The discussions among the Sudanese people about cultural diversity have diminished recently, since the separation of July 2011 between the North and the South. The failure of several groups on both sides to manage diversity properly is now a proven fact, and several dialogues on issues like unity within diversity, what it means to be Sudanese and the comprehensive identity have largely come to a halt. Sudan’s elites have now mixed feelings ranging from frustration, to confusion, to astonishment. Many did not expect the separation happen so easily. It is true that all parties had at some point threatened to secede, but appeals for unity through agreement or subterfuge were still glowing despite the bitterness of armed conflict and flagrant human losses. For the Popular Movement, the vision of a new Sudan is purely of united country, and although the ruling Islamist regime did try to achieve unity, it did so within the confines of its narrow religious vision, i.e., compulsory Islamisation, and both the jihad and the South’s infiltration are but manifestations of this Islamisation drive.

Despite their pretended happiness, separatists in the North and South were very shocked by the smoothness and fast pace of the separation and, today, none of them has the answer to the key question of “what comes next?” This means that neither the newborn nor the truncated state has concrete plans for the immediate future, and that neither is in total control of its fate nor is able to envision what the immediate future would look like. They are governing “retail” style or, as the Sudanese say, earning their keep on a “day by day” basis.

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In such circumstances, I often remember the famous historian Arnold Toynbee who, in the 1960s, foresaw the future of Sudan in his book “Between Niger and Nile”. He predicted that Sudan and Nigeria would become the meeting places of Africa’s cultures, religions and ethnicities, and serve an example of peaceful coexistence between various cultures. ¹ Sudan had the potential to found a peaceful cultural diversity management system under which various cultures and identities coexist within a unified nation, and become a shining and effective example at the very heart of a strategic region of the world. Although historians gave Sudan a variety of names, such as “small Africa,” “a bridge between Africa and the Arabs,” and “the melting pot of Arab and African cultures,” it seems that the country itself chose to remain, according to the political writer Ali Mazrui “at the margin of the margin,” an arena of civil war and conflict and the country with the longest civil war in the world. It also remained the country of lost opportunities, with its chances of emerging from the dark tunnel of crises becoming increasingly narrower and its failures to rise up to the challenges of history gradually multiplying. Sudan’s bitter and inevitable harvest was separation and division, the outcome of policies of exclusivism, marginalisation and fanaticism by successive regimes since independence.

In recent years, Sudan has had an inverse relationship between a growing sense of diversity, and a decline in its ability to manage diversity. There is less loyalty and a weaker sense of belonging to the single nation concept; the state that favoured the Arab-Islamic identity succeeded neither in closing the gap nor in containing different cultural groups in the country. The exact opposite has actually happened; regional and personal demands have increased and the centre vs. the periphery notion reached polarisation point. Various groups were farther than ever from integration and, instead, began highlighting their respective distinctiveness and differences, a trend that often led to armed conflict. This is the equation likely to dominate conflict management in the upcoming period, if traditional mind-sets and behaviour patterns that have been the hallmark of this nation since independence do not undergo a radical change.

Exclusivism and retreat of the cultural diversity notion

Escalating calls for the implementation of the Sharia Law, and its repercussions on non-Muslims, is one of the most important issues facing cultural diversity management in Sudan today, and among these repercussions are the calls for proselytisation, Islamisation and Arabisation in the South and West of the country. Groups among the Northern elite, proud of their Arab identity, have taken it upon themselves to rescue the South from its cultural morass and lead it from the darkness to the light of Islam. After independence, civil and volunteer groups were formed expressly for that purpose, among which were the “Islamic Proselytisation Committee” and the “Organisation for the Revival of Islamic Activity” coupled with individual efforts by religious judges and Islamic teachers working in the South and West. These activities increased in the 1970s in tandem with the oil boom, as did the role of the conservative oil-rich countries. Among the most important bodies to appear on the scene at the time was the “Organisation of the Islamic Call” in 1978, whose declared objective was spreading Islam among non-Muslims, and promoting the spirit of understanding and tolerance between Muslims and followers of other religions. In this context, it is well known that the proselytisation conflict between Islam and Christianity does not consider cultural diversity as a spontaneous cultural phenomenon, but tries to steer it, if not create it, according a central cultural notion that is neither innocent of nor alien to cultural superiority, based on religion. This dream/illusion never left the minds of the Muslim and Islamist elite until separation took place, causing efforts to “civilise” others through proselytisation to take a back seat.

Today in North Sudan, there is a deliberate effort to ignore cultural diversity, and many Islamists openly express their happiness at getting rid of the South, which for them was an obstacle to the “purity” of the state, and the Islamic cultural project. In a public gathering in the East of the country, as the trend towards separation was getting stronger in the South, the Sudanese President said clearly, “If the south secedes, we will change the constitution and at that time there will be no time to speak of diversity of culture and ethnicity...” Al-Bashir went on to defend two policemen who were photographed beating a woman, and continued, “Shari’a and Islam will be the main source for the constitution, Islam the official religion and Arabic the official language.” (From the press, December 19, 2010).

Islamists and officials keep repeating the same excuse that because Muslims in Sudan make up, after separation, over 96% of the population, which means that people agree on the essence of the constitution in its basic principles, Islamic Sharia has become the source of legislation underlying the basic principles at the core of the country’s constitution. They add that this does not mean that the rights of non-Muslims will be denied; these rights will be guaranteed by the constitution and the Sharia. When asked about the fate of the 4% of the population who belong to other religions and the fear that this move would mean they will no longer be part of the government, particularly the Copts, the answer is usually general and vague. It goes along the lines of, “the Christians and Copts live in particular areas of Sudan, mainly in the South, the Nuba Mountains and Blue Nile regions. They are citizens with full rights and responsibilities guaranteed by the constitution. However, their position will undoubtedly become weaker because the
The regime has embarked on a peaceful ethnic cleansing campaign by throwing out the Southerners under the pretext that they are now citizens of a different country. Human Rights Watch warned that, “Several hundred thousand people could lose their Sudanese citizenship, including people who have no real ties to South Sudan. Sudan urgently needs to bring its nationality law in line with international standards so it respects the right of Sudanese citizens, regardless of ethnicity or origin, to retain their citizenship.” (March 2, 2012). This policy goes against cultural diversity by eliminating anything that could constitute a threat to the illusory Arab-Islamic identity.

