is also stated that the political system shall be subject to continuous evaluation and development so as to respond to the present realities and the future aspirations ⁽¹⁴⁾. The final report of the conference ends by fixing the general guide-lines of the National Charter for political action which was to be elaborated later together with the statute of the congresses system. This effort was completed in the constituent National congress held in Khartoum from April 29 to May 2, 1991. Hence two texts were approved in that congress: project of the statute of the political system and the project of the National Charter for political action.

The statute of the political system concentrates on the composition and competence of the different levels of popular congresses as well as the local councils, state and National

Assemblies. It also deals with the eligibility of the President and Vice-President and the method of their election⁽¹⁵⁾. On the other hand, the National Charter considers in its six chapters the issues of the spiritual, intellectual and cultural sources of the Sudanese people, national unity, political structure, national structure (economic, social, cultural and educational aspects), defense and national security, and finally foreign relations⁽¹⁶⁾. The National Charter concentrates on the ethics and moral principles that govern political activity.

Realities and practical limitations:

It is clear from the theory of the new political and constitutional options(i.e. federalism and congresses system in addition to the presidential system) adopted by the N.S.R. in addition to the presidential system through the National Dialogue Conference on Peace Issues that an important effort and literature have been made and introduced for a new experience in Sudanese politics. These new options are based on logical reasons and considerations. However, more important would be the possibility of their practical application.

Sudanese present realities indicate still the division of the Sudanese people into different affiliations: ethnic, tribal, regional, religious, cultural, partisan and ideological. For some observers, it is not perceivable to attain national unity in such conditions as it is not easy for most of the citizens to do without these differences. Also the war in the South was still a heavy burden on the Sudanese economy and it remained an important obstacle against economic development.

Hence some practical limitations have been elaborated as hindering the application of the new options. For example in the case of federalism the fear of the break-down of national unity and the heavy expenses needed for the application of the federal system have been advanced as obstacles while in the case of the congresses system, some expressed the fear of the return of the one party system.

However, the National Salvation Government has argued that the new political and constitutional options are the most suitable to the country's social and economic conditions and reflect greatly its cultural heritage. The concept of centralized power followed after independence has greatly damaged national unity given the well known conditions of Sudan i.e. the large area and the ethnic, cultural and religious diversity . Also the political parties transformed the country into a fierce political struggle which weakened national unity and hampered national construction. The multi-party system was totally alien to the Sudanese environment given the historical experiences, values and notions.

The proposed federal option divides power between the Central Government and the state governments, removes economic and social disparity between the regions through the sharing of national revenue, and recognizes ethnic, religious and cultural diversity.

It has more advantages than the unitary state in such a country like the Sudan, and hence national unity can be attained more easily.

Also Sudan is a rich country in its natural resources and the different states are encouraged to raise their own local resources so as to depend in future on themselves for their public finance. The federal system was to be gradually established according to the development of internal conditions.

With regard to the new options, the N.S.R. has made the following remarks⁽¹⁷⁾:

- 1- The multi-party system's experience in Sudan was not truly democratic as the parties formation and practice were not democratic, lacking coherent philosophy for rule and establishment of political programmes, its leadership's conduct was characterized by authoritarianism and elitism and consequently it was transformed into civil dictatorship camouflaged in democratic forms.

As for the one-party system's experience in Sudan, it only resulted in the domination of central leadership and the political practice had caused all organizational channels to be emptied of their content, the legal and executive institutions to be marginalized and its contact with bases was completely lacking, the thing which strengthened authoritarian rule.

- 2- The function of the congress system is to allow the people the chance to participate in power, decision-making and control of different organs, as the popular decision and the popular forces that adopt it shall move from the base to the summit, surpassing all practices of

negative representation in the multi-party system. Every legislative, executive or political organ shall be subject to people's control through popular congresses and every organ shall also consult, in dealing with major issues, its popular and sectarian bases. Also congresses shall not establish organs (like the specialized partisan ones) which encroach on jurisdictions of legislative and executive institutions as was the case in the party system.

