

# **Prospects for Democracy in Sudan**

**Alex de Waal**

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## **Overview**

1. This briefing addresses the challenge of democratization in Sudan today, in the context of the widespread protests against President Omar al Bashir.
2. Since independence, Sudan has faced the challenges of governing diversity, of democratization, and of equitable economic development. The current GoS, unable to resolve these challenges satisfactorily, has instead resorted to persistent short-term political management. Over the years this has meant the consolidation of a patrimonial system of government in which state resources are channeled to patronage payouts and security services.
3. Pres. Bashir is at the centre of the crisis. Over almost thirty years he has created a system of governance in Sudan that only he can run. This means that, for almost all senior politicians in the country and for Sudan's neighbouring states, his continuation in power is a guarantee of minimal short-term disruption. However, the personal nature of Pres. Bashir's governance also means that a crisis is inevitable when he steps down.
4. The demonstrations show that the centre of gravity of Sudanese politics has shifted from discreet bargaining to public articulation of vision and principles. The Sudanese political class is not meeting the demands of the Sudanese people for such a principled approach.
5. The briefing concludes with some suggestions for a managed transition in Sudan, focusing on the role that could be played by the AUHIP. Most important is that an approach based on the AU's norms and principles should be followed, rather than one based on tactical bargaining based on power interests.

## Structural Challenges

6. Since independence in 1956, Sudan has faced three interlocking challenges: the question of the identity of the nation, democratization, and development. No government has been able to resolve all of the three challenges. Pres. Bashir has been in power for almost 30 years, but that continuity masks several important shifts in governing strategy and coalition.

- Radical Islamist, 1989-99, during which time Pres. Bashir co-habited with Hassan al Turabi;
- Islamist-authoritarian in negotiation with the SPLM, IGAD and the U.S., 2000-2004;
- Government of National Unity (in name) with SPLM, 2005-2010;
- 'Post-Islamist' and post-separation government 2011-present.

7. Sudanese have long sought a definitive national political settlement and a permanent constitution. None has been forthcoming: the Interim Constitution at the time of independence was never finalized before the military takeover in 1958; it was adopted almost unchanged again following regime changes in 1964 and 1985; there was a 'permanent' constitution in 1972 and an Islamic one in 1997; before the Interim National Constitution was adopted in 2005 following the CPA, which still forms the basis of the current constitutional order. Emergency powers were the basis of rule from 1958-64, 1969-72 and 1989-97, and have been more-or-less continuously in force in war-affected areas.

8. From this history we can deduce that the *actual* political settlement in Sudan is a combination of emergency (military) powers and an interim political power-sharing formula.

9. *National identity and the governance of diversity.* Much of the public political debate in Sudan has focused on the question of national identity and specifically whether Sudan should consider itself an 'Arab' or an 'African' nation, and the distinct but overlapping question of whether *shari'a* should be the law of the land. These questions were not resolved by the separation of South Sudan. Indeed, the secession of the south has left a legacy of bitterness, and empowered a revanchist constituency. This has impeded the resolution of the conflicts in the two areas and in Darfur.

10. The issue can be reframed as one of governing diversity: how is Sudanese governance to be structured so as to reflect the diverse identities of its people. As well as ethnic,

linguistic and religious diversity, it is also evident that young urban Sudanese feel that they are not represented. The government does not reward them, recognize their aspirations, nor reflect their values.

11. The federal system has brought government closer to the people. However, it has also proved inordinately expensive and has become a means of putting large numbers of people on the public payroll, thereby extending the patronage capacities of the ruling elite.

12. *Democratization.* Sudan has a vibrant democratic history. This has included non-violent popular uprisings, which in 1964 and 1985 overthrew dictatorships (the only way in which dictators have been removed from power in Sudan), and which in 1996 and 2013 challenged but did not overthrow the current government. Democracy in Sudan has also been characterized by repeated national debates (from the 1965 'Round Table' to the recent National Dialogue).

13. The elections of 2010 and 2015 were certified as 'free and fair' by observers. However, they were not nation-wide (conflict affected areas could not vote) and the NCP enjoyed a massive advantage in terms of organization, finance and media, to the extent that overt vote-rigging was not required.

