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**‘ONE ARMY, ONE PEOPLE’? CONSTITUTION-MAKING, ALTERNATIVE
IMAGINARIES, AND MILITARY RULE IN SUDAN**

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Submitted in fulfilment of the requirements for the Degree of Doctor of Philosophy in History

History Department

Durham University

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DECLARATION

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ABSTRACT

This thesis examines how successive military regimes in Sudan have shaped the country's constitutional history—not as interruptions to legal order but as central authors of its form and meaning. Focusing on the regimes of Ibrahim Abboud (1958-1964), Jaafar al-Nimeiri (1969-1985), and Omar al-Bashir (1989-1999), this study argues that constitution-making in Sudan has functioned less as a neutral legal exercise and more as a strategic and ideological project aimed at legitimising authoritarian rule and changing political order. Through detailed analysis of primary sources, this thesis traces how military rulers used the language and rituals of constitutionalism to perform legitimacy, centralise power, and reimagine postcolonial sovereignty.

While much of the existing scholarship on Sudanese constitutionalism centres on elite party politics and their constitutional debates, this study foregrounds the military as a key constitutional actor. It introduces competing visions of Sudanisation that undermined Sudan's constitutional development: tutelary Sudanisation, an elite-led, authoritarian project in which ideas of unity and identity are imposed through centralised rule, and alternative Sudanisation philosophies, participatory visions rooted in varying popular efforts to redefine the state. This thesis highlights how these rival projects have coexisted and collided, each shaping Sudan's constitutional trajectory in distinct ways. By repositioning militarised regimes at the centre of Sudan's constitutional history, this thesis contributes to broader debates on African and Middle Eastern constitutionalism, authoritarian legality, and postcolonial state formation. It argues that constitution-making in Sudan has been both a mechanism of control and a terrain of struggle—where the meaning of the nation, sovereignty, and justice has been repeatedly contested and reimaged.

GLOSSARY

Al Dawa al-Shamila: The Comprehensive Call to Islam; a term used by the NIF to describe its

Fatwa: A legal ruling or interpretation issued by a qualified Islamic scholar on matters of religious law.

Hākimiyya: Divine sovereignty; a foundational concept in Islamist thought asserting that only God has ultimate authority, often used to reject secular law.

Hudud: Fixed punishments in Islamic law for certain crimes such as theft, adultery, and apostasy, often symbolising the regime's commitment to Sharia implementation.

Ijma': Consensus; one of the traditional sources of Islamic jurisprudence, often cited to justify legal or moral norms as agreed upon by the scholarly community.

Inqaz: Salvation; shorthand for the 1989 coup d'état led by the NIF, officially named the 'Salvation Revolution' (*Thawrat al-Inqaz*).

Jeeshun Wahid, Shaabun Wahid: One Army, One People; a slogan used to assert unity between the military and the people, often deployed to legitimise the regime's rule.

Jihad: Commonly translated as struggle or holy war.

Sharia: Islamic law derived from the Qur'an and Hadith, interpreted and enforced in varying degrees by the state as part of its constitutional and legal framework.

Shura: Consultation; a concept in Islamic governance that denotes collective decision-making, often invoked to legitimise authoritarian mechanisms of rule.

Tamkīn: Empowerment; referring to the establishment and entrenchment of Islamic rule across political and institutional domains.

Tawali: Mutual allegiance; a term used in Sudan's political lexicon to denote political loyalty and affiliation with the ruling order.

Urf: Customary law; a recognised source of Islamic jurisprudence, especially in contexts where Sharia intersects with local traditions and practices.

Umma: Muslim community; invoked both in religious terms and politically, to refer to the collective body of believers.

LIST OF ABBREVIATIONS

ASU	Arab Socialist Union
CPA	Comprehensive Peace Agreement
DUP	Democratic Unionist Party
FCO	Foreign and Commonwealth Office
HEC	High Executive Council
ICF	Islamic Charter Front
IMF	International Monetary Fund
IS-SOR	Internal Security – Security of the Revolution
NDA	National Democratic Alliance
NIF	National Islamic Front
NRO	National Records Office
NUP	Nationalist Unionist Party
PAIC	Popular Arab and Islamic Congress
PDF	Popular Defence Forces
RCC	Revolutionary Command Council
RCCNS	Revolutionary Command Council for National Salvation
SANU	Sudan African National Union
SCAF	Supreme Council of the Armed Forces
SCP	Sudanese Communist Party
SDF	Sudan Defence Force
SAF	Sudanese Armed Forces
SRG	Southern Regional Government
SSU	Sudanese Socialist Union
SPLM/A	Sudan People's Liberation Movement/Army
SWU	Sudanese Women's Union
SWTUF	Sudan Workers' Trade Union Federation
TNA	Transitional National Assembly
UNF	United National Front

NOTE ON TRANSLATIONS AND TRANSLITERATIONS

All translations from Arabic to English in this thesis are the author's own unless otherwise indicated. Quotations from Arabic language sources have been translated with attention to their political and rhetorical context. Care has been taken to preserve the original meaning and nuance of the sources, while ensuring clarity and accessibility for an English-speaking audience.

Arabic terms have been transliterated using a simplified system to aid readability, with diacritics generally omitted except where necessary for clarity. Commonly used terms (e.g. *Sharia*, *jihad*, *fatwa*), are rendered in their most widely accepted English forms. Less familiar terms appear in transliterated form upon first use and are defined in the glossary.

INTRODUCTION – CONSTITUTION-MAKING IN SUDAN

Overview

On 29 December 1955, just days before Sudan formally declared independence, a broadcast on the Omdurman National Radio's 'Army Corner' programme hailed Parliament's proclamation of sovereignty as 'an earthquake which shook the foundations of imperialism... like a knock on the door of the colonised nations.' Yet even in that moment of triumph, the broadcast pivoted quickly to matters of responsibility. 'Brave soldiers,' it urged, 'now that independence has been proclaimed, the Sudanese flag will be unfurled in the north and south, east and west of Sudan.... You have to protect this country internally and externally.'¹ The statement encapsulated the dual inheritance of Sudan's postcolonial project: a dream of national liberation shadowed by the militarisation of sovereignty. Though the proclamation of independence was framed as a rupture from colonial rule, it was also accompanied by an appeal to discipline, order, and force – a foreshadowing of how the military could come to see itself not only as a guardian of the state but as an author of its political destiny. This thesis traces the entanglement of military power and competing postcolonial visions for Sudan's future through the lens of constitutionalism from 1956 to 1998. It asks how successive military regimes mobilised constitution-making as both a means of consolidating authoritarian rule and a tool for articulating particular visions of Sudanese statehood. Rather than treating constitutions as simply legal texts, this thesis understands them as dynamic political, social, and economic artefacts – products of ideological struggle, historical contingency, and contestation from above and below.

Sudan has undergone multiple constitutional projects since independence, yet it has never seen an enduring constitution. The Sudanese case is not unique in its top-down approach to constitution-making. However, what makes it stand out is the extent to which constitution-making has been repeatedly instrumentalised by military regimes not merely to codify power but to perform legitimacy and stage ideological dominance. Unlike other British colonies that developed constitutions at independence, Sudan inherited an incomplete legal framework rather than a fully realised constitutional project. Therefore, since independence, constitution-making became an unfinished endeavour, a continual site for struggles over sovereignty, identity, and authority. Military actors used constitutional processes to embed their vision of the state, drawing selectively on religious, revolutionary, or developmental narratives while suppressing

¹ 'Omdurman Broadcasts.' January 6, 1956. Translated in *Summary of World Broadcasts*, (SWB) January 6, 1956: 40. *Readex: BBC Monitoring: Summary of World Broadcasts*).

popular participation and alternative imaginaries. The result was a cyclical dynamic in which constitutions were proclaimed with symbolic force but rarely consolidated through consensus or institutional continuity. At the same time, competing constitutional imaginaries emerged from opposition politicians, students, trade unions, women's organisations, and exiled communities, seeking to redefine the state through alternative visions of sovereignty and belonging.

Methodologically, the thesis draws on a wide range of primary sources, including official constitutional texts, parliamentary records, military broadcasts, political speeches, newspaper commentaries, media interviews, and diaspora publications. These sources are read against broader debates in political history, constitutional theory, and postcolonial studies, with particular attention to literature on authoritarianism, nationalism, and legal pluralism. This thesis also foregrounds the enduring legacy of colonial legal infrastructures – especially those forged under Anglo-Egyptian rule – and examines how they were selectively rearticulated, rather than dismantled, by postcolonial military regimes.

Ultimately, this thesis argues that constitution-making in Sudan has operated both as a stage for authoritarian performance and a site of contestation over the meaning of postcolonial statehood. It contributes towards the scholarship of African and Middle Eastern constitutionalism by demonstrating how militarised regimes are not constitutionally neutral bodies but active constitution-making actors. At the same time, it recovers the suppressed histories of resistance – where counter-constitutional discourses were forged not only in formal politics but in everyday struggles for justice, recognition, and self-determination. In doing so, this thesis reclaims constitution-making as an unfinished and contested process, central to the question of what Sudan was and what it might yet become.

Research Questions and Aims

This thesis examines the role of the Sudanese Armed Forces (SAF) in shaping the country's constitutional trajectory across three successive military regimes. While existing scholarship focusses heavily on elite party politics and parliamentary debates – particularly federalism, religion, and identity – this study centres on the military as a constitutional actor. The SAF provided the institutional backbone of these regimes, yet this is not a study of the army as an organisation or its internal hierarchies. Rather, it explores the political and constitutional role of military regimes – governments led and sustained by military authority – as state-building projects. It argues that military regimes did not merely interrupt civilian politics but actively authored and re-authored the constitutional order in ways that redefined the postcolonial state.

While constitution-making in Sudan has encompassed various actors, ideologies, and regional tensions, this thesis adopts a focused analytical scope in order to investigate the role of the army in constitution-making to ensure analytical clarity and depth. While the protracted struggles between Khartoum and marginalised regions – including Southern, Eastern, and Western Sudan – have played important roles in shaping political life, they are not the central problematic of this research, which foregrounds the armed forces' role as constitutional authors. The political economies of war, peace negotiations, and rebel movement dynamics are acknowledged where relevant. Furthermore, this thesis is not a legal study in the doctrinal sense – it does not assess constitutions on the basis of legality or procedural integrity. Rather, it approaches constitutional texts as historically embedded and ideologically charged instruments of governance that have been used by military regimes to consolidate power, assert ideological visions, and marginalise competing claims to the state. Finally, while international actors and events have influenced Sudan's constitutional trajectory at various points, this study does not foreground Sudan's foreign relations. Instead, these dimensions are incorporated only when they intersect directly with domestic processes of constitution-making.

The regimes of Ibrahim Abboud, Jaafar al-Nimeiry and Omar al-Bashir reveal that military rulers consistently mobilised constitutions to legitimise authority, advance their ideological goals, and marginalise competing visions of Sudanese nationhood. These efforts, however, did not go uncontested. A second question explores how the constitutional visions imposed by military regimes conflicted with or influenced alternative constitutional imaginings. Across each regime, a

range of alternative constitutional imaginaries emerged. These counter-imaginaries reveal that constitution-making in Sudan has also functioned as a site of resistance, where various actors articulated visions of justice, sovereignty, and belonging that opposed militarised frameworks. This study, therefore, critiques dominant top-down approaches to constitutional analysis and instead explores the contested terrain where formal authority and popular aspiration intersect.

Finally, this thesis introduces a key conceptual intervention: framing competing and coexisting visions of Sudanisation. On one side lies tutelary Sudanisation – a vision rooted in elite military efforts to assert control over national identity and political order through top-down, centralised authority. This approach assumes that unity must be maintained by a strong state guiding the people. In contrast, alternative Sudanisation philosophies are informed by the aspirations of diverse actors seeking to reshape the state around inclusive principles of political participation and collective belonging. Rather than tracing a single, linear progression, these two approaches highlight Sudanisation as a sight of ongoing ideological contestation. In this framework, constitution-making is not merely a technical or legal exercise but a profoundly political and historically contingent process through which competing visions of Sudan's future are articulated, challenged, and negotiated.

Constitution-Making and the Limits of Liberal Paradigms

The literature on constitution-making in postcolonial contexts draws on interdisciplinary insights from political science, history, sociology, anthropology, and law. These contributions underscore that constitution-making is not merely a juridical or technocratic act but a profoundly political and socially embedded process. At the heart of these discussions lies a central concern – that dominant liberal paradigms, often rooted in Western historical experiences, have obscured the complex, contested, and uneven nature of constitution-making in formerly colonised societies. Scholars have increasingly emphasised the connections between constitutional processes and broader political transitions, elite bargains, colonial legacies, and questions for legitimacy, authority and representation. While foundational scholarship has often treated Western constitutional moments – such as those of the United States and France – as normative models that promote ideals of separation of powers, rights-based governance, and representative democracy, this approach has come under sustained critique for failing to account for the structural violence, exclusions, and racial hierarchies underpinning both historical and contemporary constitutional orders.