Interest in cultural diversity management clearly abated after separation. However, several people, mainly the Islamists, hang on to the illusion that Sudan has now become religiously and ethnically pure. In an interview following the South’s decision to secede, one of the Islamist leaders said the following:

Q. Following separation, is it expected that amendments to the current Sudanese Constitution be carried out towards more Islamisation and projection of identity in a more intelligible manner?

Abdul-Rahman Ali: There is a firm inclination towards making the identity of the North more manifest, since our current constitution does not stipulate that Islam is the official religion of the state. In the past, we – as Islamists – deemed it a formal issue that needed no further action. Yet, practical experience has proved otherwise. The alternative to this was based on the fact that Sudan is a multi-religious state, meaning that these religions have equal rights as far as the government in concerned. But the reality everywhere dictates that the majority should enjoy a special status that distinguishes it in every aspect. If Switzerland can prevent the Adhan (Call to Prayer) through a majority vote, then claims of equality in our country becomes a form of "hypocrisy" that contradicts reality. Moreover, if the language, culture and literature of the majority prevail, how come its religion does not in the legislation! I believe that a practical examination of the situation will show that defining a country as a pluralistic state has no real significance, and does set a country apart from the others; all countries in the world are pluralistic. A state should be defined rather through its influential majority, with everyone enjoying his due rights.

Ali went on to say, It is clear that the dialogue and negotiations with the southerners made it necessary for the government to offer concessions regarding the constitution and its provisions, upon the belief that this would help secure the state’s unity and for fear that such provisions might end up costing Sudan one third of its territory. Hence, we focused
on the essence instead of the meanings; since the early years of statehood, the assimilation of different parties in Sudan within an Islamic State was always a pressing idea that overshadowed the constitution. (Interview of January 18, 2011, on The Islamic Sudanese Website).

It was no longer acceptable to talk about cultural diversity in North Sudan, and, in certain cases, it has become a pretext to accuse others of serving foreign interests, dismembering the country and spreading sedition. The issue of the constitution became the main political and intellectual battle line, at the expense of the economic crisis and renewed tensions in several parts of the country. Today, Sudan is divided into two groups, one calling for a secular civil constitution that recognises religious, cultural and ethnic diversity and pluralism, and the other calling for the application of God’s Law, which they say is valid for all times and places, could resolve the country and people’s woes and face all challenges from a religious and legal perspective. MP Aisha Al-Ghabshawi’s discourse aptly illustrates this position. “We are really confused,” says Ghabshawi, in this context, “because here we are, fourteen centuries later, still discussing the issue of an Islamic constitution” She insists that there is no room for bargaining as far as God’s Law is concerned, and that the constitution is a social contract and should therefore be the object of consensus. She went on, “today, they talk about the constitution and women’s status in it, though women are saying loud and clear, ‘we want nothing but God’s Law.’” She rejected new terminology, like gender and violence against women, saying these brought nothing but harm to women because of the vicious secular war against men. (Founding Conference of the Islamic Constitution Front). Although since taking power in 1989, the regime has raised the slogan of “No Alternative to God’s Law,” here is someone now who ironically is competing with it to monopolise Sharia, and casting doubt on the way this Islamic regime is applying it. It is natural that no conversation about cultural diversity stands a chance in the current climate of mutual inter-Islamic extortion, let alone their attitude towards the liberals, secular elements and democrats.

It seems that the Sudanese are doomed with a sterile debate that has nothing to do with any of the fateful issues facing the country, a debate that goes back to square one and rehashes the Islamist constitution issue that drained the country’s political and intellectual energies in the 1960s. However, despite being the godfather of the Islamic Constitution idea, Sheikh Hassan Al-Turabi’s party, the People’s Congress Party, has ironically opposed the move and minimised its importance. In this regards, the Party’s Political Secretary Kamal Omar admitted the difficulties involved in drafting a new constitution under the present regime. He said that drafting a constitution is the responsibility of the country’s political forces within the framework of constitutional arrangements specific to the transitional period. Omar harshly criticised the newly founded Islamic Constitution Front, describing its tenets and proposals as “totalitarian,” and highlighting that the Front is composed of individuals and groups that are far away from the culture of constitution and human rights. He went on to say that the group’s proposals have no connection to Islam, save for its name, and that the Islamic constitution should not be discussed in this manner. (Al-Ahdath, March 1, 2012).

Fundamentalist religious and Salafi groups became more active; they organised
themselves and embarked on a recruitment and mobilisation campaign aimed at speeding up the application of Sharia and adoption of an Islamic Constitution. The campaign began when a group of clerics and soufi sheiks submitted a memorandum to the President asking that, once the referendum and separation of the South take place, the Holy Koran and a purified version of the Prophet’s Sunna (teachings) become the sources of the constitution. They also demanded that the constitution faithfully abide by the Sharia’s goals and safeguard the rights of non-Muslims in the country. The memorandum stressed the need for the constitution to entrench lofty social values, safeguard the country’s resources and ensure its unity, and insisted that it be based on shura (consultation) among decision-makers. The clerics also called for implementing the rules of general decorum on the streets of Sudan, addressing the dismemberment of the family and combating poverty and emigration. They asked for a review of coeducation at universities, criticised the spread of music and singing on radio and television and called for a media strategy based on spreading virtues and morality. (Khartoum, May 18, 2011, quoting SUNA news agency).

The above individuals and groups agreed on the need to establish an organised popular entity to serve as a pressure group that monitors the state’s commitment to the implementation of Sharia Law. They drafted an Islamic constitution, which they claimed was in conformity with the Koran and the Sunna, as an interim document pending the final version. They also agreed on the establishment of the Islamic Constitution Front, on the assumption that since the current constitution is transitional a permanent one would be drafted as soon as the South separates.

In its Founding Conference statement, the Islamic Constitution Front made public its draft constitution for the State of Sudan, made up of nine chapters. The statement said that the Front was careful to include all Islamist groups in the country, leaving no one out, so that Sudan’s ulema and common folk could launch together a strong organised call for an Islamic constitution and the application of Sharia Law, at all levels. It also called for raising the Muslim people’s awareness and mobilising them behind this lofty endeavour, and behind a just jihad that uses all available means to implement this objective. The statement also called upon all Islamist groups, parties, soufi sheikhs and Islamic organisations to sign the statement so that it would become the charter for way ahead, unite the people and strengthen their will at this sensitive time in the country’s history. The Islamic Constitution Front made its presence on the scene official at the Shahid al-Zubayr Conference Hall in Khartoum, on Tuesday February 28, 2012. (Newspapers, March 1, 2012).