14. *Development.* The national economy has gone through the following phases:

- Agrarian export economy from independence to the 1970s;
- Debt- and remittance economy, developing in the 1970s;
- War economy in the peripheries emerging from the 1980s;
- Extreme austerity and self-reliance 1989-1999;
- Oil boom, with massive expansion of spending 2000-2011;
- Post-separation contraction and austerity 2011-present.

15. Recent economic openings have not benefited the general economy or the people. Payments transferred from Gulf states do not always reach the treasury. The funds paid for the services of Sudanese troops fighting in Yemen on behalf of the Saudi-Emirati coalition are reportedly consumed by intermediaries. Any funds from the lifting of U.S. sanctions and the re-opening of the Unity oilfields in South Sudan appear to have disappeared into the personal and political budgets of the leadership. While the security services continue to consume about 70% of expenditure it is unlikely that there will be any dividend.

16. As a result of the experiment in economic Islamization in the 1990s, the parallel financing channels for the NCP and key security institutions, and international financial

sanctions, the Sudanese economy is structured in an opaque manner. This is not only a matter of corruption, it is also the control of political budgets—the funds used for patronage and loyalty payments. Economic reform requires that this complicated and well-established system of finance be reduced in influence.

## **Pres. Bashir's System of Governance**

17. Pres. Bashir's governance system is personalized, in a low-key and complicated manner. He is neither a charismatic populist leader nor a ruthless dictator who rules by fear. Rather, he is like the spider at the centre of a complicated web that is always quivering and in need of his attention to stop it from breaking. His governance style at root consists of persistent informal crisis management at every level.

18. Pres. Bashir personally has been the constant factor during the various twists and turns of the current government. He was underestimated at first, considered the public face of the Islamists. But he has proved a highly capable tactical politician. He has an encyclopaedic knowledge of people, especially the officer corps and the native administration, and can shrewdly calculate the leanings, loyalties and capabilities of each individual. Bashir is highly skilled at managing an almost-unmanageable system, but at the cost of indefinitely postponing resolving the core challenges facing Sudan.

19. Pres. Bashir has earned a deserved reputation of recognizing and reciprocating loyalty among his subordinates. He also does not cross the line of killing a member of the Sudanese social or political elite. (There were some exceptions in 1989-90.) Individuals may be removed from their positions or fired, but they will only be imprisoned if they blatantly challenge his power (as Turabi did in 1999-2000). No-one will be handed over to a foreign power, even when (as in 1995) they are implicated in conspiring to assassinate a neighbouring head of state (in this case, Pres. Mubarak). This has earned Bashir the trust of the political and military elite: they may not like him but they know that there is a measure of personal safety in his continued rule.

20. Sudan's security sector has proliferated under Pres. Bashir. In addition to the Sudanese Armed Forces and police there are numerous paramilitary forces and the National Intelligence and Security Service (NISS) also has a formidable military capacity, comparable to the army in major cities. This is a well-tested coup-proofing strategy taken to an extreme. The army and security consume an estimated 70% of the national budget.

21. One result of Pres. Bashir's longevity and skillset is that the army and security are *his* army and security. Bashir has built a political system that only he can run. There is no potential successor who has the combination of skills, networks and reputation to be able

to run this system. This is one reason why he did not step down at the 2010 elections: his Vice President Bakri Hassan Saleh was sufficiently loyal but insufficiently capable. Pres. Bashir does not have children so there is no republican dynasty option.

22. Pres. Bashir has had many opportunities to open up Sudan's politics to become more inclusive and democratic. On every occasion he has done sufficient to be able to claim that he is following a process, but has not relinquished any real power. This pattern is now so consistent that promises of democratization no longer carry conviction. When Bashir appeals for patience in advance of the 2020 election, this does not convince the opposition, not least because there are moves afoot to change the constitution to allow him to run for an additional term.

## **Immediate Issues**

23. The protests on the streets of Sudanese cities show that the driver of political change is now public action and not business-as-usual politicking. This is a historic moment in which ordinary people are challenging their leaders to articulate a principled approach to change. Their leaders have not yet risen to this challenge.