The origins of constitution-making in the Western tradition are rooted in Enlightenment political philosophy and the revolutionary transformations of the late eighteenth century in France and the United States. These moments gave rise to a distinct conceptualisation of the constitution as a rationally designed legal instrument intended to organise political authority, limit state power, and enshrine ideas of individual rights. Thinkers like Alexander Hamilton, James Madison, and Emmanuel-Joseph Sieyès helped define constitutions as instruments of deliberate institutional design, grounded in abstract principles of reason and sovereignty.² Over the course of the 19th and 20th centuries, this tradition evolved in tandem with liberal legalism and political economy, becoming increasingly institutionalised through comparative constitutional law and the work of scholars such as Hans Kelsen and Carl Schmitt. These thinkers entrenched a vision that constitutions should serve as apolitical artefacts – products of consensus and universal reason, rather than instruments of contestation or struggle.³

Within this tradition, early canonical studies, such as those by Jon Elster, framed constitution-making as occurring in global ‘waves,’ beginning with the American and French revolutions, followed by post-World War I settlements, decolonisation in the mid-20th century, and the transitions from authoritarianism after the Cold War.⁴ Elster’s approach foregrounds rational deliberation, strategic bargaining, and historical contingency, viewing constitution-making as a process of institutional design driven by ruptures in political order. While this account captures the procedural complexity of constitutional moments, it tends to obscure how deeply such projects are shaped by unequal power dynamics, particularly in colonial and postcolonial contexts. Assuming a stable constitutional subject and deliberative settings free of coercion or epistemic asymmetry often ignores the influence of elite actors who dominate the process. This reflects a broader elitist orientation in much of the foundational literature, where constitutional legitimacy is presumed to emerge through elite consensus, rational design, or legal refinement.

Elitism, as a normative theory and empirical observation, posits that political power is concentrated in a small, privileged group, often political leaders, jurists, or intellectuals, who see themselves as best positioned to make decisions on behalf of the broader polity. This elitist logic

² Hannah Arendt, *On Revolution* (New York: Penguin Publishing Group, 2006), pp.28-49.

³ Lars Vinx, *Hans Kelsen’s Pure Theory of Law: Legality and Legitimacy* (Oxford University Press, 2007), <https://doi.org/10.1093/acprof:oso/9780199227952.001.0001>, p.102.; Carl Schmitt, Jeffrey Seitzer, and Christopher Thornhill, *Constitutional Theory* (Durham, UNITED STATES: Duke University Press, 2008), <http://ebookcentral.proquest.com/lib/durham/detail.action?docID=1170471>, pp.9-10.

⁴ Jon Elster, ‘Forces and Mechanisms in the Constitution-Making Process’, *Duke Law Journal* 45, no. 2 (1995): 364–96, <https://doi.org/10.2307/1372906>.

is not merely a product of local dynamics but is embedded in the liberal constitutional paradigm itself. As Mouffe and Pahuja argue, the liberal emphasis on consensus and technical neutrality can obscure deeper antagonisms and legitimise elite-driven orders under the guise of legality and progress.⁵ In contexts shaped by conquest, dispossession, and imperial rule, this depoliticization is particularly consequential, as it masks the ongoing reproduction of colonial relations through constitutional form. As such, elitism will be defined as a mode of constitutional ordering in which power is concentrated among a small political or intellectual class, whose claims to authority often marginalise or exclude broader publics, particularly in contexts shaped by colonial hierarchies or transitional crises.

These critiques of elitist and liberal assumptions set the stage for analysing other theorists in the canon. Similarly, Frank Michelman argues that constitutions provide the framework for deliberative democracy, enabling collective self-rule through public reason.⁶ Drawing on Rawlsian principles, Michelman sees constitutional rights as foundational tools for securing justice, institutionalising fairness, and protecting individual dignity. Yet, while Michelman acknowledges the power imbalances within constitution-making, his normative commitment to constitutionalism primarily focuses on constitution-making within established democracies. As such, his framework overlooks the historical violence, imperial legacies, and coercive contexts under which constitutions within and outside the West have been produced.

Building on and responding to this, Ackerman offers his theory of ‘constitutional moments’ – extraordinary episodes of political upheaval that produce durable legal and institutional transformations.⁷ These episodes are understood through the American experience of constitution-making, where he identifies three key moments – the Founding, Reconstruction, and the New Deal – which he argues underpin the legitimacy of American constitutional order and are demonstrative of broad public support. However, this approach implicitly idealises democratic consolidation through the lens of the American experience – an experience that was enacted through violence and the sidelining of marginalised populations. Furthermore, it

⁵ Chantal Mouffe, *The Democratic Paradox* (London, United Kingdom: Verso, 2009), <http://ebookcentral.proquest.com/lib/durham/detail.action?docID=7140705>, pp.12-13.; Sundhya Pahuja, *Decolonising International Law: Development, Economic Growth and the Politics of Universality*, Cambridge Studies in International and Comparative Law (Cambridge: Cambridge University Press, 2011), <https://doi.org/10.1017/CBO9781139048200>, pp.1-9.

⁶ Michelman, Frank I. ‘How Can the People Ever Make the Laws? A Critique of Deliberative Democracy.’ In James Bohman and William Rehg, *Deliberative Democracy: Essays on Reason and Politics* (Cambridge, United States: MIT Press, 1997), <http://ebookcentral.proquest.com/lib/durham/detail.action?docID=3338820>, 145-149.

⁷ Bruce Ackerman, *The Future of Liberal Revolution* (Yale University Press, 2008), <https://doi.org/10.12987/9780300158083>, pp.46-50.

presumes that democracy is the natural endpoint of constitutional transformation. However, the links between democracy and constitution-making are much more complex. They are characterised by constitutional ruptures, elite bargains, and the continuation of colonial power structures rooted in histories of conquest, exclusion, and militarisation. Thus, while this scholarship contributes tools for analysing the temporality and legitimacy of constitution-making, their models require substantial adaption when applied to contexts marked by colonialism. Furthermore, these models often ignore how Western constitutions were also forged through violence and imposition, built on the lives of Indigenous peoples, enslaved Africans, and the violent upheaval and colonial expansion. In this way, liberal theorists elevate democracy and constitution-making as symbiotic processes, while occluding the violent and exclusionary genealogies that underline them. In postcolonial contexts, this elision becomes particularly problematic, as it masks the imposition of liberal constitutional forms as both modern and universal.

These liberal constitutional paradigms – shaped in contexts of racial exclusion, settler colonialism, and elite domination – have often been transposed onto non-Western contexts without adequate attention to their historical violence or limited applicability. Scholars such as Chantal Mouffe and Sundhya Pahuja have challenged the presumption that liberal constitutionalism is inherently emancipatory or universally applicable. Mouffe critiques liberalism's emphasis on consensus and legal neutrality, arguing that such approaches depoliticise power struggles and suppress agonistic pluralism.⁸ Pahuja draws attention to the way constitutional and international legal forms legitimate unequal global orders by presenting them as technical or developmental rather than political.⁹ Together, these scholars reveal how liberal constitutionalism's universalist claims obscure its complicity in structuring and perpetuating global inequalities. In African contexts, this has led to constitution-making processes that reproduce, rather than dismantle, colonial structures. Mamdani's concept of bifurcated sovereignty is particularly useful here, illustrating how postcolonial states maintained legal dualism – modern citizenship in urban centres and customary rule in rural areas – thereby undermining inclusive citizenship and participation.¹⁰

⁸ Mouffe, *The Democratic Paradox*.

⁹ Pahuja, *Decolonising International Law*.

¹⁰ Mahmood Mamdani, *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism*, New paperback edition, Princeton Studies in Culture/Power/History (Princeton, New Jersey: Princeton University Press, 2018), p.26.

Therefore, rather than treating constitutionalism as a liberal artefact to be transplanted, it is more analytically productive to approach constitution-making as a process entangled in specific historical, cultural, and material conditions. This requires attention to subaltern agency, epistemologies of resistance, and the plurality of legal traditions that exceed Western models. In sum, liberal constitutionalism must be understood not only as a problematic political ideal but also as a historically contingent project whose universalist claims often rely on a forgetting of its own internal and external imperial genealogies.

Late Colonial Constitution-Making in Africa

Against the backdrop of liberal paradigms and their criticisms, an understanding of Sudan's constitutional trajectory requires an examination of late colonial constitution-making in Africa, which shaped the foundational assumptions of postcolonial governance. Although Sudan is geographically positioned between the Middle East and Africa, this study situates it within the broader context of African colonisation and decolonisation. This framing is informed by Sudan's historical experience under British indirect rule, which it shares with many African countries, as well as its complex colonial relationship with its northern neighbour, Egypt.

Constitution-making in late colonial Africa was neither a neutral nor a benevolent transfer of power but a political strategy shaped by colonisation. Constitutional processes were designed to entrench elite authority and preserve colonial interests, ultimately marginalising diverse demands of sovereignty and change. While African states vary widely in their historical trajectories, political structures, and legal traditions, grouping these experiences under the 'late colonial Africa' rubric enables a critical interrogation of shared colonial strategies and structural logic. Recognising these differences is vital, but a comparative lens reveals how colonial powers deployed similar constitutional approaches to manage transitions.

A central intervention of Africanist literature is the recognition that constitutionalism itself was not introduced by colonialism. Olasunkanmi challenges the notion that African societies lacked legal order before colonisation, highlighting the existence of complex, precolonial governance systems grounded in communal norms, ethical codes, and deliberative decision-making.¹¹ These systems were not simply replaced, but were actively undermined by colonial regimes, which imposed European norms through a process of epistemic violence that privileged Western legal

¹¹Aborisade Olasunkanmi, 'Interrogating Colonialism and Constitution-Making in Africa', *International Journal of Research in Humanities and Social Studies* 4, no. 7 (2017): 13–19, (pp.13-14).

rationality. As such, colonial administrations devalued indigenous institutions and erased alternative political imaginaries, setting the stage for externally driven exclusionary constitution-making processes.

Building on this critique, scholars such as Ndulo and Fombad argue that late colonial constitutions were hastily drafted and fundamentally elitist.¹² These were not participatory documents, but strategic instruments that facilitated the reconfiguration of empire under the guise of independence. Getachew characterises these movements as part of an imperial project of managed decolonisation, where constitutionalism served to stabilise elite rule and contain demands for genuine political transformation¹³ The exclusionary nature of these arrangements created what Fombad identifies as a foundational legitimacy crisis. Without participatory foundations or genuine public ownership, constitutions lacked the authority to foster stable postcolonial orders. Ndulo adds that these documents reproduced centralised structures of colonial rule, creating postcolonial states ill-equipped to manage social pluralism or resolve internal contestation.¹⁴ Taken together, these interventions suggest that late colonial constitution-making must be understood as part of an imperial apparatus of continuity, not rupture. Despite national differences, colonial administrations deployed similar strategies of centralisation, elite bargaining, and the replication of European institutional models. These choices demand a rethinking constitutionalism itself – not as a European export or liberal ideal, but a historically contested site of both suppression and potential recovery.

Reframing Constitution-Making: Decolonial Perspectives on Law, Sovereignty, and Statehood in Postcolonial Africa

In order to move beyond the limitations of liberal paradigms, this thesis turns to the decolonial insights of Frantz Fanon and Sylvia Wynter. These thinkers offer not only a critique of colonial legacies but also a radically different lens through which to understand the structure and function of constitutionalism in postcolonial states like Sudan. Their work is particularly vital in addressing how constitutional frameworks have historically produced systems of exclusion, and

¹² M. Ndulo, 'Constitution-Making in Africa: Assessing Both the Process and the Content', *Public Administration and Development* 21, no. 2 (May 2001): 101–17, <https://doi.org/10.1002/pad.163>, (p.103).; Charles Manga Fombad, 'Constitution-Building in Africa: The Never-Ending Story of the Making, Unmaking and Remaking of Constitutions', *African and Asian Studies* 13, no. 4 (10 December 2014): 429–51, <https://doi.org/10.1163/15692108-12341316>, (pp.429-431).

¹³ Adom Getachew, *Worldmaking after Empire: The Rise and Fall of Self-Determination* (Princeton University Press, 2019), <https://doi.org/10.1515/9780691184340>, p.1-7.