- 3- The congresses system is homogenous as all legislative, executive and political organs are integrated in a manner which curtails all aspects of conflicts in jurisdictions among institutions which characterized the one-party system. Also the new political system is void of dominating organs like the chairman of the organization, the political bureau and executive bureau, as it is characterized by open and active channels between the base and the summit, the thing which renders the political practice more vital and effective; those channels had been drained by the one-party system's leadership. The congresses system is also free from familiar secretariats of the one-party system through which the system could be transformed into an unattractive political bureaucracy; the secretariats formed by the congresses at all levels are assigned to those congresses and their role is to run their affairs and not assume their authorities.
- 4- The establishment of the congresses system together with that of the Federal Republic are being gradually and flexibly undertaken in accordance with contemporary

needs while at the same time the policies for overcoming the economic problems and attaining equitable peace are being completed.

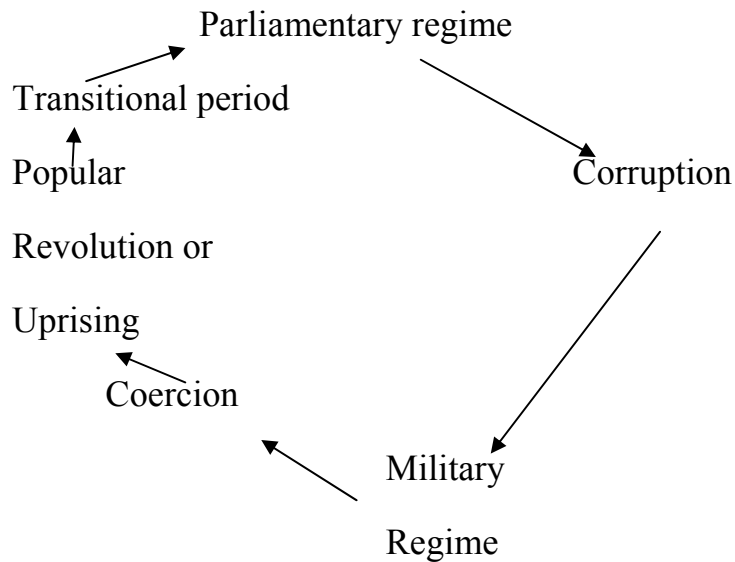
- 5- All those three axis (establishment of the congresses system, the Federal Republic and solution of the economic and security issues) are being undertaken within the framework of a major axis which is the realization of a comprehensive cultural revolution to change the concepts and reeducate the individual through the inspiration of Sudanese ethical roots and their incorporation in the political practices. That cultural revolution is the guarantee for surpassing the psychological barriers that give rise to frustration, indifference and hesitation.

The transitional period in conclusion:

It is to be remarked that the two previous transitional periods resulting from October Revolution of 1964 and April Uprising of 1985 military regimes had the main role of preparing for parliamentary elections on the basis of the temporary constitution of 1956 while the transitional period had been adopted by the N.S.R. military regime so as to prepare for the establishment of the new political and constitutional options of federalism and the congresses system. This transitional period was necessary because the new options were totally new to the people of Sudan who thus need a comprehensive cultural revolution so as to respond to the new requirements of these options. In fact the Sudanese People are highly politicized and freedom represents an important value in their character, the

thing which makes democratization necessary. Both federalism and the congresses system are considered as more democratic options than the unitary State, on one hand, and the multi-party and one-party systems of government on the other hand.

The decision taken by the N.S.R. to proceed to the application of the new options through a transitional period can also be explained by the fear of the continuation of the vicious circle from which Sudan suffered since independence. The general form of this vicious circle can be drawn as follows:



Applying this theory of the vicious circle in Sudan, we find three parliamentary regimes, three military regimes and two transitional periods. The third transitional period of the N.S.R attempted to break this vicious circle through establishing the new options of the N.S.R. which might have very great impacts on the political development of the Sudan in case of success.

