



Federalism in Sudan

The Comprehensive Peace Agreement and beyond

BY SHAWN HOULIHAN

Proponents of federalism in Sudan have faced a bitter struggle since before independence in 1956. Fifty years and two devastating civil wars later, federalism is central to the Comprehensive Peace Agreement signed between the Khartoum government and the Sudan Peoples' Liberation Movement/Army on January 9, 2005.

From the early 1950s, Southern demands for more autonomy ranged from some type of federal arrangement to full sovereignty, but the failure to reach a compromise led to the first phase of civil war on the eve of independence. Over the next five decades, several rounds of failed negotiations or the breakdown of negotiated settlements left most Southern political actors bitter and skeptical. The result has been two major civil wars, from 1955 to 1972 and from 1983 to 2004.

The key grievances of the Christian and Animist South have basically remained the same: the "economic privilege" enjoyed by the Arab-Muslim elite from the North; programs of religious and cultural assimilation; application of Sharia law to non-Muslims and the role of Islam in politics generally; Khartoum's contentious use of water and land resource rights and attempts to re-draw the North-South border after oil reserves were discovered in Southern Sudan in 1982.

Federalism was a "dirty word"

Southern independence was unthinkable for the Northern elites and their allies during this time and "federalism" itself was frowned upon by some in the North. It was seen as untenable for a mix of reasons revolving around purported Islamic obligation, Sudanese-Arab nationalism, and other political and economic self-interests. Giving concessions to the Southerners was — and still is — seen as a major risk that could lead to similar demands from minorities in regions of the North, such as Darfur, and thereby lead to the Balkanization of Sudan.

In the fifteen months since its signing, the peace agreement has been under serious stress but managed to hold so far. In the meantime, just as peace was coming to the South, the Darfur conflict in Western Sudan flared into a full-scale armed conflict. Darfur became another humanitarian and

Is there a widening consensus around the role of federalism in Sudan?

human rights disaster, and a similar fate is threatening in the East.

There are two questions now on many peoples' minds:
Can the peace agreement hold in the current political environment?
Can similar federal-type power sharing arrangements be expanded to other groups in the North as the basis of a viable Sudan-wide peace?

Federalism in the Comprehensive Peace Agreement

Four levels of government are constitutionally recognized under the peace agreement:

1. the Government of National Unity (the central government);
2. a highly autonomous Government of Southern Sudan;
3. 26 state governments (16 in the North and 10 in the South), and
4. local governments.

The first three have major tax and spending powers; the status of localities (fiscally and politically) is more ambiguous. The central government, the Southern government and all 26 states have their own constitutions.

What is striking about the peace agreement is that it leaves almost all matters between the central government and the Southern states to be mediated through the Southern government. This highly asymmetrical form of federalism leaves almost no direct relationship between Khartoum and the Southern States. Also critical is that, according to the agreement, 50 per cent of Southern oil revenues — all extracted from Southern Sudan and previously monopolized by Khartoum — will now flow to the Southern government. Any further distribution to the Southern States is a Southern government prerogative. This highly autonomous regional government for Southern Sudan gives expression to the historical aspirations of the Southern Sudanese for more autonomy. The strong status of the states within the South also leads to a type of "federation within a federation" which may also serve to accommodate diversity and lessen inter-ethnic tensions of the South.

At the centre, there are several mechanisms for constituent units to exercise direct influence, most notably the role of the South in the central government. The President of the

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Government of Southern Sudan is the First Vice-President of the Government of National Unity; there are quotas for Southern government appointments to the central government cabinet and civil service as well as for important central government Commissions such as the Civil Service Commission, the Fiscal and Financial Allocation and Monitoring Commission and the National Petroleum Commission, among others.

The executive and the legislature of the Southern government are heavily dominated by the Southern liberation movement, the SPLM/A (the Sudan People's Liberation Movement/Army). In Khartoum, the National Congress Party or NCP (an Islamist party) holds the majority of power in the central government with the SPLM as a significant minority partner. The Southern state-level governments are also dominated by the SPLM/A, while the Northern state-level governments are dominated by the NCP. This is reflected in membership of the central government's upper chamber, the Council of States. Other parties have only minor roles in both the Southern and the central governments and the states. It would appear that the peace agreement is largely a power sharing deal between the two main military forces in the civil war: the NCP and SPLM/A.

The peace agreement calls for a six-year interim period, after which the South will be free to hold a referendum on whether to stay in Sudan or opt for full independence. The strategy of the peace agreement is that the Interim Period will serve to finally "make unity attractive" to Southerners so that they will vote to stay in Sudan.

Beyond the Comprehensive Peace Agreement

The peace agreement has more than its share of critics and skeptics. Some of the skepticism is based simply on suspicions about the political will and real agenda of the NCP, which is largely the same group that came to power in a coup in 1989. Many believe that they are not truly committed to the letter or principles of the peace agreement; their record in the first fifteen months is seen as mixed. The NCP, while still the single most powerful group in Sudan at present, has only a tenuous hold on power, with threats from both outside and within the party itself. There are senior members of the NCP who feel that the Government gave away too much in the peace agreement negotiations.

Critics also point out that in the Comprehensive Peace Agreement, the word "comprehensive" is itself a misnomer. Geographically, it deals with the aspirations of the South. The negotiations did not include representatives of aggrieved minorities in the Northern "periphery" such as Darfur. Analysts have repeatedly noted that the Sudan "problem" is not just a North-South or even a Muslim-Christian conflict. While the North-South divide is a reality,

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there is a more general tension between the centre and the periphery. Resolving the conflicts with Northern minorities such as the people of Darfur is also fundamental to stability and a durable peace in Sudan.

The peace agreement is also not comprehensive, critics note, in that it largely excludes major political parties. Most notably, it excludes the UMMA Party and the Democratic Unionist Party, which dominated electorally in all the past free elections in Sudan.

These two parties still maintain considerable loyalty among the elite families of Northern Sudan and their circles of allegiances throughout the country. Their strength has declined somewhat, and they do bear a considerable share of responsibility for the failed nation building of the first fifty years. However, most observers believe that the peace agreement cannot be sustained in the long run if these and other major political forces are not somehow incorporated.

The "federal idea" in Sudan

How the big and regional powers respond to what happens in Sudan is also important — and could change the course of events. While the situation remains fundamentally unstable, the simple fact is that the Comprehensive Peace Agreement represents the best chance for peace in Sudan's troubled history; it should be recognized as a major achievement and an illustration of the flexibility and innovation potential inherent in the "federal idea" for Sudan.

Much attention will be given by donors and others to the technical and institution building challenges of implementing federalism in Sudan, especially in the South. Certainly these will be important for the capacity of different levels of government to deliver a "peace dividend" and for building confidence — or the opposite — in the agreement and the "federal idea" in Sudan. But people should also take note that as Ron Watts, the eminent scholar of federalism wrote, "Federal systems are a function not only of constitutions, but also of governments, *and fundamentally of societies.*" [Emphasis added]

Underlying the unstable environment — the shifting calculations and manoeuvrings of political elites — is a more basic question. It concerns something we may be witnessing: a shift in attitude and the political culture in Northern Sudan. *Is there a widening and deepening, if still nascent, consensus among Northern political elites about the role that federalism should play in building an alternative vision for Sudan?* The interaction between short-term political calculations and deal-making on the one hand and a deepening knowledge and widening consensus of key actors who internalize *the federal idea* in Sudan on the other hand will form an important part of the long-term prospects for peace in that country. ☺