¹⁴ Ndulo, 'Constitution-Making in Africa,' (p.103).

how they might be reimagined in ways that centre justice, pluralism, and decolonial political subjecthood.

Fanon's analysis of the colonial city – a spatial regime divided between the settler's zone of privilege and the native's zone of deprivation – offers a useful lens through which to analyse constitutional exclusion.¹⁵ Legal and political frameworks, like urban spatial arrangements, are not neutral but are disciplinary mechanisms to produce order through exclusion and containment. As Chapters 1, 3, and 4 will demonstrate, constitutional texts have historically reflected these spatialised logics of governance enshrining the dominance of central elites while alienating others through legalistic marginalisation. This exclusion has been enacted not only through the structural design of constitutional frameworks, which prioritise central authority and homogenised national identity, but also through the symbolic and practical effects of legal language that delegitimises alternative political imaginaries. Regions outside the capital have routinely found themselves outside the scope of meaningful constitutional inclusion, both in drafting processes and in the allocation of political rights and resources. These dynamics mirror what Fanon describes as the colonial logic of compartmentalisation – where some zones are deemed worthy of rights and representation, while others are governed as zones of abandonment.¹⁶ In postcolonial Sudan, constitutions have frequently been used to codify this geography of exclusion, producing a legal order that disciplines dissent and renders other regions as structurally disposable.

Building on this spatialised critique, Fanon offers a powerful diagnosis of the postcolonial condition as one characterised by continuity rather than rupture. His work is crucial for this thesis because it reveals how postcolonial constitution-making often serves to preserve the colonial logic of governance under the guise of nationalist transformation. Far from dismantling the inherited architecture of domination, postcolonial elites frequently reproduce it, cloaking it in the language of sovereignty and legal modernity. Fanon emphasises that these new regimes often maintained colonial modalities such as centralised power, bureaucratic authoritarianism, and the suppression of political dissent in the name of national unity.¹⁷ In this context, constitution-making becomes not a liberatory process but a technocratic means of managing and legitimising inherited structures of inequality. For Fanon, the central failure of postcolonial statecraft lies in

¹⁵ Frantz Fanon and Richard Philcox, *The Wretched of the Earth: Frantz Fanon ; Translated from the French by Richard Philcox ; Introductions by Jean-Paul Sartre and Homi K. Bhabha* (New York: Grove Press, 2004), p.9.

¹⁶ Fanon, *The Wretched of the Earth*, p.72.

¹⁷ Fanon, *Wretched of the Earth*, p.66.

its inability, or refusal, to radically transform the colonial state. In this framework, legal texts function as ideological veils, concealing the persistence of structural violence and deepening the alienation of marginalised populations. This insight provides a crucial framework for understanding Sudan's constitutional history as a space where legal form and colonial legacy coalesce, rather than conflict.

Sylvia Wynter deepens this analysis by interrogating the epistemological and ontological underpinnings of subjecthood, which can be applied to constitutionalism. Central to Wynter's critique is the claim that the modern conception of the human – or what she terms 'Man' – is not a universal category, but one historically produced through colonial and racial hierarchies.¹⁸ This figure of 'Man' emerged from the European enlightenment and colonial conquest as a secular, rational, rights-bearing subject, and was constructed in opposition to those deemed irrational, non-European, non-white, or non-male. These excluded figures were denied the full status of personhood, and thus political agency. This conceptualisation of 'Man' can be applied to constitutional frameworks, which have historically enshrined this colonial construct as the normative subject of law, thereby marginalising other ways of being, knowing, and governing. In the postcolonial context, this has profound implications. Rather than creating inclusive political orders, postcolonial constitutions often reproduce these inherited hierarchies by privileging those who conform to dominant religious, ethnic, and gendered norms. In Sudan, the Muslim male citizen was frequently positioned as the implicit bearer of constitutional rights and sovereignty, while marginalised communities – such as non-Arab, non-Muslim, and female populations – have been symbolically and materially excluded from full constitutional recognition.

This reproduction of coloniality through legal form underscores Wynter's insistence that decolonisation must go beyond institutional reform.¹⁹ It requires the fundamental rethinking of who counts as human and how political subjecthood is constituted. By exposing how constitutional imaginaries rest on exclusionary ontologies, Wynter compels us to interrogate not only who participates in constitution-making but also the deeper cultural and epistemic assumptions that underpin constitutional order itself. Her work offers a vital framework for understanding how Sudan's postcolonial constitutions have sustained exclusion and why genuine transformation demand a reimagining of constitutional belonging beyond the colonial category

¹⁸ Sylvia Wynter, 'Unsettling the Coloniality of Being/Power/Truth/Freedom: Towards the Human, After Man, Its Overrepresentation--An Argument', *CR: The New Centennial Review* 3, no. 3 (2003): 257–337, <https://doi.org/10.1353/ncr.2004.0015>, (pp.303-307).

¹⁹ Wynter, 'Unsettling the Coloniality of Being,' (p.317).

of ‘Man.’ Together, Fanon and Wynter challenge the view that constitutionalism is inherently liberatory. Instead, they expose how the form and content of constitutions in postcolonial states like Sudan are structured by inherited colonial grammars of exclusion. This insight invites a more radical reconsideration of what it means to decolonise constitution-making – not merely through inclusionary reform, but through epistemic rupture and the re-imagining of the human as political subject beyond the confines of colonial modernity.

Sovereignty, Violence, and the Logic of Exception

The concept of sovereignty – often idealised as the foundation of political community and legal authority – requires significant rethinking in colonial and postcolonial contexts. Sovereignty is understood not merely as the capacity to exercise supreme authority within a territory, but as a historically contingent and ideologically charged concept, shaped by both colonial governance and postcolonial statecraft. In colonial contexts, sovereignty was exercised through both legal codification and extra-legal violence, often rendering entire populations subjects of rule without conferring political agency.²⁰ This bifurcation between rule and inclusion, and the use of sovereign authority to exclude, continues to animate postcolonial norms of constitutional governance.

To understand how sovereignty has been wielded in Sudan as a mechanism of exclusion, it is essential to examine the theoretical frameworks that illuminate the relationship between law, violence, and power. The concepts developed by Carl Schmitt, Giorgio Agamben, and their critics offer insights into how constitutionalism becomes a vehicle for authoritarian control rather than democratic inclusion. Rather than viewing the constitution as a stable social contract or legal safeguard, legal instruments have often functioned as instruments of suspension, hierarchy and domination. Carl Schmitt’s assertion that the sovereign is the one who decides on the exception takes on a new significance under colonial rule, where states of exception were not rare but routine.²¹ In these contexts, sovereignty is best understood not as the abstract capacity to govern, but as a practical and violent technique for suspending law and normalising repression. Giorgio Agamben builds on this by arguing that sovereignty in the modern era is characterised by the production of ‘bare life’ – individuals who are stripped of political meaning and excluded from legal protection, yet are still subjected to state power.²²

²⁰ Mamdani, *Citizen and Subject*, p.21.

²¹ Carl Schmitt, George Schwab, and Tracy B. Strong, *Political Theology: Four Chapters on the Concept of Sovereignty* (Chicago: University of Chicago Press, 2010), p.44.

²² Giorgio Agamben, *State of Exception*, Nachdr. (Chicago, Ill.: University of Chicago Press, 2008), pp.6-11.

However, this framing has drawn criticism for implicitly treating the liberal West as the normative context in which the rule of law functions, while casting the rest of the world as sites of aberration. Critical scholars such as Alexander Weheliye and Achille Mbembe argue that emergency decrees are not temporary suspensions of the norm in postcolonial states – they are the very structure of governance. For colonised and racialised populations, the state of exception is not an aberration but a foundational condition to the rule.²³ The logic of exception is not just a mechanism for crisis management but a governing paradigm, deeply embedded in the historical trajectory of Sudanese statecraft. Furthermore, as Alexander Weheliye has argued, Agamben’s framework risks universalising a specifically European experience of sovereignty while neglecting the racialised structures of governance developed through slavery and colonialism. Weheliye suggest that the notion of ‘bare life’ is insufficient to capture the full range of domination enacted on colonised and racialised populations, who were not simply excluded but actively configured as disposable subjects through regimes of control.²⁴

A related and contested concept in the Sudanese context is *hakimiyya*, a term rooted in Islamist political thought and introduced into the legal-political lexicon by Abul A’la Al-Maududi in the 1950s, and later popularised by Sayyid al Qutb.²⁵ *Hakimiyya* refers to the sovereignty of God as the ultimate source of political and legal authority.²⁶ It has been mobilised by Islamist movements as a theological rebuttal to secular constitutionalism, asserting that human-made law must be subordinated to the divine will. In Sudan, the incorporation of *hakimiyya* into constitutional frameworks – particularly during the Nimeiri and Bashir regimes – reflected a profound shift in the source and legitimisation of sovereign authority from the people to divine law.²⁷ However, it was the political and intellectual project of Hassan al-Turabi that most systematically articulated an indigenous Islamist constitutional vision grounded in the principle of *hakimiyya*. Turabi, a central figure in Sudanese Islamist thought and architect of the 1998 constitution, sought to harmonise Islamic principles with modern legal institutions, presenting

²³ Alexander Ghedi Weheliye, *Habeas Viscus: Racializing Assemblages, Biopolitics, and Black Feminist Theories of the Human* (Durham, UNITED STATES: Duke University Press, 2014), <http://ebookcentral.proquest.com/lib/durham/detail.action?docID=1757306>, pp.1-7.; Achille Mbembe, *Necropolitics* (Duke University Press, 2019), <https://doi.org/10.1515/9781478007227>, pp.33-34.

²⁴ Weheliye, *Habeas Viscus*, p.33.

²⁵ Sayyid Abul A’la Mawdudi, *Four Key Concepts of the Qur’an* (La Vergne, UNITED STATES: Islamic Foundation, Limited, 2013), <http://ebookcentral.proquest.com/lib/durham/detail.action?docID=1486540>, pp.50-52.

²⁶ Sayed Khatab, ‘Citizenship Rights of Non-Muslims in the Islamic State of Hakimiyya Espoused by Sayyid Qutb’, *Islam and Christian-Muslim Relations* 13, no. 2 (1 April 2002): 163–87, <https://doi.org/10.1080/09596410220128489>.

²⁷ W. J. Berridge, *Hasan Al-Turabi: Islamist Politics and Democracy in Sudan*, 1st ed. (Cambridge University Press, 2017), <https://doi.org/10.1017/9781316848449>, 139-140.

the Islamic state as a constitutional polity governed by divine sovereignty but administered through consultative mechanisms. Yet, despite the rhetorical commitment to *shura* (consultation) and legal accountability, Turabi's vision ultimately reinforced theocratic centralism.²⁸ The state's authority was rooted not in democratic consent but in a divinely sanctioned order that defined citizenship and rights through adherence to a specific Islamic moral code. Therefore, *hakimiyya*, while presented as an anti-colonial alternative to secular liberalism, ultimately functioned as a parallel logic of exclusion – substituting one hegemonic framework for another. Thus, the question of sovereignty in Sudan cannot be disentangled from competing theological, colonial, and political claims to authority. As Chapters 3 and 4 will illustrate, whether expressed through emergency decrees, transitional charters, or divine injunctions, sovereignty has often functioned not as a guarantor of inclusion, but as a means of regulating and excluding dissenting forms of political life.

Legitimacy

Legitimacy is a central concern in debates on constitution-making, particularly in postcolonial and authoritarian contexts where the line between law and power is often blurred. While classical theories – most notably Weber's typology of traditional, charismatic, and legal-rational authority – offered early frameworks for understanding political legitimacy, more recent scholarship has moved beyond these categories.²⁹ Instead, this scholarship foregrounds the socio-political conditions under which legitimacy is constructed, challenged, and redefined. In many cases, legitimacy is less a legal condition than a claim – a discursive and often contested performance of rightful authority.

The analysis of legitimacy will be based on a broader critique of the second wave of constitution-making literature, which takes greater account of historical, political, and socio-economic contexts. Rather than viewing constitutions purely through a legal-technical lens, this literature interrogates the political processes that produce them, the actors involved, and how deeply these texts are rooted in the societies they intended to govern. This contextualisation is especially crucial in authoritarian settings, where the language of constitutionalism is often invoked to entrench executive dominance. Scheppele's notion of 'abusive constitutionalism' captures how authoritarian regimes manipulate constitutional forms – elections, referenda, public consultations

²⁸ Berridge, *Hasan Al-Turabi*, p.82.