The group, which has the loudest voice these days, speaks about the subject as if a final decision had been made to draft an Islamic constitution and implement Sharia Law in Sudan. When asked about the call by other groups for a democratic civil constitution, the Islamic Constitution Front’s leader was categorical: “There will be no secular constitution! We want the application of Sharia Law and reject any secular constitution. As Muslims, we totally reject all constitutions other than Islamic Sharia. All Muslims agree that that North Sudan should be governed by Islamic Sharia (...) we have no need for anything secular we are not apostates. We are Muslims, and as one man have demanded that Sharia law be applied and will accept nothing else as the basis of
governance in Sudan.” (Al-Sahafa newspaper, February 23, 2012). This is how the notion of cultural diversity came to find itself, until further notice, entirely outside the arena of discussion and dialogue.

The armed struggle in the south and west of the country, i.e., Darfur, the Nuba Mountains and South of the Blue Nile region, embodies the manner in which cultural diversity is managed in the country, even after the signature of the Comprehensive Peace Agreement. More importantly, however, Sudanese citizens who hail from conflict areas, like the Nuba Mountains, Darfur or the Blue Nile and live today in Khartoum, are direct targets of security interventions and pursuits, and victims of constant attacks. Their sons and daughters, especially the political and social activists among them, are accused of posing some form of threat or another to the regime, which is why they are the victims of intimidation campaigns, and the death of Nubian activist Oudiya ‘Ajbana in Deem, south of Khartoum, is but a case in point. (Newspapers, March 6, 2012).

Background and aspects of the problem

I am rather inclined to favour methods that deal with identity-related conflicts by first understanding the victims’ point of view, before moving on to the other side of the equation, i.e., the rejectionist or critical view. In my opinion, Francis Deng was spot on when he chose the title of his book on the crisis “War of Visions: Conflict of Identities in the Sudan.”

This is indeed the core of the conflict: differences in the manner the nation’s two elements identify themselves culturally, in order to determine the identity of the warring parties. However, once over-politicised and used as a tool in the conflict over wealth and power, the cultural issue became an ideology at the conflict’s service. The above-mentioned marginalisation could be one of the reasons behind the pervasive sense of double identity, a situation that turned the issue of affiliation and identity into an obsession verging on the disease. Every Sudanese tries hard to hold on to an identity that ends up wielding considerable influence over his relationships, especially for the North Sudanese, regardless whether it is imagined or fabricated. The North Sudanese classify themselves as Arabs and Muslims vs. the Black African southerners whose origins are either Christian or other revivalist faiths, and most of whom speak non-Arabic languages and dialects. It is this Northern pride in the Arab identity, which often seems exaggerated, that prompted the Sudanese poet Salah Ahmad Ibrahim to declare, “We are the Arabs of the Arabs.” Moreover, although the North Sudanese might seem humble on the outside, they are in fact very proud of an identity they are at pains to identify with any precision, yet one they use to distinguish themselves, if not excel. They do not believe there is anything worth imitating, or anything they need to learn from others.

This complex feeling could be explained by the threat of marginalised cultural or being located in the periphery geographically and. In some cases, the situation becomes like phobia like in Mauritania and Sudan, where the elite over-emphasises its Arab identity while, at the same time, insisting on excluding and marginalising other ethnic groups. This exaggerated emphasis by the northerners on their Arab identity was doomed to provoke a conflict with non-Arab cultural groups. This manner of affirming one’s identity has often

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led to racist attitudes, which led in turn to racist counter-reactions against all what is Arab. We should not forget also that Sudan has a shameful slave trade history, mainly in the southern and western regions where mostly non-Arabs live. However, although many nations have engaged in the slave trade, Arab slave traders were mainly active in Sudan. Added to that is the fact that the early steps that laid the foundation of the relationship between the Arab Muslims and the inhabitants of Nuba and other local populations were based on discrimination and haughtiness. Deng quotes a Dinka youth as saying, “The Arabs despise us and we know it; we also despise them, but they do not know it.” (p. 377).

One of Amr’ Bin Al-‘Aas’ (Muslim leader who conquered Egypt in 7th Century) most important campaigns was led by Abdullah Bin Saad Bin Abi Al-Sarh in 651 against the Nuba region and ended with a truce or a non-aggression treaty known as the Al-Baqt. The latter is different from all other treaties signed with non-Muslims, whether after a war or as the outcome of a reconciliation, in that it established the notion of slavery and gave it acceptability and recognition whose effects are still with us today. The Baqt’s conditions start thus:

“Every year, you shall provide the Imam of the Muslims, through the Governor of Aswan, with 360 of your best and undamaged slaves, both males and females, but not too old or too young. (Shuqair, 60: 1981).

However, although slavery was abolished officially in accordance with British law, the slave culture did not disappear from Sudan; the term “slave” is still used in society when the matter involves mixed marriages between individuals from the North and South. While a Northern male could well marry a Southern female, the other way round is not a straightforward option.

Various intellectual and cultural trends appeared on the scene as a result of the political development ensuing from the October 1964 Revolution. Intellectuals became more interested in analysing the identity issue, with the result that people started talking about an Afro-Arab Sudan. Influential currents appeared among the country’s elite that looked at the dual necessity of facing the facts and recognising the country’s African roots, and searching for them in the local history and culture without embarrassment. Moreover, Arabism among this group became more of a culture than an ethnicity, and we heard about the “Forest and Desert” School, in a clear reference to Africa and the Arabian Peninsula. One of this school’s members wrote the following in a poem entitled “The Return to Sinar,” a title which itself is highly symbolic. A guard at the city gates asks:

- Are you a Bedouin?
- No.
- Are you from the land of the Negros then?
- No. I am one of you; a lost man who returns singing in one language and praying in another.


Being “Sudanese” has acquired a special significance for a number of Sudanese intellectuals. What is their identity? Some deemed the term sufficient to identity a Sudanese national, without the need to add “Arab” or “African.”