24. The protests against Pres. Bashir are remarkably widespread. The first demonstrations were in Damazin, Atbara and Gedaref, before spreading to Khartoum, Wad Medani and towns in White Nile and Kordofan. The majority of protesters are students and other young people but they are strongly backed by professional associations. Some Islamists have joined the protesters. The protests have been sustained for over a month, which is far longer than comparable uprisings in Sudan's history.

25. The immediate spark for the protests was economic issues, specifically the price of bread. They have consolidated around demanding that Pres. Bashir leave power. They accuse the regime of corruption and repression. In comparison to past protests, war is much less of an issue.

26. The opposition is, as usual, fragmented. There is no obvious leader of the opposition. This will encourage the NCP leadership to believe that the opposition can be divided, with segments bought off or intimidated. This calculus may be correct, but it will of course not resolve the problem. One of the drawbacks of the broad opposition coalition is that they are likely to unite on simple, hardline positions such as the unilateral departure of the president.

27. The security services have used violence, killing approximately 40 people. However, given the scale and persistence of the protests, this also indicates a level of restraint by the

security forces. The reasons for this restraint are not clear. There may be orders (in the light of the political fallout from the 2013 protests, in which 200 people were killed in less than two weeks). It may also be that security officers are aware that there will be a high social cost if they are known to have fired on the children of their neighbours and relatives. Much larger numbers of opposition figures and protesters have been detained. One of the consequences of the relative restraint is that the calls for accountability for the actions of the security services during the protests have not become a dominant theme. That could change at any moment.

28. The multiplicity of security institutions means that senior officers who contemplate 'standing with the people' have reason to fear civil war in the streets of major cities. They are keenly aware of what happened in Libya, Syria and Yemen.

## **International Dimensions**

29. Sudan is no longer a pariah. Pres. Bashir is not liked in the region, but he is trusted to the extent that he has earned a reputation of playing a weak hand well, and (since the mid-1990s) staying within the region's red lines. For most of the neighbours, Bashir is their second-best choice: they would rather have a more favourable leader in Sudan, but failing that, they are content to have the status quo. All fear that a regime change could lead to chaos.

30. Sudan has good enough relations with each of its African neighbours, including having reached an understanding with Uganda over shared interests in South Sudan. Pres. Bashir is the architect of the Revitalized Agreement on the Resolution of the Conflict in South Sudan (R-ARCISS) and as such, the neighbours fear that his removal or paralysis could lead to that deal unraveling.

31. Sudan has hedged its bets in the Middle East, maintaining relations with both Qatar and Turkey on one side, and Saudi Arabia, the UAE and Egypt on the other. There are Sudanese troops in Yemen, paid by Saudi Arabia. The UAE has close relations with leading intelligence officers. Khartoum is receiving funds from Qatar. Turkey is building a naval base in Suakin. The calculus of each of the Middle Eastern leaders is that Sudan does not threaten them, and will play by the rules of the region, and that a chaotic Sudan is a liability they want to avoid.

32. Sudan's security institutions are closely intermeshed with their Middle Eastern counterparts. Some Sudanese senior officers hold passports for Gulf States and enjoy some autonomy from Pres. Bashir in negotiating security-related deals with those countries.

Sudanese nationals also occupy senior positions in security agencies in Gulf countries. Sudanese political finance is also tied in to Middle Eastern sponsors.

33. The United States and Europe have come to tolerate Pres. Bashir. Sudan is the keystone for the South Sudan peace agreement. It is cooperating with the EU on efforts to control migration. There is no appetite for a proactive engagement with Sudan that could lead to instability, including (at minimum) humanitarian crisis and (at worst) civil war.

## **Prospects for a Transition**

34. A transition is inevitable because the current political system cannot survive the removal of Pres. Bashir, and he is not immortal. The best opportunity for a transition is now.