²⁹ Max Weber et al., 'Max Weber: Selections in Translation', Higher Education from Cambridge University Press, Cambridge University Press, 30 March 1978, <https://doi.org/10.1017/CBO9780511810831>.

– not to distribute power, but to centralise and sanctify it.³⁰ As a result, legality serves not as a check on power but as its cloak. Decolonial theorists deepen this analysis by questioning the very foundations of what counts as legitimate. Wynter's critique of the colonality of being highlights how postcolonial societies are compelled to perform legitimacy through epistemological frameworks rooted in European modernity.³¹ Through this lens, postcolonial constitutions are often constrained by the need to appear legible to the international arena, even when this undermines local conceptions of justice and authority. For Mamdani, the enduring legacy of colonial regimes is responsible for undermining the possibility of a unified, legitimate political order.³² These critiques challenge the assumption that legitimacy is a neutral or procedural achievement. Instead, they foreground the asymmetries of power, history, and knowledge that structure who gets to write the constitution and whose voices are excluded from it.

Against the backdrop of these criticisms, legitimacy is a contested terrain. Outside the elitist spaces of constitutional negotiations, citizens often challenge the state's narrative of order and consent, offering rival imaginaries of political community. This underscores that constitutional legitimacy is not simply bestowed from above but that it can be actively produced, negotiated, and resisted. Scholars have shown how constitutionalism operates not just through elite institutions but through contentious politics and grassroots mobilisation. Ebrahim and Brown document how civil society actors in post-authoritarian transitions in Africa and the Middle East have often played central roles in articulating political imaginaries.³³ Similarly, Arato and Choudry argue that legitimacy emerges through deliberation and contestation, not merely through legal enactment.³⁴ These competing visions of legitimacy demonstrate that constitution-making is part of a political struggle over representation, authority, memory, and belonging. Especially in postcolonial contexts, the legitimacy of constitutional order hinges not just on the law's technical merits, but on its capacity to resonate with, and be claimed by, the broader political community.

³⁰ Kim Lane Scheppele, 'Constitutional Ethnography: An Introduction', *Law & Society Review* 38, no. 3 (2004): 389–406, <https://doi.org/10.1111/j.0023-9216.2004.00051.x>.

³¹ Wynter, 'Unsettling the Coloniality.'

³² Mamdani, *Citizen and Subject*.

³³ Hassen Ebrahim, *The Soul of a Nation: Constitution-Making in South Africa* (Oxford university press, 1998).; Nathan J. Brown and Project Muse, eds., *Constitutions in a Nonconstitutional World: Arab Basic Laws and the Prospects for Accountable Government* (State University of New York Press, 2002).

³⁴ Andrew Arato, *Civil Society, Constitution, and Legitimacy* (Rowman & Littlefield Publishers, 2000).; Sujit Choudhry, eds., *Constitutional Design for Divided Societies: Integration or Accommodation?* (Oxford, New York: Oxford University Press, 2008).

Any examination of Sudanese constitutional developments must critically engage with the categories of Islamism, the Islamic, and secularism, not as fixed descriptors but as historically contingent, ideologically constructed, and politically contested terms. These categories have shaped and been shaped by colonial transformations, military rule, and competing ideological projects – from the Mahdist state to the Islamist regimes of Nimeiri and Bashir. This analysis foregrounds these terms and their histories as central axes of tension in Sudan’s constitutional history, where Islamism and secularism have emerged as overlapping frameworks through which legitimacy, sovereignty, and governance are contested and rearticulated.

Informed by Fleur-Lobban’s recognition that Islamism is a term often employed in Western discourse to equate Islam with oppression, this study acknowledges the term’s problematic origins.³⁵ However, by foregrounding the heterogenous nature of the Islamism’s political and ideological dimensions, this thesis seeks to confront these origins by re-situating the term within its local, historical, and discursive contexts. Thus, Islamism, as used here, refers to a political ideology that seeks to organise state and society according to Islamic principles, often through the institutionalisation of Sharia as the primary source of legislation and moral authority.³⁶ A general definition is purposefully adopted in order to capture the broad and evolving ways in which Islamist actors in Sudan have framed their constitutional visions – ranging from the abstract to the institutional. It also recognises that the term Islamism, as shaped through a Western analytical lens, does not always align with how *Islāmiyya* is understood and articulated within Sudan, where its meanings are often more fluid and locally embedded.³⁷ To unpack its application further, it is necessary to distinguish between two related but distinct terms. The term Islamist refers to a political actor or movement that advocates for this vision and seeks to embed it into the state’s institutional framework. Throughout this analysis, those labelled as Islamist actors are not only considered to be theological agents, but also political technocrats who embedded Islamic finance, education, and judiciary reforms within the state apparatus. The

³⁵ Carolyn Fluehr-Lobban, *Shari’a and Islamism in Sudan: Conflict, Law and Social Transformation*, International Library of African Studies 30 (London ; New York: I.B. Tauris ; Distributed in the U.S. and Canada exclusively by Palgrave Macmillan, 2012), pp.13-14.

³⁶ Quintan Wiktorowicz, *Islamic Activism: A Social Movement Theory Approach* (Bloomington, UNITED STATES: Indiana University Press, 2003), <http://ebookcentral.proquest.com/lib/durham/detail.action?docID=238838>, pp.2-4.

³⁷ Fluehr-Lobban, *Shari’a and Islamism in Sudan*, p.14.

Islamic, by contrast, is treated as a contested and fluid category, mobilised by both state and non-state actors to legitimise diverse political and legal agendas.³⁸

These definitions are also informed by Sudan's long history of Islamic traditions. During the Mahdist period (1881-1898), Islamic governance was framed as a revolutionary anti-colonial project that fused religious legitimacy with state formation. The Mahdist state invoked a divine mandate to resist Turco-Egyptian and later British domination, positing Islam as the foundation for both military mobilisation and legal order.³⁹ Under colonial rule, Islamic law was fragmented and codified by the Anglo-Egyptian Condominium into limited domains such as personal status, subordinating its political potential. In this context, postcolonial Islamism emerged not only as a theological project but as a political response to colonial secularism and its attendant legal hierarchies.⁴⁰ Islamism did not stand outside the colonial inheritance, but operated through its legal codes, bureaucratic systems, and territorial logics. Furthermore, throughout Sudan's postcolonial history, the term Islamic has been mobilised to justify various constitutional configurations. Across the Abboud, Nimeiri, and Bashir regimes, claims to the Islamic state have ranged from populist survival strategies to top-down nation-building projects. Therefore, rather than assuming a singular or coherent Islamic tradition, this analysis traces how different regimes and movements invoked the Islamic to claim authority, discipline dissent, and define the boundaries of political community.

While Islamism has provided one ideological framework for organising political authority in Sudan, secularism has simultaneously emerged as a counter discourse – often invoked as a remedy to exclusion and as a basis for pluralist governance. Conventionally defined as the principle of separating religious institutions from state governance, secularism has been advocated for by both elite and non-elite actors throughout Sudan's constitutional history.⁴¹ However, secularism itself is not a neutral or universal framework. Indeed, one must ask whether anything can ever truly be secular – whether the state can genuinely divorce itself from all normative and metaphysical claims, and if state and non-state actors can ever operate in the complete absence of religion. As such, Sudan's postcolonial constitutional instabilities and

³⁸ Wiktorowicz, *Islamic Activism: A Social Movement Theory Approach*, p.3.

³⁹ P. M. Holt and M. W. Daly, *A History of the Sudan: From the Coming of Islam to the Present Day*, 6th ed (Harlow, England ; New York: Longman/Pearson, 2011), pp.61-82.

⁴⁰ Carolyn Fluehr-Lobban, *Shari'a and Islamism in Sudan: Conflict, Law and Social Transformation*, International Library of African Studies 30 (London ; New York: I.B. Tauris ; Distributed in the U.S. and Canada exclusively by Palgrave Macmillan, 2012), pp.16-20.

⁴¹ Talal Asad, *Formations of the Secular: Christianity, Islam, Modernity*, Cultural Memory in the Present (Stanford, Calif: Stanford University Press, 2003), pp.22-27.

debates must be understood as a product of these competing – and often entangled – logics of secularism and Islamism. The birth of the colonial state dismantled existing Islamic legal institutions while creating a hybrid legal order that was neither fully secular nor fully Islamic. Successive postcolonial regimes reproduced this tension, with self-proclaimed secular nationalists sidelining religion in governance, only to be challenged by Islamists who sought to re-centre it. This oscillation produced a fragmented constitutional identity.

This analysis interrogates the historical conditions and power relations that made the binaries of Islamism versus secularism possible. It argues that Sudan's constitutional struggles are less about this binary but more about who has the authority to define the moral and political order of the state and under what historical constraints. By situating both Islamism and secularism within the broader colonial and postcolonial trajectories of Sudanese state formation, this framework challenges the liberal tendency to portray secularism as neutral and Islamism as inherently authoritarian. As Chapters 2, 3, and 4 demonstrate, both discourses in fact emerged from the same matrix of colonial governance and have been mobilised – often in tandem – to assert control, construct legitimacy, and shape the boundaries of citizenship in Sudan.

Federalism, Decentralisation, and the Coloniality of Territorial Authority

Federalism is defined as the constitutional arrangement in which sovereignty is shared between a central government and constituent units, such as states, allowing for varying degrees of local autonomy. Decentralisation, often used interchangeably, refers more broadly to the devolution of administrative, fiscal, or political power to sub-national entities. While federalism is typically celebrated for enabling diversity, preventing tyranny, and ensuring local representation, such normative assumptions must be interrogated within the context of colonial and post-colonial state formation.⁴² In Sudan, decentralisation was introduced as an administrative tool of colonial governance. Under British rule, indirect rule became the dominant mode of organising territory, particularly in the South, West, and among nomadic populations. Through this system, local chiefs were empowered to enforce colonial policies, creating a fragmented sovereignty that entrenched ethnic and regional hierarchies.⁴³

⁴² Montesquieu, *The Spirit of Laws: A Compendium of the First English Edition* (University of California Press, 2023), <https://doi.org/10.1525/9780520341364>.

⁴³ Mamdani, *Citizen and Subject*, p.37.

Postcolonial federal arrangements in Sudan – most notably the 1972 Addis Ababa Agreement, the 1991 decentralisation decree under Bashir, and the 2005 Comprehensive Peace Agreement (CPA) – formally promised autonomy, but were also marked by asymmetry, elite bargains, and centralised oversight. As Riker suggests, federalism often functions as an elite pact rather than a democratic mechanism.⁴⁴ This logic is evident in Sudan where federal structures were frequently designed to co-opt dissent or stabilise fragile regimes rather than empower marginalised communities.

Khoso further challenges the universalism of federalism, viewing it as part of a colonial matrix of power that imposed Eurocentric models of governance onto plural societies.⁴⁵ In Sudan, federalism was rarely grounded in indigenous political traditions but was instead superimposed onto a unitary state whose functions were deeply racialised and centralised.⁴⁶ Ultimately, by situating both federalism and decentralisation within Sudan's colonial and postcolonial trajectories, this analysis challenges the assumption that these are inherently democratic or emancipatory projects. Like secularism and Islamism, they must be interrogated as historically situated technologies of rule. Crucially, this has direct implications for constitution-making in Sudan. Federalism and decentralisation have often been inserted into constitutional texts as a result of increasing demands for autonomy and as a tool for elite negotiations. However, within the realm of constitution-making, federalism will be recognised as a contested arena of political imagination, where questions of belonging and authority are consistently bargained.

Constitution-Making in Sudan

Despite Sudan's long constitutional history, there remains limited literature that focuses especially on the social, political, and economic dimensions of constitution-making. Much of the existing work tends to examine legal texts, transitional negotiations, or ideological debates in isolation, without situating constitutions within the broader historical processes of state formation, elite competition, militarisation, or popular mobilisation. This thesis addresses this gap by drawing on and extending existing work across legal, historical, and political domains,

⁴⁴ Craig Volden, 'Origin, Operation, and Significance: The Federalism of William H. Riker.', *Publius* 34, no. 4 (2004): 89–108.

⁴⁵ Shahal Khoso, 'Postcolonial Federalism: A Conceptual Analysis for Tracing State-Formation in the Global South', *Nationalism and Ethnic Politics* 30, no. 4 (1 October 2024): 488–511, <https://doi.org/10.1080/13537113.2024.2359795>, (p.488).

⁴⁶ Lutz Oette and Mohamed Abdelsalam Babiker, *Constitution-Making and Human Rights in the Sudans*, First issued in paperback, Routledge Research in Constitutional Law (London New York: Routledge, Taylor & Francis Group, 2020), pp.63-88.

approaching constitution-making as a contested terrain shaped by military rule, ideological projects, and various forms of popular imaginings.