On the political scene, there were efforts to find a peaceful and serious solution to the Southern problem, and most political parties, mainly the leftists, placed it high on their
political platforms. The decrease in the absolutist claims to an Arab-Islamic affiliation was accompanied by questioning the need for a central state. The debate round the proper form of governance for such a large and diverse country moved further along and, as far as the Northerners were concerned, the alternative revolved around the idea of a federation or self-governed provinces. The round-table conference of March 1965 was the first meeting to bring together Sudanese politicians from the North and South for the express purpose of discussing the South’s future. However, despite the wide disparity of views and clear differences between the two sides, the door of dialogue had been open.

**Public policies towards cultural diversity in the South**

Interest in defining the relationship between the North and South in the 1940s began in earnest when the British Government started planning its withdrawal from the country. This was embodied in the Juba Conference in 1974, which surprised many by opting for a united Sudan, albeit with a special status for the citizens of the South. The British had considered the South as “closed areas”, in their efforts to prevent any interactions between the North and South. To achieve that, the British passed a series of laws, starting with the Passports and Immigration law in 1922 limiting the movement of Northern merchants (Al-Jallaba) in the South. The government began encouraging Christian merchants, like Greeks and Syrians, at the expense of Arab Muslim merchants from the North, and several resolutions were adopted to prevent the further spread of the Arabic language and Islam.

Blaming colonial policies was the main excuse for avoiding responsibility for the deteriorating crisis in the South. There was a good opportunity, when arrangements were being made for the transitional period that followed the Self-Government Agreement, to delineate a special constitutional status to ensure the southerners’ rights, develop their regions and achieve national unity, in 1953, but the Northern elites that came to power after independence were not up to the task, and instead chose to manoeuvre and plot in their dealings with the South. To win the South’s support for independence, they promised to fulfil its demands once the overarching national objective had been achieved, but the beginning of what Southerner Abel Alier called “the history of dishonouring agreements and charters” came much too early, causing the loss of the main guarantor of cooperation: mutual trust.

Violence and conflict became the hallmark of the relationship between the North and South, starting with the rebellion of the Equatorial Brigade, in August 1955, only five months prior to the country’s independence. Since then, the security solution has been uppermost on the mind of Sudan’s political elite who tried to disregard the fact that theirs was a culturally diverse country, and reduced the issue to a mere consequence of colonial policies and plots.

The real test relevant to the challenge of establishing a modern, multi-cultural and democratic civil state was what kind of constitution would be adopted. Many blamed the Islamic Sudanese Movement for focussing on a monolithic cultural identity and imposing Islam as the only option for those who identify themselves as Sudanese. This led to a constant sense of cultural alienation and, in the end, caused the South to secede. In this context, one of the activities that accompanied the launch of the Islamic Movement was a call to review the constitution, render it more in line with the ‘Muslim Sudanese
population’s will’ and make it conform to the Holy Koran and the Prophet’s Sunna. On December 10 and 11, 1955 a meeting was held during which the decision was reached to establish the “Islamic Constitution Front,” to which several large religious organisations decided to adhere.

Since then, the National Committees for the Constitution has been engaged in a debate round three issues particular to the nature of the Sudanese state:

1. Is it an Islamic or a secular state?
2. Is it a unified (centralised) country or a federation?
3. Does it have a presidential or parliamentarian governance system?

From the very beginning, the South Sudanese were firmly against the establishment of a religious state, since cultural diversity is what gives a country its particular characteristics. In vain, the Southern members of first technical committee, established in January 1967, expressed their reservations vis-à-vis the obviously Islamic nature of the draft constitution submitted to the Constituent Assembly, in early 1968. They wrote a memorandum in favour of a non-religious constitution saying that any constitution based on a single dogma – whether religious or secular – does not have room for the disparities that exist in Sudan. The memorandum openly called for the separation between religion and the state because an Islamic constitution will pose a threat to national unity and will not achieve parity among different religious groups, and thus prevent the spread of religious tolerance in the political domain. It goes on to say that Muslim society’s divided sectarian condition will not only turn the Islamic constitution against non-Muslims, but also against the Muslims themselves. The memorandum ends by advocating that religion should be confined to the private domain, where the state should not play any role except in cases of public security, as is the case in India and the United States of America. (Discussions of the National Constitutional Review Commission, National Archives Department, as told by Al-Bouni, pp. 42-43).

It is at this point that Sudan’s chronic crisis began to develop and grow. Non-Muslim deputies and politicians had expressed serious reservations and concerns. William Deng had put it as follows: “religion is about relationship between individual and his God, that is why there should be a secular constitution since it provides everyone with equal opportunity”. Deng added that a Muslim could rule India, which had a Hindu majority, because it had a secular constitution. MP Tonk Shaul rightly said that the Islamic constitution issue did not exist between 1953 and 1958 because the people wanted unity, and because there were personal and ideological interests that encouraged this call, adding that, for some people, Islam meant Arabising the area south of the desert, which in fact was a form of neo-colonialism.

On the other hand, Hassan Al-Turabi’s memorandum supported an Islamic constitution. His argument was that the constitution should represent the will of the people and since the majority is Muslim, their will should prevail. Unlike other religions, he says, Islam is a religion and a state and, as such, it instructs the believers to govern according to Allah’s Revelation. The memorandum insists that an Islamic constitution is the only system with which the people will interact because it is in line with the political beliefs of the majority. At the same time, it does not clash with the beliefs of non-Muslims, protects their personal freedoms and has room for many of the
democratic principles that prevail elsewhere in the world. On the other hand, while a secular constitution will offer non-Muslims a similar level of freedom and democratic ideas, it is bound to clash with the faith of the majority. (Mansour Khaled: 259, and committee discussions).

While all this was evolving, the Sudanese state was establishing itself and developing after gaining its independence. The people had won their political independence and were now supposed to embark on a general construction, development and modernisation process that required either a shared national vision or one with widespread support among the public. However, the Sudanese people fell into the monolithic culture trap and its centrality in their lives; numerical superiority was the main criterion based on the assumption that it was a firm democratic practice. Over and above that, the sense of the Arab-Islamic culture’s superiority justified many of the North’s policies and positions, meaning that many Northerners believed that they were actually performing a cultural service, namely the Northern man’s responsibility to Islamise and Arabise the South.