The practical step undertaken for the establishment of the new options can be seen in the case of federalism through the fourth constitutional decree which divided Sudan into 9 states and 66 provinces while three lists for the division of powers and jurisdictions are made: one for the Federal Government, the second for the state governments and the third is common for both. The Governors and their governments in the states as well as the provincial commissioners had already been appointed while the conferences and meetings of coordination between

Governors were regular. The rational application of the Sharia' laws was declared in the North while the South was exempted.

As for the application of the congresses system, a temporary secretariat of the National Congress was established with the primary role of the gradual construction of the congresses system while at the same time leading a comprehensive propaganda through the mass media and personal contacts in favour of the new Political System. The Secretariat of the National Congress already issued the “ Regulations of the Political System's Congresses” and the “ popular Committees Act.” The practical establishment of the basic congresses began in May 1992 and the second local level came next. Also a “ Transitional National Assembly” was established being composed of 300 appointed members so as to act mainly as transitional federal parliament, the thing which led to the dissolution of the different committees of the RCC.

Lastly , in the National Comprehensive Strategy Conference held in Khartoum from October 21 to December 12, 1991, it was agreed that the establishment of the new Political System including the election of the President of the Republic would be completed before the end of the first five years of the duration of the strategy (10 years from 1992 to 2002) through two phases (1992 – 1993 and 1994 – 1995) , the second phase was reserved to the election of the National Congress, National Assembly and the President, while also the establishment of a popular academy of political science was recommended⁽¹⁸⁾.

Conclusion:

After the extensive effort of dialogue and theoretical literature accomplished during the first three years of the era of the N.S.R., Sudan was heading towards a new phase in which the efforts were directed during the transitional period towards the practical application of the new political and constitutional options within a definite period of time, which was related to the 10 years Comprehensive National Strategy. The new options included federalism, congresses system and a presidential system which were related to the National Comprehensive Strategy . Hence, the Sudan passed from the unitary form of the State to the Federal Republic and from the parliamentary form of Government to the presidential system based on the direct election of the President. Also the Sudan moved during the first years of the N.S.R. from the party system to the new experience of the congresses system which was totally different from that of colonel Qadafi in Libya and the former two-party, multi-party and one-party systems in Sudan. Lastly, the Sudan experienced for the first time a national comprehensive strategy of ten years (1992- 2002) which integrated the new options and their application through two phases to be completed by 1995.

Footnotes and References :

- (1) See the Government's peace Programme for Negotiations with SPLA/SPLM, Khartoum, November 1989,p. 24-28.
- (2) Ibid. Arabic text, P. 16-17
- (3) See ibid., English text, p. 28-30
- (4) Ibid., P. 31-33.
- (5) Ibid., P. 33-34.
- (6) Ibid., p.34-35.
- (7) See the pamphlet on the works of the first and second sessions of the National Dialogue Conference on the Political System, Khartoum, September 1990.
- (8) See the pamphlet on the reports of the sub-committees and the opinions of citizens, Khartoum, 1990.
- (9) It is to be noted that the Conference considered the speech delivered by General Omer El-Bechir at the opening session of the Conference as one of the basic documents of the Conference and it was discussed with great elaboration on the issue of the basic foundations of the new Political System.
- (10) Final Report of the National Dialogue Conference on the Political System, op. cit., Arabic text, p. 22-23.
- (11) See ibid., p. 23-25
- (12) See Sudan's Political System, How the People Exercise Power? Khartoum, no date, p. 4-8.

- (13) Ibid.,p.2.
- (14) Final Report of the National Dialogue Conference on the Political System, op. cit., p.26
- (15) See the Statute of the Congresses System, Khartoum, 1991.
- (16) See the National Charter for Political Action, Khartoum 1991.
- (17) Sudan's Political System, How the People Exercise Power?. op.cit.,P. 11-13.
- (18) Final Report of the Conference on the National Comprehensive Strategy, Khartoum, 1992, Arabic text, p.149.