First, Sudan's constitutional history cannot be understood without grappling with its multifaceted geopolitical, cultural, and scholarly positioning. Sudan has resisted neat classification within either African or Middle Eastern regional studies. Its historical entanglements with both the Arab-Islamic world and sub-Saharan Africa have produced a layered national identity that complicates its inclusion in conventional comparative frameworks. Attempts to locate Sudan squarely within either an Africanist or Middle Eastern scholarly paradigm risk reducing this complexity to a binary that is ultimately limiting. Rather than forcing Sudan into fixed regional categories, it is more effective to adopt a flexible approach that draws selectively from African and Middle Eastern scholarship, where they offer analytical clarity. Such an approach does justice to Sudan's hybrid historical experience and enriches our understanding of how constitutional practices are shaped by intersecting legacies of empire, religion, militarism, and resistance trans-continentially.

This framing allows for a more grounded reading of postcolonial legal literature, particularly in how it conceptualises constitution-making as a long-term historical process. Drawing on Africanist legal scholarship, this thesis engages with the definition advanced by Oette and Babiker, who describe constitution-making as a long-term process through which a political entity negotiates and institutionalises foundational rules, principles, and values.⁴⁷ While this definition provides a useful starting point, this thesis contends that constitution-making is not solely the function of a defined political entity, nor is it limited to formal legal drafting. Rather, it must also be understood as a contested process involving the cultivation of public legitimacy, the development of institutions, and the forging of social ownership over constitutional norms. In the Sudanese case, constitution-making has historically reflected struggles over identity, power, and statehood and historical scholarship on Sudanese state formation offers the chronological and structural foundation for understanding these dynamics.

This thesis contributes to two principal bodies of scholarship. First, it advances Sudan's political history by focusing on a particularly understudied dimension of it – constitutionalism. While existing historical accounts have richly detailed the country's political transformations, revolutions, and conflicts, they have often treated constitutions as derivative of political change,

⁴⁷ Oette and Babiker, *Constitution-making*, pp.1.

rather than as instruments actively shaping it. By tracing how successive regimes have used constitutional discourse to consolidate or challenge authority, this study situates constitution-making at the centre of Sudan's modern political trajectory. In doing so, it extends the historiography of Sudanese state formation by illuminating the constitutional domain as a dynamic arena in which ideas of order, legitimacy, and belonging were repeatedly negotiated and reimagined.

Second, this work engages with postcolonial understandings of Sudan to demonstrate that colonial forms of governance, legality, and statecraft persist and reappear under postcolonial regimes. Rather than treating 'postcolonialism' as a temporal break, this thesis shows how colonial practices such as the instrumentalisation of law, racialised hierarchies of citizenship, and centralised administrative control, have been continuously reproduced under military rule. This argument aligns with and extends postcolonial scholarship that challenges the idea of a clean rupture between colonial and postcolonial sovereignty. In this sense, the Sudanese case illustrates how colonialisms themselves repeat after postcolonialisms, as states redeploy inherited legal and constitutional mechanisms to legitimise new forms of domination. Beyond Sudan, this analysis contributes to wider understandings of postcolonial constitutionalism by showing how constitution-making operates as a site where colonial continuities are not merely reproduced but contested. It highlights how postcolonial states negotiate legal templates, imperial epistemologies, and local imaginaries in their efforts to produce legitimacy, demonstrating that constitutionalism in the 'post-colonial' world, is shaped as much by resistance and adaptation as by imitation of metropolitan legal forms.

These ideas build upon Massoud's study on law in Sudan, which reconceptualises legal architecture not as the absence of order in fragile states but as a political resource deeply embedded in power. Like Massoud, this thesis recognises that Sudan's legal institutions have been used by regimes to reinforce control and stability.⁴⁸ However, it departs from his framework by shifting the focus from law in practice to constitution-making as a field of political imagination. By highlighting the interplay between military regimes and popular movements in shaping constitutional legitimacy, this thesis extends existing scholarship by showing how constitutions themselves function as instruments through which both rulers and citizens contest the moral and political foundations of the Sudanese state.

⁴⁸ Mark Fathi Massoud, *Law's Fragile State: Colonial, Authoritarian, and Humanitarian Legacies in Sudan* (Cambridge: Cambridge University Press, 2013), 4–6.

This conceptual lens sets the stage for engaging with historical accounts of Sudan's state formation, where the evolution of constitutional practice must be understood in relation to broader political and colonial legacies. Holt and Daly provide a detailed account of Sudan's political evolution from Turco-Egyptian rule through Anglo-Egyptian colonialism to independence and civil war.⁴⁹ Their work examines the constitution-making attempts during Sudan's democratic openings, alongside other political developments, to argue that Sudan's political trajectory has been shaped by legacies of colonialism, centralising authority, and regional resistance movements. Rolandsen and Daly's work deepens this argument by tracing the specific regional histories of political exclusion and resistance in the South, pointing to how constitutional promises – particularly regarding autonomy and federalism – were central to both conflict and compromise during the postcolonial era.⁵⁰ In tandem with these historical foundations, Lesch brings a crucial lens to the role of identity in Sudanese politics. She argues that constitutional debates have consistently reflected deeper tensions over national belonging, particularly in relation to ethnicity, religion, and regional inequality.⁵¹ As such, this analysis is useful for understanding how constitutions have served not just as legal instruments but as attempts to define who is included in the nation and on what terms.

Alongside these foundational historical overviews, a significant body of literature has examined the ideological and religious foundations of constitutional politics in Sudan. Abdullahi An-Na'im provides a critical framework for thinking about Islamic constitutionalism in plural societies. His argument – that Sharia must be reinterpreted to conform with human rights and democratic values – speaks directly to Sudan, where Islamic law has been a central component in constitutional visions both before and after the independence period.⁵² El Affendi, writing from a different position, explores how political Islam in Sudan developed not only as a religious doctrine but as a response to the perceived failures of liberal democracy and secular nationalism.⁵³ He examines how these Islamist intellectuals and politicians envisioned an Islamic state as a moral and constitutional project capable of addressing Sudan's fragmentation. Ibrahim has examined how these ideological visions were translated into a legal and institutional

⁴⁹ Holt and Daly, *A History of the Sudan*.

⁵⁰ Øystein H. Rolandsen and M. W. Daly, *A History of South Sudan: From Slavery to Independence*, 1st ed. (Cambridge University Press, 2016), <https://doi.org/10.1017/CBO9781139035538>.

⁵¹ Ann Mosely Lesch, *The Sudan: Contested National Identities*, Indiana Series in Middle East Studies (Indiana University Press; J. Currey, 1998).

⁵² Abdullahi Ahmed An-Na'im, 'Constitutionalism and Islamization in the Sudan', *Africa Today* 36, no. 3/4 (1989): 11–28, (pp.11-15).

⁵³ A. A. El-Affendi, *Islamism in Sudan: Before, after, in Between*, ed. A. Bayat (Oxford University Press, 2013), 301–20, <https://westminsterresearch.westminster.ac.uk/item/8yz8w/islamism-in-sudan-before-after-in-between>.

framework through an introspective reading of the Sudanese Islamist movement, analysing the psychological dimensions of its leadership.⁵⁴ These works offer important insights into how legal forms functioned within the broader practices of governance and constitution-making.

A different strand of literature, which explores the histories of popular mobilisation and civic resistance, provides important insights on the variety of constitutional imaginings in Sudan. Berridge, who charts the history of the 1964 and 1985 popular revolts, foregrounds the political agency of ordinary citizens, student unions, trade organisations, and professional associations in contesting authoritarian rule and articulating alternative political visions. These uprisings, and the constitutional debates that followed them, challenged the legitimacy of the state and its legal order.⁵⁵ Mustafa Ali draws attention to gendered forms of resistance in Sudan. Her work explores how Sudanese women and other marginalised groups have expressed ideas of political belonging through activism, civil society and public protests.⁵⁶ Both works demonstrate that these various imaginings articulate alternatives to both the political and constitutional status quo at the time. Consequently, constitutionalism in postcolonial Sudan remained a site of contestation, serving as a platform for imagining and articulating alternative futures.

In addition to debates on ideology and identity, scholars such as Niblock and Young have emphasised the importance of political, economic, and institutional capacity in shaping postcolonial governance in Sudan. Niblock examines how elite formation, regional inequality, and patronage politics structured the postcolonial state and influenced political and constitutional authority.⁵⁷ Building on this, Young traces how colonial and postcolonial economic planning has shaped the state's institutional ambitions, often leading to uneven development.⁵⁸ Together, these works are particularly useful for understanding why constitution-making is not only a legal or political act, but a socio-economic process. In contexts like Sudan – where state capacity and distribution have been uneven – constitutional texts have the potential to either address or mask inequalities. Attention to the political economy of the state enables a deeper understanding of how constitutional promises are enabled or constrained by institutional

⁵⁴ Abdullah Ali Ibrahim, 'Manichaean Delirium: Decolonizing the Judiciary and Islamic Renewal in the Sudan, 1898-1985', in *Manichaean Delirium* (Brill, 2008), <https://brill.com/display/title/8871>.

⁵⁵ W. J. Berridge, *Civil Uprisings in Modern Sudan: The 'Khartoum Springs' of 1964 and 1985*, 1st ed. (Bloomsbury Publishing Plc, 2015), <https://doi.org/10.5040/9781474219969>.

⁵⁶ Nada Mustafa Ali, *Gender, Race, and Sudan's Exile Politics: Do We All Belong to This Country?* (Lexington Books, 2015).

⁵⁷ Tim Niblock, *Class and Power in Sudan: The Dynamics of Sudanese Politics, 1898-1985* (State University of New York Press, 1987).

⁵⁸ Alden Young, *Transforming Sudan Decolonization, Economic Development, and State Formation* (Cambridge University Press, 2020).

realities. This approach situates constitution-making within the broader questions of development, taxation, class relations, and bureaucratic authority, revealing the ways in which legal frameworks both shape and are shaped by economic governance.

Despite the richness of existing scholarship, two critical dimensions remain underexamined in studies of Sudanese constitutionalism: the role of the military as a constitutional actor, and the relationship between alternative political imaginaries and constitution-making under military regimes. While the armed forces have often been treated as political disruptors, they have also played an active and sustained role in shaping constitutional texts, institutional structures, and state ideologies. From the Abboud regime (1958-1964), to Nimeiri (1969-1985), to Bashir (1989-2019), the military has used constitutional processes not simply to legalise authority, but to advance ideological visions of national unity, development and order. Equally overlooked is the way in which popular imaginaries – particularly those expressed through protest and civic organising – interact with constitutional processes during military rule. While recent scholarship has foregrounded the importance of mass uprisings in challenging authoritarianism, there has been less attention to how these movements have articulated competing visions and constitutional futures. By bringing the military and popular imaginaries into the same analytical frame, this thesis interrogates how constitutions become both instruments of control and sites of contestation.

The armed forces and constitution-making

Sudan's search for a permanent constitution has unfolded alongside cycles of military intervention. In 1958, 1969, and 1989, military regimes did not simply suspend or replace constitutional texts, but they eventually participated in authoring, revising, and legitimising alternative constitutional realities. Despite this pattern, much of the literature continues to treat the military as an external disrupter to constitutionalism, rather than a central constitutional actor. The SAF should be regarded as a key institutional force in shaping the country's constitutional history – not only through coercive power, but also through ideological vision, legal instruments, and institutional engineering.

Political science literature has been occupied with the role of the military in politics, with the classical canon assuming a normative separation between military and constitutional authority. For instance, Huntington argues that modern military professionalism is characterised by

discipline and political neutrality.⁵⁹ Yet this model, drawn largely from Western liberal democracies, misrepresents both historical experience and the postcolonial context. As Fields and Hardy show, militaries in the United Kingdom and United States have played active roles in governance – not as apolitical professionals, but as institutions that helped construct and maintain political order.⁶⁰ In the United States, for instance, the military has repeatedly shaped domestic politics through its influence on federal infrastructure and domestic and international defence planning. In the United Kingdom, the military was a key actor in managing empire, often administering colonial territories and enforcing imperial planning. In Sudan, the military's design was similar. Its construction under colonial rule made it a central institution of authority and modernisation, deeply enmeshed with the formation of the postcolonial state. Therefore, to understand SAF's constitutional role, we must first trace its institutional foundations.