The coup d’etat of May 25, 1969 thwarted the Constituent Assembly’s plans to issue the Islamic constitution; Sudan was declared a socialist country under the leadership of a coalition among the country’s worker groups. The new regime quickly issued the so-called June 2, 1969 statement, recognising the historic and cultural differences between the North and South, highlighting the fact that national unity should take these factors into consideration, and stating its intention to implement self-government in the South. The statement, which became a point of reference for subsequent agreements, constitutions and policies, referred to the need to establish a democratic socialist movement in the South as basis for the implementation of its stated programme. The Addis Ababa Agreement of 1972 was the first serious attempt to find a far-reaching solution to the problem of the South, based on acceptable and reasonable factors that embodied the new principles, and it was only natural that the recognition of cultural diversity would top the agenda. This necessitated the immediate addressing to four important issues: nationality and culture, lack of economic parity, protecting the country and the citizens and democratic rights. As far as diversity management was concerned, attention should be paid to the particular cultural and political characteristics that allow cultures to develop and advance, including regional languages and the power granted to the legislative authority to issue laws in conformity with local customs and traditions. (Alie, p. 231). The Addis Ababa Agreement paved the way for self-government in the South within the context of a unified Sudan, by granting southern departments the right of govern themselves including legislative and executive powers, basic freedoms and power-sharing prerogatives. The Addis Ababa Agreement became one of the basic laws of the national constitution. (Abdullah, 2002: 165).

One could say that the Sudanese people had reached an agreement, a near consensus, that a decentralised government, in any of its different forms like a federation or self-government, etc., would be the best diversity management system for Sudan. However, disagreements remained as to these policies’ content and practicality. In this respect, the main challenge and most effective yardstick would be the manner in which religion and language are dealt with, as the two most essential elements of what constitutes one’s cultural “identity”.

The status of religion in different laws and policies

It was no longer possible to implement forced Islamisation and Arabisation policies, as was the case under the first military rule (1958-1964). At the time, these two policies were implemented by encouraging Islamic proselytisation, closing up Christian churches and imposing Islam and the Arabic language on the South. However, the fact that constitutions could not ignore texts relevant to the role of Islam and Sharia, constituted a tenacious obstacle to cultural diversity management, one that required a lot of flexibility, diligence and awareness.

Article 8 of the 1973 Constitution, which immediately followed the Addis Ababa Agreement, states that regional self-government system, shall be established in the South on the basis of a unitary Sudan, in accordance with the Regional Self-Government Law for the Southern Provinces of 1972, a basic law that could only be amended in accordance with the self-government act of 1972. Article 9, however, states the following: “Islamic Law and custom shall be the main sources of legislation. As for issues related to the Personal status of non-Muslims, they shall be governed by their special laws”. The law is careful to preclude negative repercussions by referring to different freedoms in the text.

But the Numeiri regime did not abide for long by the self-government agreement and soon began to divide the southern province again. The regime reneged on several promises it made to the South when it decided, in September 1983, to implement Sharia law in the country, an untenable situation for non-Muslims. This was enough to exacerbate the rebellion and armed activities begun shortly before, and a good excuse to escalate the situation, ushering in a new era of conflict and tension in Sudan’s cultural diversity management domain. These tensions, which went back to the period preceding the Addis Ababa Agreement, were highly reminiscent of the policies of forced Islamisation and Arabisation. What is taking place now is prioritising Sudan’s Islamic vision, i.e., the Sudanese interpretation of Islam, over all other considerations.

The document entitled “The Sudan Charter” allows us to accurately gauge the vision of Sudan’s Islamic Movement, on which all policies and laws were based after it took power in 1989. The Charter was issued in 1986 at a time when the fighting had escalated despite the third democratic era that ruled the country. The document described the Sudanese people as a religious people of different backgrounds and cultures. But since “the Muslims are the majority among the population of the Sudan, they have a legitimate right, by virtue of their religious choice to practice the values and rules of their religion to their full range... In Sudan there is a large number of those who adhere to African religions, a substantial number of Christians and a few Jews... they should be entitled freely to express the values of their religion to the full extent of their scope...” (Al-Bouni, p. 89).

The 1998 Constitution served as legal background for all subsequent arrangements, even for the Comprehensive Peace Agreement of 2005 and different draft constitutions being debated today. It is the constitution of a religious state trying to catch up with modernity, and staying up-to-date by including a number of modern values and principles. Although when governance is at stake no one can ignore people’s basic freedoms, citizenship right and women’s rights, any more, this constitution underlines
the centrality and comprehensiveness of Islam’s role.

We read in its preamble:

“In the name of God, the creator of man and people, the grantor of life and freedom, and the guiding legislator of all society. We, the people of Sudan, with the help of God, cognisant of the lessons of history, and with the help of the revolution of National Salvation, have made this Constitution to establish a public order, which we undertake to respect and protect, so help us God.”

It is obvious from the preamble, that God is the legislator, the one who guides nations to the path to righteousness. This is where intellectual and political conflicts arise, in particular when answering the question “what is God’s law in the human understanding?” Moreover, despite efforts to avoid mentioning the term “theocracy”, the Constitution has clearly decided that governance is in the hands of God, not the nation or the people. This would enable some to claim governance in God’s sacred name. We read in Article 4, “God, the creator of all people, is supreme over the State and sovereignty is delegated to the people of Sudan by succession, to be practiced as worship to God, performing his trust, developing the homeland, and spreading justice, freedom and shura...”

The Constitution tries to underline the divine religious reference, while at the same time requiring human beings to assume responsibility through succession of God, rather than being the original source of power. Moreover, in order to avoid the term “theocracy”, an accusation that Islamists limit to the Christian church only, we notice a certain lowering of the tone and a degree of adaptability to the status quo. Thus, when Article 1 of the Constitution defines the nature of the state, it does not only highlight faith and religion but also terms such as ‘the nation’ and ‘citizenship.’ It states, “The State of Sudan is a collective homeland in which ethnic and cultural groups and religions tolerate one another. Islam is the religion of the majority of the population and Christianity and traditional religions have a large following”. We also notice that the phrase “Islam is the religion of the majority of the population” is the excuse used to impose the Islamic culture, although numbers should not be a criterion for citizenship rights.