35. Pres. Bashir can hang on for a year or longer, if he plays the tactical politics of the security services well and has the necessary resources. He has that set of skills, but his political funding is much diminished. This scenario would mean that Sudan continues in a hand-to-mouth politics and economics, a de facto stalemate. The longer the protests continue, the more likely it is that an incident of lethal force (planned or accidental) becomes an explosive political issue, further polarizing the situation. Even without escalation, it is unlikely that the 2020 elections would resolve any issues; the opposition would probably boycott and the NCP would be sure to dominate, using its established methods.

36. The worst-case scenario is the decapitation of the existing system by the abrupt removal of Pres. Bashir followed by an armed contestation for power among the different political-military-commercial factions that constitute the NCP-security conglomerate (compare Libya or Yemen.) Alternatively, Bashir remain as one among many armed political factions, albeit the most powerful (compare Syria). Some of the armed opposition in Darfur and the two areas might relish this, in the short-term.

37. The best scenario is a managed transition. The outline formula is not difficult to outline: guarantees for the personal future of Pres. Bashir and his associates in return for a transitional government of national unity.

38. The most difficult questions to resolve are (a) the size and cost, structure, and control of the security services and (b) the financial structure of the regime. In any future transitional government, security and commercial actors will continue to be powerful godfathers, who can hold the country hostage. Any future Sudanese leader will be required to bargain with these actors rather than instruct them. The standard policy options of downsizing and

professionalizing the security sector and bringing it under democratic control will work only if the senior security officials themselves are part of the discussion. Similarly, economic reform can work only if the most powerful businessmen are included.

39. Given the high political stakes in the Red Sea, Middle Eastern states are deeply invested in Sudan, and any successful transition will require their assent.

## **The Role of the African Union**

40. The AUPD/AUHIP has been engaged in Sudan for ten years. The analysis, norms and strategy of the Panel remain relevant.

41. The analysis of the AUPD diagnosed ‘Sudan’s crisis in Darfur’, and identified structural inequalities and the absence of democracy as the drivers of that crisis. On the eve of the referendum in southern Sudan, the Chairperson of the AUHIP observed that (northern) Sudan would remain an African nation, characterized by diversity still facing the challenges of democracy and development. (He also advised the South Sudanese that the challenge of self-determination was just beginning.)

42. Subsequently, the AUHIP has achieved the following:

- Facilitated the adoption of a Roadmap towards constitutional democracy, including the National Dialogue and consensus on the enabling conditions necessary for a process of adopting a new constitution and holding free and fair elections;
- Secured the support, in principle, of all key Sudanese political parties for the Roadmap and its constituent elements;
- Ensured that the international community has fallen in behind an approach based on African solutions;
- Identified the need for the AU to engage with Middle Eastern states to ensure a coordinated approach to African peace, security and governance, in line with the principles and goals of the AU.

43. Amid the turmoil of Sudanese politics, the AUHIP has remained a fixed point, articulating a principled position. It has challenged the Sudanese parties to live up to their commitments, and to rise above a short-term transactional approach. They have not done so.

44. The AUHIP norms, principles and strategy remain valid in the current circumstances. The Roadmap provides a route out of the crisis based on the fundamental principles of the



AU. There is no other principled alternative available; should this approach not be followed; Sudan's political trajectory will be determined by the transactional politics of the political marketplace. Middle Eastern actors, who do not subscribe to the AU's norms and principles, would dictate an outcome based on their short-term security and political interests, facilitated by their material resources.

45. The Sudanese parties have not articulated a principled political strategy based on a vision of a democratic, peaceful country. The Sudanese people, in their widespread and courageous demonstrations, are calling for their leaders to be farsighted, principled and ready to act in the public interest. This is a moment at which the centre of gravity of Sudanese political life has shifted from back-room manoeuvring to the public arena.

46. Thus far, the strategy of the AUHIP has been based on Sudanese ownership and leadership of the reform process, with discreet facilitation. The AUHIP has shown great patience and trust in the Sudanese leadership. This has not been reciprocated; the leadership have pursued politics as usual. At certain junctures (the AUPD report in 2009, the Chairperson's Khartoum and Juba lectures in 2011), the AUHIP has articulated its analysis and principles publicly. The current juncture calls for the AUHIP to resume a high public profile, defining the contours of the Sudanese predicament and identifying a way forward.