The Sudanese Armed Forces emerged from the colonial Sudan Defence Force (SDF), a body created by the Anglo-Egyptian administration in 1925 to ensure imperial control.⁶¹ Recruited and trained through racially and socially hierarchical policies, the SDF reflected the colonial administration's goal of building a loyal, stratified military. Officers were drawn predominantly from elite northern and riverain families and educated at the Military College in Omdurman, while the rank and file were largely conscripted from marginalised regions such as Darfur, the Nuba Mountains, and the South. This produced a politically-inclined officer class with access to the colonial state, bureaucratic training, and aspirations for postcolonial leadership.⁶² As Decalo has argued, African armies are often heterogenous, factionalised institutions, with internal divisions along ethnic, political, and geographic lines.⁶³ These divisions, combined with elite ambitions and the vacuum left by civilian institutions unable to come to agreements on constitutional issues, facilitated the SAF's increasing entanglement in national politics.

This political ambition was often channelled through moments of rupture – most notably military coups– that allowed the army to reconfigure constitutional orders. As Nordlinger and Thompson suggest, armies in postcolonial states frequently operate as interest groups,

⁵⁹ Charles H. Kennedy and David J. Louscher, eds., *Civil Military Interaction in Asia and Africa*, International Studies in Sociology and Social Anthropology, v. 55 (Leiden ; New York: E.J. Brill, 1991), p.2.

⁶⁰ Fields, William S. and Hardy, David T., 'The Militia and the Constitution: A Legal History', *Military Law Review* 136 (1992): 1–42.

⁶¹ Aida Abbashar, 'Decolonising Security, Epistemic Disobedience, and Revolutionary Change in Sudan', *African Historical Review*, 2024, <https://doi.org/10.1080/17532523.2024.2432176>, (pp.112-113).

⁶² Ahmad M. al-Awad, *Sudan Defence Force: Origin & Role 1925-1955*, vol. Occasional Paper No. 18, Institute of African and Asian Studies, 1996, (p.108).

⁶³ Samuel Decalo, 'Military Coups and Military Regimes in Africa', *The Journal of Modern African Studies* 11, no. 1 (1973): 105–27, (pp.114-115).

intervening in politics when their institutional, ideological, or material interests are threatened.⁶⁴ In Sudan, each military regime used its seizure of power to reshape the constitutional terrain and advance their interests. Under Abboud, military rule was justified as a stabilising force, with the regime choosing to govern through legal decrees as opposed to a permanent constitution. In contrast, Nimeiri's regime introduced a new constitutional order, which consolidated the executive and centralised power under a single-party system. Bashir's regime similarly used constitution-making to entrench Islamist authoritarianism, using the appearance of legal form to mask political repression. By foregrounding both the ideological and institutional powers of the military, this analysis reframes the regimes of Abboud, Nimeiri, and Bashir as distinctly military in character – regimes whose constitutional projects must be examined through the prism of coercive authority, elite-driven engineering, and contested legitimacy. In doing so, it contributes to a broader understanding of constitution-making as not merely a legal or technocratic process, but one deeply shaped by postcolonial militarism.

Sudanisation Reconsidered: Constitutional Struggles and Political Contestation

Against the backdrop of Sudan's tumultuous constitutional history and the political role of the military, this analysis repositions a frequently overlooked intersection: the military's constitutional agency and its entanglements with varying and popular constitutional aspirations. While existing analyses have tended to focus on elite-driven negotiations and institutional legalism, these perspectives risk reproducing a narrow understanding of constitution-making as a top-down endeavour. Much of the literature centres on the formal mechanisms of legal drafting, power-sharing deals, or transitional roadmaps, often excluding the broader socio-political field in which these processes unfold. Moreover, the role of the armed forces in actively shaping constitutional processes – not just interrupting them – has been underexamined. Situating military regimes as key architects of Sudan's constitutional trajectories opens new avenues for interrogating how legality, governance, and sovereignty are contested and consolidated.

Thus, this thesis offers an analytical framework for understanding Sudanese political history by reinterpreting Sudanisation, a term used to describe the transfer of power from British officials to Sudanese nationals, as not merely an administrative transition, but as a contested and ongoing process deeply intertwined with constitution-making. Sudanisation is thus redefined as process

⁶⁴ Eric A. Nordlinger, *Soldiers in Politics: Military Coups and Governments*, Prentice-Hall Contemporary Comparative Politics Series (Englewood Cliffs, NJ: Prentice-Hall, 1977), pp.1-12.; William R. Thompson, *The Grievances of Military Coup-Makers*, Sage Professional Papers in Comparative Politics, No. 047 (Beverly Hills: Sage Publ, 1974), pp.17-19.

whereby the Sudanese state is constantly being redefined by militaries in power, according to their preferences. This redefinition is done through constitution-making, and can be understood through analysing the constitution-making role of the army and its interactions with the constitutional aspirations of citizens. Ultimately, this approach offers a reading of Sudanese constitutionalism as a historically contingent, ideologically charged, and constantly changing project.

This framework is especially valuable for scholars of Sudanese history, law, and politics, as it reorients the field away from a narrow focus on formal constitutional texts and institutional transitions, and toward a more dynamic understanding of how constitutions are imagined, contested, and constructed in practice. At the same time, it highlights how non-military actors have consistently challenged visions of the state and proposed alternative frameworks for belonging and governance.⁶⁵ By reframing Sudanisation through this lens, this analysis suggests that constitution-making is a deeply socio-political and historically layered process.

This thesis identifies competing and coexisting visions of Sudanisation that have shaped Sudan's constitutional history. On one hand is what can be termed tutelary Sudanisation – a conservative and authoritarian project led by military and elite actors who view national unity and identity as something that must be imposed from above through strong central authority. On the other hand is alternative Sudanisation, which emerges from varying efforts to reimagine the state through notions of political community. These contrasting visions often overlap, contradict, compete, and exist in parallel with one another, demonstrating not the linear evolution of Sudanisation but rather a recurring struggle over how Sudan should be constituted, who gets to define it, and through which mechanisms. By framing Sudanisation in this way, the thesis moves beyond notions of historical progression and instead foregrounds the contested terrain on which constitutional politics in Sudan has unfolded.

Sudanisation: Origins and Exclusionary Legacies

Sudanisation, a term originating during late colonial rule by the Anglo-Egyptian administration in Sudan, initially referred to the transfer of administrative power from British officials to Sudanese nationals. It was both a policy of gradual replacement and a nationalist demand articulated by

⁶⁵ Ali, *Gender*.

Sudanese elites in the lead up to independence.⁶⁶ This process was both rushed and exclusive, particularly in comparison to Nigerianisation, which was a more inclusive and structurally robust, resulting in a larger and more diversely composed national staff by 1964.⁶⁷ While formally meant to indigenise the civil service, in practice, it produced a narrow elite class that was predominantly Arabic-speaking, Muslim, and northern.⁶⁸ Colonial education and employment structures laid the foundation for this exclusionary model, marginalising southern, western, eastern, and non-Arab groups from meaningful participation in the emergent state.⁶⁹ Sudanisation, then, was not only a process of bureaucratic localisation but also an elite consolidation of state power. Yet, Sudanisation should not be viewed as a completed or static process. Rather, it is an evolving and contested political project that extends well beyond the moment of independence. As this thesis will demonstrate, political elites and military regimes have repeatedly invoked the language of Sudanisation to justify their authority – whether through nationalist rhetoric, Islamic ideology or militarised governance.

Alternative Sudanisation Philosophies

Recasting Sudanisation as a terrain of struggle foregrounds the multiple and competing attempts to define the state. Constitutional engagement is not limited to elite legal actors; it also occurs when political visions and everyday practices shape, contest, or reinterpret the rules, norms, and structures of the state. In this sense, the ‘constitutional’ dimension of alternative Sudanisation philosophies lies in how these visions link moral, political, and social claims to the governance of Sudan. For example, debates over federalism and resource allocation directly affect the livelihoods of rural farmers; discussions around freedom of speech and assembly influence the ability of protestors to organise and participate in public life; and questions about the role of religion in the state shape how marginalised communities experience rights and representation. By connecting everyday grievances to the structures and values of the state, these actors are effectively engaging with constitutional questions, even outside formal legal spaces. This framing positions alternative constitutional imaginaries as an analytical device, rather than implying that these actors always explicitly pursued constitutional reform.

⁶⁶ Al- Agab A. Al- Teraifi, ‘Sudanization of the Public Service: A Critical Analysis’, *Sudan Notes and Records* 58 (1977): 117–34, (p.117).

⁶⁷ Heather J. Sharkey, ‘Language and Conflict: The Political History of Arabisation in Sudan and Algeria’, *Studies in Ethnicity and Nationalism* 12, no. 3 (2012): 427–49, <https://doi.org/10.1111/sena.12009>, p.434.

⁶⁸ Al- Agab A. Al- Teraifi, ‘Sudanization,’ (pp.123-124).

⁶⁹ Heather J. Sharkey, *Living with Colonialism: Nationalism and Culture in the Anglo-Egyptian Sudan*, ed. Heather J. Sharkey, Colonialisms (Berkeley, CA: University of California Press, 2003), <https://doi.org/10.1525/9780520929364>, pp21 - 22.

In this context, constitution-making emerges as more than an institutional procedure – it has been a vehicle through which different actors seek to define the moral and political order of the Sudanese state. A concept that arises from this rethinking is what can be termed an ‘alternative Sudanisation philosophy.’ This philosophy represents a collective, albeit fragmented, effort to reshape the constitutional project around the lived experiences and aspirations of Sudanese citizens. This approach positions constitution-making as a process through which people can assert their political agency, not just by voting or protesting, but by connecting their everyday grievances to the structures and values of the state. In the context of military regimes, this philosophy can be understood through two main lenses: 1) civil action and protest movements, and 2) the creation and dissemination of a development agenda aimed at resisting economic, social, and political monopolies and exclusion. While these perspectives do not encompass the entirety of Sudanese constitutional thought, they underscore how constitutional issues are appropriated, reimagined, and utilized in daily struggles.

The notion of alternative constitutional imaginaries draws from intellectual histories that emphasise how various actors conceive of their place in the nation, particularly in contexts where legal citizenship fails to guarantee substantive rights.⁷⁰ Drawing on Wynter’s critique of coloniality,⁷¹ and Mamdani’s analysis of the postcolonial state, this framework is useful as it challenges the assumption that constitutions are strictly elite legal artefacts.⁷² Instead, it treats constitution-making as a fundamentally social and contested process. Foregrounding alternative imaginaries and rethinking Sudanisation as a contested and ongoing political project not only offers a more inclusive and historically grounded understanding of Sudanese constitutionalism – it also provides a useful analytical lens for scholars examining the intersection of law, militarism, and postcolonial statehood across African contexts. By focusing on how marginalised groups articulate constitutional claims outside formal legal spaces, this framework opens up new possibilities for studying political legitimacy, state formation, and resistance in postcolonial societies.

Importantly, these imaginings are not necessarily ‘grassroots’ in the narrow sense, nor are they always oppositional in a uniform way. Rather, they encompass a wide spectrum of actors –

⁷⁰Emma Hunter, *Political Thought and the Public Sphere in Tanzania: Freedom, Democracy and Citizenship in the Era of Decolonization*, 1st ed. (Cambridge University Press, 2015), <https://doi.org/10.1017/CBO9781316104620>, p.17.

⁷¹ Katherine McKittrick, ed., *Sylvia Wynter: On Being Human as Praxis* (Durham: Duke University Press, 2015), p.107.

⁷² Mamdani, *Citizen and Subject*, p.75.

including students, professional associations, oppositional elites, and marginalised political movements – who position themselves as speaking from, or in solidarity with, experiences of exclusion. Many of these actors articulate their visions from a perceived standpoint of marginalisation, even if their identities and social locations are shaped by overlapping and intersectional forms of privilege and subordination. In Sudan, this can take many forms including protests against authoritarianism, demands for federalism expressed by Southern politicians, workers' strikes, or petitions drafted by oppositional politicians. These political expressions represent varied and sometimes conflicting constitutional imaginaries that challenge the dominant narratives imposed by military regimes.

As such, this raises a critical question: can a truly decolonial Sudan be imagined through the medium of constitutionalism, or does the very form of the constitution inevitably replicate the exclusions it seeks to undo? Rather than resolving this contradiction, the concept of alternative Sudanisation foregrounds it. It suggests that decoloniality is not a fixed end-state but a contested orientation that pushes against inherited logics of rule while remaining entangled in them. By shifting the focus to how various actors mobilise constitutional language and practice in non-institutional settings, this thesis argues that the constitutional project in Sudan can serve as both a site of domination and a space for imagining political futures beyond it.