In Article 27, the constitution accepts and recognises cultural diversity and ensures people’s right to practice this diversity freely. It reads, “Every sect or group of citizens have the right to keep their particular culture, language or religion, and to voluntarily bring up their children within the framework of these traditions. It is prohibited to impose one's traditions on children by coercion”. However, despite its conciliatory efforts, the constitution ends up affirming the religious nature of the state it intended to establish on the ground, through applying God’s law. Article 65 states, “The Islamic Sharia and the national consent through voting as well as through the Constitution and custom are the source of law and no law shall be enacted contrary to these sources, or without taking into account the nation's public opinion, the efforts of the nation's scientists, intellectuals and leaders.”

The Constitution of 2005 was drafted in tandem with the signature of the Comprehensive Peace Agreement, as an interim arrangement that ends when the Agreement ends, with a referendum scheduled for 2011, an event that has recently take place. The said constitution was supposed to have provided policies and mechanisms that rendered unity an “attractive proposition” for both sides, by means of a
wise and practical diversity management process. Although on the purely theoretical level, this interim constitution implicitly provided for this option, good intentions are not sufficient on their own; the difference between text and implementation was enormous. Hence, it was natural that the definition of a state that accepts and accommodates cultural diversity was different. This is why Article 1 of the 2005 Constitution identified the country saying, “The Republic of the Sudan is an independent, sovereign State. It is a democratic, decentralized, multi-cultural, multilingual, multi-racial, multi-ethnic, and multi-religious country...” Likewise, Article 3 states, “The Sudan is an all embracing homeland where religions and cultures are sources of strength, harmony and inspiration.” Regarding the basic principles inherent in the Constitution, Article 4 states, “This Constitution is predicated upon and guided by the following principles:

(a) the unity of the Sudan is based on the free will of its people, supremacy of the rule of law, decentralized democratic governance, accountability, equality, respect and justice,

(b) religions, beliefs, traditions and customs are the source of moral strength and inspiration for the Sudanese people,

(c) the cultural and social diversity of the Sudanese people is the foundation of national cohesion and shall not be used for causing division.”

Article 7 highlights citizenship rights, “Citizenship shall be the basis for equal rights and duties for all Sudanese.”

The 2005 Constitution highlights respect for cultural diversity at the level of rights and freedom of belief, in accordance with Article 6 that emphasises the State’s respect for all religious rights and practices.

The peace negotiations stumbled and almost came to a halt when it began addressing the sources of legislation. The regime insisted on the need to establish Islamic Sharia as the main source of legislation, while the Popular Movement insisted on secularism, or the separation between state and religion. The negotiators finally arrived at a compromise that carried within it the seeds of division since it accepted two types of legislations in the same country. In the North, this made it possible to implement Islamic Sharia albeit with a special status for the capital, which reflected a quid pro quo arrangement of unity in return for abandoing Sharia Law’s implementation, as the regime had wanted. It seemed as if this had become the condition for unity, and it was only natural for such polarisation to harden both parties’ positions and lead to a confrontation between them. This is why Article 5 consecrated the duality between the nation’s two main religious elements, by stating:

1) Nationally enacted legislation having effect only in respect of the Northern states of the Sudan shall have as its sources of legislation Islamic Sharia and the consensus of the people.

2) Nationally enacted legislation applicable to Southern Sudan or states of Southern Sudan shall have as its sources of legislation popular consensus, the values and the customs of the people of the Sudan, including their traditions and religious beliefs, having regard to Sudan’s diversity.

3) Where national legislation is currently in operation or is to be enacted and its source is religion or custom, then a state, and subject to Article 26 (1) (a) herein in the case of Southern Sudan, the majority of whose residents do not practice such religion or customs may:-
(a) either introduce legislation so as to allow practices or establish institutions, in that state consistent with their religion or customs, or
(b) refer the law to the Council of States to be approved by a two-thirds majority of all the representatives or initiate national legislation which will provide for such necessary alternative institutions as may be appropriate.

The Constitution strives to maintain a balance resulting from the duality by going into some detail to secure certain guarantees. Article 156 states:

“Without prejudice to the competence of any national institution to promulgate laws, judges and law enforcement agencies shall, in dispensing justice and enforcing law in the National Capital, be guided by the following:-
(a) tolerance shall be on the basis of peaceful coexistence between the Sudanese people of different cultures, religions and traditions;
(b) behaviour based on cultural practices and traditions, which does not disturb public order, is not disdainful of other traditions and not in violation of the law, shall be deemed in the eyes of the law as an exercise of personal freedoms;
(c) personal privacy is inviolable and evidence obtained in violation of such privacy shall not be admissible in the court of law;
(d) the judicial discretion of courts to impose penalties on non-Muslims shall observe the long-established Sharia principle that non-Muslims are not subject to prescribed penalties and therefore remitted penalties shall apply according to law”.

On the practical level, the parties tried their best to apply the law in a manner that prevents a return to armed conflict, particularly in the national capital. In this context, policies were based on ensuring participation and shouldering responsibility jointly. Article 153 states:

“1) The administration of the National Capital shall be representative. The parties signatory to the Comprehensive Peace Agreement shall be adequately represented therein.
2) The adequate representation shall be determined by the Presidency in consultation with the Governor of Khartoum.

The 2005 Constitution dedicates separate chapters for the respect of human rights in the national capital, in order to highlight the particularity and sensitivity of the situation rather than leave it to the general guarantees appearing elsewhere in the text. In this respect, Article 154 states, “Human rights and fundamental freedoms as specified in this Constitution, including respect for all religions, beliefs and customs, being of particular significance in the National Capital, which symbolizes national unity.” In the same vein, Article 155 identifies the agencies responsible for applying the law in the national capital, “Law enforcement agencies of the National Capital shall be representative of the population of the Sudan and shall be adequately trained and made sensitive to the cultural, religious and social diversity in the Sudan.”

In Article 156, the Constitution identifies the manner in which justices should be meted out in the national capital:

“Without prejudice to the competence of any national institution to promulgate laws, judges and law enforcement agencies shall, in dispensing justice and enforcing law in the National Capital, be guided by the following:-
(a) tolerance shall be on the basis of peaceful coexistence between the Sudanese people of different cultures, religions and traditions,
(b) behaviour based on cultural practices and traditions, which does not disturb public order, is not disdainful of other traditions and not in violation of the law, shall be deemed in the eyes of the law as an exercise of personal freedoms,

(c) personal privacy is inviolable and evidence obtained in violation of such privacy shall not be admissible in the court of law,

(d) the judicial discretion of courts to impose penalties on non-Muslims shall observe the long-established Sharia principle that non-Muslims are not subject to prescribed penalties and therefore remitted penalties shall apply according to law,

(e) leniency and granting the accused the benefit of the doubt are legal principles of universal application and required by the circumstances of the Sudan.”

The Constitution did not stop there but called in Article 157 for the establishment of a special Commission for the Rights of Non-Muslims:

“The Presidency shall establish in the National Capital a special commission for the rights of Non-Muslims which shall have the following functions:-

(a) to ensure that the rights of Non-Muslims are protected in accordance with the general principles provided for under Articles 154 and 156 of this Constitution,

(b) ensure that Non-Muslims are not adversely affected by the application of the Sharia law in the National Capital.”

Article 158 spells out the mechanisms relevant to the above guarantees.

**Impediments to the laws’ application**

Despite the good laws and policies, the problem lays in their application. The Commission for the Rights of Non-Muslims was beset by sharp disagreements from the very beginning. Moreover, the Islamists were not happy with the idea from the outset, but external pressure at the Nifasha negotiations had forced them to accept such institutions to guarantee the rights of non-Muslims. In its effort to play an active role and expand its prerogatives, the Commission decided to annul local decrees in effect since 1996 that banned certain activities by non-Muslims, a step seemingly aimed at the inhabitants of South Sudan most of whom are Christians and Revivalists. Certain activities by non-Muslims had been banned in Khartoum, and during that same period the Sudanese authorities had closed the Catholic Club and turned the premises into the headquarters of the ruling National Congress Party, which they still are today. Supreme Court judge and President of the Commission, Sirralkhatim Saleh, said in a press statement that the Commission had started reviewing a number of laws that needed amendment and four articles relevant to religious matters, namely Articles 1/7, 8, 21 and 24, would be amended. The Commission proposed the amendment of Article 1/7 by adding the sentence, “Christian wedding parties as well as Christmas will be exempted from this, and the curfew for those will be extended to 12:00 midnight instead of 11:00 pm.” It also proposed that Article 8, banning concerts, cinematic and theatre performances, or continuing to show them on Fridays between twelve noon and 2 pm (at prayer time), be amended by adding the sentence “to the exception of the non-Muslim brothers.” Likewise, Mr. Saleh said that Article 21 that bans opening shops and selling on Fridays, between twelve noon and 2 pm, would be amended by adding the sentence “to the exception of the non-Muslim brothers”. In the same vein, Article 24 would be amended to allow Christian-owned restaurants to
operate under their normal schedules during day hours in Ramadan, rather than being charged extra fees to remain open as they often are by the local authorities.

However, some Islamist groups challenged these recommendations and warned against circumventing Sharia laws, a step they considered as “a risky venture harmful to the peace process.” They cast doubt on the prerogatives of the Commission, established according to the provisions of the Comprehensive Peace Agreement between the North and South, saying that it had no right to issue new legislation. Furthermore, the Commission of the Ulema Council of Sudan criticised those calling for the amendment of laws as proposed by the Non-Muslims’ Commission, and called for an extraordinary meeting of its members to discuss the four provisions in question, related to the rights of non-Muslims. The secretary general of the Ulema Council deemed any attempt to amend the rights of Muslims a violation of the Nifasha Agreement, and a pretext to spread chaos and moral corruption in the country. He called for an urgent meeting of its members to respond to the four points raised during Salva Kiir’s meeting with the President of the Commission for the rights of Non-Muslims. (Local newspapers, September 1, 2009).

People wondered about the manner in which the Commission went about collecting information about different violations of the rights of non-Muslims. The Commission, whose establishment was announced on television, learned about these violations and dealt with them through special local boxes in which people could lodge their complaints.

Officials speak about different cases that came to the Commission’s attention, including that of a non-Muslim woman arrested by the policy because she opened her shop during Friday prayers, and the police wrote a report about it, and another involving a non-Muslim thief and the Bahri court’s order that his hand be cut-off. There is also talk about fundamentalist Muslims who, for religious reasons, objected to restaurants being open during Ramadan, and about members of the police breaking down the doors of a Christian place of worship, in the Fardos area, because the land belonged to another citizen with no connection to the builder, who wanted his land back for his own use. The latter complained to the police who then proceeded to demolish the unlicensed building. (Ifhamdarfur.net, December 24, 2009). The Commission reversed several violations including a judge’s order that a Southern sixteen-year old girl be given 50 lashes for wearing a short skirt. However, some accuse the Commission of dereliction of duty, and of being a mere decorative body and a forum for exchanging niceties because it organises workshops for police officers and judges on how to deal with issues related to non-Muslims. Once back at work, however, these trainees do not apply what learned but continue to beat and humiliate local female alcohol vendors, female tea vendors in the street and young women in general for wearing inappropriate clothing.

Now that there are two states, some believe that the Popular Movement has succeeded in finding a voice and establishing a political foothold for itself in the North, even after separation. As for other non-Muslim minorities (non-southerners in particular), some pinned high hope on various human rights organisations to guarantee their rights. However, those who are really involved in the matter believe that the real solution lies in enacting a law that guarantees the rights of non-Muslims. They propose that this be done
through special public prosecutor’s departments that investigate serious crimes in a manner that takes into account the particular cultures and beliefs of non-Muslim citizens, and through special tribunals specialised in issues related to public freedoms. Dr. Al-Tayeb Zein-Al-Abideen, an activist in this domain, has criticised some of the Commission actions saying that certain issues were dealt with through leaflets, and that it had failed to address all issues on its agenda during the six years of its life. He called for a special legal status to ensure that the country’s diversity is not ignored, adding that the Commission was established in response to the Popular Movement’s request that the capital be secular, at a time when the National Congress was insisting that it should not be so. Mr. Zein-Al-Abideen believed that establishing another body similar to the Commission would not serve any purpose. Therefore, he suggests, enforced laws should be enacted to ensure that religious and cultural diversity is properly managed. He gave as example the exclusion of non-Muslims from certain crimes, in line with the Criminal Law of 1991, which spared southern citizens from indictment for religious offenses. He blamed the Non-Muslims’ Commission for being a purely consultative body with no executive power, which meant it could only suggest and propose. One cannot help but notice that most non-Muslim members of the Commission were from the south, meaning that they had to move to the new Southern state after separation. A commission member proposed replacing the Commission with a new body noting that there was no commission specific to the rights of non-Muslim non-southerners although there are, for example, large numbers of non-Muslims in areas like the Nuba Mountains and Blue Nile regions. He added, “I think that the state needs to think of a special body for that particular group.” The Commission was disbanded later on and, today, there are no bodies to appeal to according to the constitution. Former Christian Commission member, Fishai Al-Antouny, believes that the Commission did succeed in solving a number of issues and fulfilling some of the needs of Christians in the capital. These include giving them land to build churches on, allowing restaurants to open during the month of Ramadan, returning cemeteries to the churches, finding alternative sources of income for those working in illegal trades like selling alcohol, and gave them three days off for Christmas. (Al-Akhbar newspaper, July 10, 2011, report by Ibtisam Ahmad). Today, there is a legal vacuum that needs to be filled if the state is to protect its non-Muslim citizens, especially in light of the increasing calls for a “totally Islamic constitution” by those who are still mired in the “ahlul thimma” concept, i.e., people that need protection, like the non-Muslim subjects of an Islamic state.