Notes on Method

Historical analysis in this study relies heavily on archival methodology to trace the constitutional projects of Sudan's military regimes and the competing imaginaries they encountered. Archives – particularly state-generated records such as constitutions, parliamentary proceedings, military broadcasts, speeches, and diplomatic correspondence – serve as foundational sources in reconstructing the ideological contours of Sudan's postcolonial legal history. Alongside these formal documents, the study draws on newspapers, opposition publications, oral histories, and diaspora materials to access perspectives that fall outside the official historical record.

The use of archives in this project is underpinned by a critical recognition of their origins in imperial and authoritarian projects. As scholars such as Edward Said, Dipesh Chakrabarty, and Achille Mbembe have argued, the archive is not a neutral repository of facts but a political technology – one shaped by structures of domination, where what is remembered or forgotten is

deeply entangled with regimes of power.⁷³ Sudan's National Record Office (NRO), for example, emerged under British rule as a mechanism for surveillance and control. In the postcolonial period, successive military regimes maintained and adapted this logic. Under Nimeiri and Bashir, access to archival records was restricted and curated to preserve regime legitimacy and suppress dissent.⁷⁴ These practices echo the colonial manipulation of knowledge, highlighting the ways in which state control over archives has remained a tool of political power.

Yet this study does not approach the coloniality of the archive as a methodological dead end. Rather than abandoning official records due to their imperial or authoritarian provenance, it interrogates them critically, reading them not for transparency but for the tensions, silence, and discursive manoeuvres they contain. The question, is not whether the archive is colonial, but what is done with it. This research treats constitutional texts and political document not as objective accounts, but as ideological artefacts – sites where military regimes constructed legitimacy, performed statehood, and attempted to erase alternative visions. These sources are read contrapuntally, with attention to the power relations embedded in their production and the epistemic frameworks they seek to impose.

Ultimately, the methodology adopted here is situated within a broader decolonising agenda. It acknowledges the archive's role in producing hegemonic narratives but insists on the possibility of reclaiming and repurposing it. By reading these materials against the grain and placing them in dialogue with subaltern voices, the research advances a more nuanced and equitable historical account – one that recognises the archive not only as a site of power, but also as a space of potential rupture, refusal, and reimagining.

Chapter Overview

Against the backdrop of this existing literature, the chapters of this thesis offer a comprehensive examination of constitution-making in Sudan from 1948 to 1998. Within this timeframe, three distinct constitution-making experiences – under the military regimes of Ibrahim Abboud, Jaafar al-Nimeiri, and Omar al-Bashir – are explored. In addition, the constitution-making process that occurred during Sudan's transition to independence is explored to both contextualise and analyse the colonial legacies of constitution-making. These historical moments were selected because

⁷³ Edward W. Said, *Orientalism* (Vintage books, 1979); Dipesh Chakrabarty, *Provincializing Europe: Postcolonial Thought and Historical Difference - New Edition* (Princeton University Press, 2009), <https://doi.org/10.1515/9781400828654>, p.4.; Achille Mbembe, *Decolonizing Knowledge and the Question of the Archive*, n.d., (pp.10-24)

⁷⁴ Abbashar, 'Decolonising,' (p.110).

each offer a contrasting lens on how military rulers engaged with constitutional processes to consolidate power, define legitimacy, and shape citizen-state relations. While Abboud suspended constitutional dialogue entirely, Nimeiri championed an ideologically sifting constitutional project, and Bashir pursued an Islamist constitutional vision rooted in authoritarian legality.

Despite their ideological and strategic differences, all three regimes shared key characteristics: each came to power through a military coup and retained strong army-centred influence over political and legal structures. As such, each chapter foregrounds the military's centrality in Sudan's constitutional history. The selection of these case studies is therefore significant for three reasons. First, they correspond to understudied periods in Sudan's constitutional historiography. Second, they allow for a focused analysis of military involvement in constitution-making. Finally, they expose recurring patterns in the exclusionary nature of Sudan's constitutional politics.

Chapter 1: Sudanisation, Exclusion, and the Origins of Constitutional Militarism (1948-1956)

This chapter revisits the foundational moment of Sudan's modern constitutional history by analysing the period between the 1948 Legislative Assembly and the 1956 declaration of independence. It explores how the process of Sudanisation shaped the contours of early constitution-making. While Sudanisation was formally framed as a mechanism for preparing Sudan for self-governance, in practice, it became a vehicle for elite consolidation and institutional exclusion. Thus, the central argument of this chapter is that Sudan's earliest constitutional structures were not simply colonial legacies or nationalist achievements, but were also instruments of elite Sudanisation that enabled the SAF to embed themselves into the postcolonial legal order. Furthermore, rather than treating the 1953 Self-Government Statute and the lead up to independence as a straightforward progress toward sovereignty, this chapter foregrounds how early constitutional reforms were shaped by the limited social base of Sudanisation. Political power during this period was monopolised by northern, urban, educated elites – particularly those aligned with established political parties and the military.

Crucially, the SAF leveraged this transitional period to define their institutional role within the emerging state. Through participation in legislative discussions and national symbolism, members of the army framed themselves as guardians of Sudanese sovereignty and constitutional order. This marked the beginning of what would become a recurring pattern in

Sudanese political history: the army's self-justification as both protector and arbiter of the national constitutional project.

Chapter 2: Authoritarian Constitutionalism and Militarised Sudanisation under the Abboud Regime (1958-1964)

This chapter examines the first military intervention in Sudan's postcolonial constitutional development. Emerging just two years after independence, General Ibrahim Abboud's coup abruptly ended parliamentary rule, suspended the Self-Government Statute, and ushered in a new era in which constitution-making was a mechanism for authoritarian consolidation. Ultimately, the Abboud regime redefined constitution-making as a tool of military authoritarianism by appropriating language of national reform while suppressing pluralism, censoring dissent, and centralising power through a militarised interpretation of Sudanisation.

Building on literature that interrogates the role of constitutions in autocratic regimes, this chapter asserts that Abboud used constitution-making not to enable public participation but to extend the lifespan and legitimacy of his rule.⁷⁵ Like other postcolonial military leaders in Africa – such as Idi Amin in Uganda or Mobutu Sese Seko in Zaire – Abboud suspended constitutional rule in the name of national unity and stability, dismantling political parties and curtailing civil liberties.⁷⁶ This suspension did not mark a withdrawal from the constitutional domain, but rather its strategic reconfiguration. As opposition grew, the regime revived constitutional discussions in the early 1960s not out of democratic commitment, but as a calculated attempt to absorb and neutralise dissent. At the heart of this process was tutelary Sudanisation. Originally conceived as the replacement of colonial personnel with Sudanese administrators, Sudanisation under Abboud was transformed into a vehicle for military dominance. The armed forces were not only defenders of national sovereignty but became architects of constitutional order, defining political legitimacy through the prism of stability, discipline, and control. Although formal constitutional processes were suppressed, counter-imaginaries emerged in parallel, that linked issues such as freedom of expression, association, and federalism to broader critiques of military rule.

⁷⁵ Tom Ginsburg and Alberto Simpser, eds., 'Introduction: Constitutions in Authoritarian Regimes', in *Constitutions in Authoritarian Regimes*, 1st ed. (Cambridge University Press, 2013), 1–18, <https://doi.org/10.1017/CBO9781107252523.001>, (p.2).

⁷⁶ Holger Bernt Hansen, 'Uganda in the 1970s: A Decade of Paradoxes and Ambiguities', *Journal of Eastern African Studies* 7, no. 1 (February 2013): 83–103, <https://doi.org/10.1080/17531055.2012.755315>, (pp.84-86).

Despite the brevity of Abboud's rule, its legacies were significant. The regime set a precedent for the suspension and instrumentalization of constitutional processes under military regimes in Sudan. Its failures also exposed the fragility of elite-driven Sudanisation and the enduring power of alternative constitutional imaginaries. By highlighting this dynamic, this chapter challenges the common assumption that constitution-making does not occur under authoritarianism in postcolonial Africa. This analysis also revises prevailing and limited historiography on this period, which often marginalises the constitutional politics of the Abboud era and its strategic manipulation of legal discourse. Thus, this chapter situates the Abboud regime within broader debates on authoritarian constitutionalism, arguing that Sudan's early military regime used constitutional language as a means of survival.

Chapter 3: A Constitution for the People? Military Rule, Authoritarian Reform, and Competing Constitutional Visions under Jaafar al-Nimeiri (1969-1985)

This chapter examines the constitutional transformations under Jaafar al-Nimeiri's military regime, which ruled Sudan from 1969 to 1985. The regime's shifting political orientation – from socialism to Islamism – produced a fluid and contested constitutional terrain in which the military advocated strongly for its constitutional project, redefined Sudanese identity, and attempted to respond to mounting internal dissent. As such, Nimeiri's regime instrumentalised constitution-making as a flexible tool for authoritarian governance, using it to project ideological legitimacy and suppress opposition, while contending with bottom-up constitutional imaginaries that challenged their claim to power.

From its inception, the regime advocated for the decolonisation of Sudan's political system, rejecting colonial-era institutions and parties in favour of a nationalist, one-party state. However, this decolonial rhetoric masked a continued reliance on colonial legal-administrative frameworks. Within this context, this chapter identifies three major phases of constitutional development during Nimeiri's rule. First, in the early 1970s, the regime took power via a military coup and presented itself as a revolutionary state-builder like other Free Officers regimes in Egypt and Iraq.⁷⁷ In 1973, the regime passed the 1973 Constitution, which entrenched authoritarian rule by making the Sudanese Socialist Union (SSU) the only legitimate political party and granting it excessive powers to the presidency.⁷⁸ As argued by De Waal and Abdelsalam, the 1973

⁷⁷ Sobry, Karol R., 'The Free Officers' Movement and the 1958 Revolution in Iraq', *Asian and African Studies* 14, no. 1 (2005): 22–44.

⁷⁸ Oette and Babiker, *Constitution-making*, p.52.

constitution was an ambitious project, encompassing a variety of social and economic reforms, but it was formed against the backdrop of Nimeiri's one-party system and authoritarian parameters, embracing the SSU as the sole political party.⁷⁹ While traditional analyses of Nimeiri's constitutional project and visions have focused on the regime's ambition to centralise their authority, this chapter pushes further by exploring the regime's motivations and belief in its constitutional vision. Constitution-making under Nimeiri was not merely about authoritarian control – it was a dynamic political project shaped by struggle, ideological transformation, and public mobilisation. The constitutional order was neither a coherent decolonial vision nor simply a mechanism of repression, rather it was a shifting arena in which the military, political elites, and public clashed over the moral, legal, and ideological foundations of the Sudanese state.

Second, the chapter analyses the regime's ideological shift in the late 1970s and early 1980s, where Islamism was increasingly invoked to frame the regime's legitimacy. Here, constitution-making was again mobilised – notably through the September Laws – to align with rising Islamist sentiments. Third, the 1985 uprising illustrates how various actors reclaimed constitutional discourse. These actors mobilised alternative imaginaries rooted in their lived grievances, challenging the constitutional status quo. While traditional analyses of Nimeiri's constitutional project and visions have focused on the regime's ambition to centralise their authority, this chapter pushes further by exploring the regime's motivations and belief in its constitutional vision.

Chapter 4: The Legalisation of Authoritarianism – Constitutional Decrees, Islamist Governance, and the 1998 Constitution Under Omar al-Bashir

This chapter examines the constitutional project of Omar al-Bashir's regime, tracing its evolution from military rule by decree following the 1989 coup and the institutionalisation of authoritarian governance through the 1998 constitution. As such, this chapter contends that the Bashir regime instrumentalised constitution-making as both a belief-driven and strategic project, embedding Islamist ideology, executive dominance, and a militarised state vision through legal reform – transforming emergency rule into a sanctified constitutional order.

⁷⁹ A. H. Abdel Salam and Alexander De Waal, eds., *The Phoenix State: Civil Society and the Future of Sudan* (Conference on Human Rights in the Transition in Sudan, Trenton, NJ: Red Sea Press, 2001), pp.1-21.

The existing literature on constitution-making in the Bashir era has gained traction in the fields of Islamic studies, political science, and history. Specifically, there has been an emphasis on the Islamic character of the constitution and the nation, and how this has both marginalised some groups while empowering others.⁸⁰ Further literature examines the intellectual underpinning of constitution-making during this era, noting the critical role of Islamist thinkers like Hasan al-Turabi in crafting its ideological vision.⁸¹ Others, such as Deng, situate this constitutional project within the wider context of conflict and war, examining how the constitution functioned amid prolonged political instability and social fragmentation.⁸² Together, these contributions highlight both the political ambitions and social consequences of Islamic constitutionalism under Bashir. They also raise important questions about whether the 1998 constitution should be seen purely as a tool of authoritarian consolidation or as an effort – however flawed – to articulate a vision of Islamic governance and statehood.