Over and above trying the official route of establishing commission-like entities, the regime set up governmental “voluntary” organisations to help in the cultural diversity management effort. Thus, in the early 1990s, the “International Popular Friendship Council” established the “Inter-religious Dialogue Society”, that had a weak Christian participation based on individual initiative. The International Centre for Religion and Diplomacy in Washington DC, which showed interest in Sudan’s religious tensions, tried to organise several meeting between Muslim and Christian leaders and, in November 2000, succeeded in convening the “Khartoum International Forum for Inter-religious Peace Cooperation.” The Forum recommended the establishment of the “Sudanese Religious
Coexistence Council,” which was officially registered on November 12, 2002.

The Council had a number of objectives, including spreading the principles of tolerance, cooperation and coexistence among different religious groups, holding dialogues between religious leaders to promote joint spiritual and religious values, protecting religious freedoms, solving conflicts between religious sects, and proposing different legislations, policies and measures to safeguard religious rights, values and symbols. Although the Council, which comprises a general assembly made up of an equal number of Christian and Muslim religious leaders, helped resolve a number of issues related to the Christian community, it ultimately failed to make unity attractive enough to avoid separation. Al-Tayeb Zein-Al-Abideen, 30:2007).

Suggestions and Recommendations

Diversity management in North Sudan requires two necessary changes or reforms in the political and administrative as well as in cultural and intellectual field. We could say today that the Sudanese people agree that democracy is the best available governance system, although this does not mean that there will no longer be differences of opinion on matters like behaviour styles, limits to freedoms and partisan politics. Within this context, there is a growing interest in the notion of a decentralised state that takes cultural diversity into consideration, and most political forces in the country started warming up to the idea of a federal state able to address cultural diversity in a wise and practical manner. Experience shows that good constitutions and laws cannot alone create new facts on the ground; the key lies in the implementation. Besides good politics and administrative practices, there is need for a level of awareness and culture that enables the citizens to implement these policies on the ground. The federal system has so far failed, since Numeiri’s time in power, because it was implemented under non-democratic conditions, meaning that people’s behaviour remained largely unchanged.

Any attempt to get out of the current crisis that threatens the country with more disintegration and division requires convening a comprehensive and all-inclusive national constitutional conference. Among the conference’s priorities is to agree on a draft constitution based on a candid recognition of Sudan as a multicultural country, and the fact that these cultures enjoy equal rights regardless of numerical majorities. The gist of democracy is ensuring that minority rights are not left by the wayside because the majority has all the power and uses it to protect itself; the considerable confusion that surrounds this principle opens the door to the majority’s hegemony and control and the persecution of minorities. Not only should all the major political forces be represented at the conference, but also all marginalised and alienated cultural groups. The resulting constitution should be put to a referendum before being adopted as the country’s permanent constitution.

The country should be governed by a federal system elected from the bottom all the way to the top, whose main responsibility would be to redress the balance in the relationship between the centre and the periphery. This means the fair distribution of the country’s wealth among Sudan’s different provinces and, in this respect, the country has a long record of injustice towards its non-Arab-Muslim regions. For despite the economic and developmental nature of these regions’ underdevelopment, the conflict has taken on ethnic and racist characteristics. This rendered
the political-cultural situation in Sudan all the more difficult, which is why we recommend that the proposed federal system be strengthened and expanded with a wider array of democratic values.

Diversity management also requires changing the academic curricula in a manner that reflects the country’s diversity, and brings up the new generation accordingly. The country’s academic curricula have been partial to the prevailing Arab-Islamic culture, as the nation’s one and only culture, and the imposition of the Arabic language on its non-Arab regions has reduced the ability of young men and women from these regions to compete and attain higher levels of education. The fact that the ability to speak fluent Arabic is one of the conditions for employment has further skewed competition over jobs and lessened the chances of non-Arabic speakers to get a job. I propose highlighting local cultures and teaching the Arabic language in a more creative manner to help dispel any sensitivity towards the language, and restore the local cultures’ respect for it.

The official media ignore the local cultures and deny them the opportunity to express themselves. Popular cultural displays should be aired, television and radio programmes should run in local languages, and museums and exhibition halls should put on displays that highlight diversity and cultural differences. These few practical ideas are likely to address some of the alienation felt by non-Arab-Islamic cultures.

An apt recommendation would be for political parties and civil society organisations to manifest themselves through cross-tribal and cross-familial national characteristics. Ever since the public became less disposed towards accepting diversity, many institutions that could have played a bigger and more positive role in the management of diversity have retreated into their own shells.

The religious institution needs to radically amend its intellectual and cultural discourse, in a manner that emphasises the values of tolerance and acceptance of the other. The fact remains, however, that this entire religious institution believes in the absolute superiority of the Arab-Islamic culture over all other local cultures, which it gratuitously calls “primitive”. It is also a fact that the overarching insistence and arrogant attitude that rears its head whenever the Islamic constitution issue is at stake, will only lead to more tensions and crises. This is why the next constitution should be civil and democratic, and should respect cultural, religious and ethnic diversity.

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