To build on these insights, this chapter explores two main phases of constitutional transformation under Bashir, beginning with the use of constitutional decrees during the early years of military rule. After staging a coup and halting constitutional discussions, the period between 1989 and 1993 was characterised by emergency rule, in which the regime dismantled political institutions and centralised power through constitutional decrees. Rather than a pause in constitutional development, 1989-1993 marked a foundational moment for the regime's legal transformation, with the regime using decrees not only to control dissent but to structure the judiciary, education, economy, and military along Islamist and authoritarian lines. These are interventions that laid the groundwork for the 1998 constitution.

From 1993 to 1998, following Bashir's formal rise to the presidency, the regime entered a second phase: the codification of its authority through formal constitutionalism. The National Islamic Front (NIF) was the ideological engine of the regime, orchestrating institutional reforms and embedding Islamic law across social and legal systems. The 1998 constitution was presented as the culmination of an Islamic civilisational project, enshrining Sharia as the principal source of law, granting sweeping powers to the presidency, and subordinating the legislature and judiciary to executive authority. Ultimately, the 1998 constitution marked the formalisation of the regime's project, transforming emergency rule into a legalised order.

⁸⁰ Badri, 'A Critical Analysis of the Evolution of Constitutions in Sudan.'

⁸¹ Berridge, *Hassan al-Turabi*.

⁸² Luka Biong Deng, 'The Challenge of Cultural, Ethnic and Religious Diversity in Peacebuilding and Constitution-Making in Post-Conflict Sudan', *Civil Wars* 7, no. 3 (2005): 258–69, <https://doi.org/10.1080/13698280500423908>.

CHAPTER 1: SUDANISATION, EXCLUSION, AND THE ORIGINS OF CONSTITUTIONAL MILITARISM (1948-1956)

In the wake of independence, Sudan underwent a series of constitutional transformations that reflected the complex and contested nature of its transition to self-governance. The early constitution-making process was shaped by the dynamics of Sudanisation – a process through which British colonial administrators were replaced by Sudanese politicians, civil servants, and military officers. The signing of the Self-Government Statute in 1953 marked the beginning of Sudan's modern constitutional project, leading to parliamentary elections and eventual independence in 1956. Yet, these steps towards independence were mediated through processes of Sudanisation that privileged the political, social and economic interests of a narrow group of political and military elites. As such, this left little room for alternative realities to be articulated within the constitutional framework.

Re-examining the relationship between Sudan's earliest constitution-making project and Sudanisation processes from 1948-1956 offers a critical alternative to conventional understandings of Sudan's constitutional history. Rather than viewing constitution-making during this period as simply a British-imposed prerequisite for independence, this analysis highlights how early constitution-making structures were deeply shaped by exclusionary practices and how emerging institutions strategically positioned themselves within the constitutional landscape. As such, the SAF capitalised on the political openings created by the transition to independence, seeking to inscribe themselves into the fabric of Sudan's nascent constitutional order, advocating for their important role in fulfilling the nationalist goal of Sudanisation.

Decolonisation and Constitution-making

Decolonisation processes across Africa during the mid-20th century were driven either by popular uprisings, or in the case of Sudan, by nationalist elites.⁸³ Across the continent, independence movements – and the constitutions that accompanied them – were often shaped, mediated, or tightly controlled by colonial administrators seeking to manage the transition to self-rule.⁸⁴ In Sudan, this dynamic was particularly pronounced. The series of agreements, conferences and negotiations that punctuated the period from 1948 to 1956 involved, and ultimately entrenched, the authority of a specific stratum of Sudanese social, political and

⁸³ M. Ndulo, 'Constitution-Making in Africa: Assessing Both the Process and the Content', *Public Administration and Development* 21, no. 2 (May 2001): <https://doi.org/10.1002/pad.163>, (p.102).

⁸⁴ Ndulo, 'Constitution-Making in Africa,' (pp.102-103).

religious elites. As in other British colonies, education under British rule in Sudan played a crucial role in cultivating potential allies and preparing a local elite to take over political and administrative positions after independence. Colonial educational institutions, particularly Gordon Memorial College and later, the Military College, were central to this process. These were not merely sites of learning, but instruments for producing a class of Sudanese individuals trained to administer the machinery of a colonial state, ensuring the continuity of colonial institutional frameworks under a veneer of local-self-governance. For instance, many of the high-ranking army officers who would later dominate Sudan's post-colonial military establishment were trained at Gordon College, and went on to occupy senior positions during and after the Sudanisation process.⁸⁵ As Heather Sharkey notes, colonial administrators sought not only to create elites they could trust to maintain order, but also inadvertently cultivated a generation of nationalists who would later advocate for self-rule.⁸⁶ This dual strategy reflected the ambivalence at the heart of late colonial governance – while the British administrators aimed to prepare Sudan for eventual independence, they simultaneously sought to shape the nature of that independence by privileging individuals aligned with colonial visions of order, modernity and civilisation. The long-term impact of this educational strategy was profound. The College produced not only many of Sudan's early bureaucrats and military officers but also a significant portion of its political elite, including figures who would later spearhead political Islamist movements.⁸⁷ The College thus served as both a nursery for the reproduction of colonial administrative structures and an incubator for political contestation in the postcolonial state.

This interplay between education, elite formation, and nationalist mobilisation would significantly shape the attitudes of key political actors and their approach to constitutional development. As the colonial state inched toward granting independence, these British-trained elites were entrusted with managing the complex task of framing Sudan's political future. Their dominance in the constitutional process reflected the broader dynamics of exclusion and controlled transition that characterised the late colonial period. While the exclusionary nature of Sudan's first constitution-making process is not distinctive to post-colonial constitutional making processes across the continent, it reveals unique lessons on the role and influence of not only

⁸⁵ Abbashar, 'Decolonising', (p.121).

⁸⁶ Heather J. Sharkey, *Living with Colonialism: Nationalism and Culture in the Anglo-Egyptian Sudan*, ed. Heather J. Sharkey, Colonialisms (Berkeley, CA: University of California Press, 2003), <https://doi.org/10.1525/9780520929364>, pp.21-22.

⁸⁷ Berridge, 'Colonial Education,' (p.584).

political parties – who have been the focus of previous analyses – but also military actors, in the development of constitution-making and political consciousness in post-independent states.⁸⁸

The Early Colonial Framework and the Rise of Militarised Nationalism

The institutional developments of the late colonial period, particularly the establishment of the Legislative Assembly in 1948 and the subsequent Constitutional Commission, must be understood within the context of the relationship between Egypt and Great Britain as codominial partners and the nationalist sentiments that were on the rise in the early 20th century. As Sudanese lawyer and diplomat, Mansour Khalid, argues, the Condominium was the formative period during which Sudan acquired many of its defining political and economic characteristics.⁸⁹ Among these was the strategic consolidation of traditional and religious elites, whose roles were formalised and elevated as part of the colonial administration's efforts to maintain indirect rule.⁹⁰ However, the political landscape shaped by the Condominium was not limited to traditional authority structures. The British also laid the foundations for a centralised coercive apparatus, including a professional army, police, and intelligence services, whose institutional cultures and hierarchies developed a distinct self-conception and enduring role in state governance.⁹¹ These actors – particularly the military – would later become central to Sudan's post-independence political order, not merely as instruments of state power but as autonomous political forces shaped by colonial legacies.

In the aftermath of World War I, nationalist and anti-imperialist sentiment in Egypt deeply resonated with the educated classes of its southern neighbour, Sudan. In response, British political authorities sought to cultivate a distinct Sudanese nationalism that rejected union with Egypt.⁹² This strategy was designed to safeguard British strategic interests in the region, particularly control over the Nile and access to imperial trade routes.⁹³ However, this manoeuvre backfired among sections of Sudan's emerging intelligentsia, many of whom, inspired by Egypt's 1919 revolution and the Wafd party, began to call for closer ties with Cairo and greater

⁸⁸Ndulo, 'Constitution-Making in Africa,' (p.105).

⁸⁹ Manṣūr Khālīd, *The Government They Deserve: The Role of the Elite in Sudan's Political Evolution* (London ; New York: Kegan Paul International, 1990), p.27.

⁹⁰ Khalid, *The Government They Deserve*, p.27.

⁹¹ Abbashar, 'Decolonising security.'

⁹² Orfeas Chasapis Tassinis and Sarah MH Nouwen, "'The Consciousness of Duty Done'? British Attitudes towards Self-Determination and the Case of the Sudan', *British Yearbook of International Law*, 21 March 2019, <https://doi.org/10.1093/bybil/brz002>, (p.7).

⁹³ Tassinis and Nouwen, "'The Consciousness of Duty Done'?", (p.7).

autonomy from British rule.⁹⁴ To counteract this threat, the British increasingly allied themselves with anti-Egyptian sectarian elites – most notably leaders from the Khatmiyya order – positioning themselves as the legitimate voices of Sudanese nationalism.⁹⁵ These dynamics culminated in Britain's decision to expel Egyptian officials from the Sudanese administration in 1924, a move that intensified local grievances and set the stage for open confrontation.⁹⁶

Yet, it is crucial to emphasise that Sudanese nationalism in this period was not solely a by-product of Anglo-Egyptian rivalry. As Elena Vezzadini notes, it also formed part of the 'spring of colonial nations:' a broader post-war awakening in which formerly subjugated peoples began to imagine anti-colonial futures.⁹⁷ Weakened European imperial powers and heightened global debates around self-determination created fertile ground for political mobilisation. In Sudan, this gave rise to new activist circles, many of them based in Gordon Memorial College, who articulated visions of political, social, and economic liberation grounded in local realities.⁹⁸ Out of this ferment emerged the Sudan Union and the White Flag League – movements that fused nationalist aspirations with direct challenges to colonial authority. The White Flag League, in particular, drew significant support from Sudanese soldiers, especially the Sudanese Battalion in Khartoum, who were inflamed by the forced removal of Egyptian officers and perceived racial discrimination within the military hierarchy.⁹⁹ In fact, the leader of the White Flag League, Ali Abd al-Latif – himself an ex-army officer – embodied this convergence of military experience and nationalist activism.¹⁰⁰ The army, therefore, was not simply a colonial institution but became a critical site for the formation and mobilisation of nationalist sentiment, serving as both a training ground and a political catalyst for Sudan's early anti-colonial resistance.

These developments also provoked a defensive intellectual posture among British officials in Sudan, who increasingly framed their presence as benevolent and necessary. In a journal entry, Sir Shuldham Redfern, a senior British administrator in Sudan in the 1930s, noted that: 'British interest is to create a free and independent Sudan by its own people that are able to take a secure and honourable place in the comity of nations.'¹⁰¹ On the surface, this statement reflects a

⁹⁴ Elena Vezzadini, ed., 'Rethinking Nationalism in Colonial Sudan', in *Lost Nationalism: Revolution, Memory and Anti-Colonial Resistance in Sudan* (Boydell & Brewer, 2015), 19–37, <https://doi.org/10.1017/9781782045281.004>, p.27.

⁹⁵ Sergey V. Kostelyanets, 'The Rise And Fall Of Political Islam In Sudan', *Politics And Religion Journal*, 25 March 2021, 85–104, <https://doi.org/10.54561/prj1501085k>. (p.86).

⁹⁶ Tassinis and Nouwen, "The Consciousness of Duty Done"?, (p.11).

⁹⁷ Vezzadini, 'Rethinking Nationalism in Colonial Sudan', p.22.

⁹⁸ Vezzadini, 'Rethinking Nationalism in Colonial Sudan', p.24.

⁹⁹ Vezzadini, 'Rethinking Nationalism in Colonial Sudan', p.36.

¹⁰⁰ Vezzadini, 'Rethinking Nationalism in Colonial Sudan', p.30-31.

¹⁰¹ Sir Shuldham Redfern, 'The Sudan Problem,' undated, SAD 518/8/29, Sudan Archive, Durham.

paternalistic justification for continued British oversight – suggesting that Sudanese independence was both desirable and inevitable, but only under British tutelage. Yet it also reveals how Sudanese nationalism was becoming increasingly difficult to dismiss. The language of ‘a free and independent Sudan’ signals an emerging recognition that demands for self-rule were no longer marginal but had become central to Sudan’s political trajectory. While the British sought to control and channel these aspirations – particularly by side-lining Egyptian influence and elevating sectarian allies – they were confronted with a growing movement led by activists and army officers who were defining independence on their own terms.

It was in this context of mounting nationalist unrest and militarised dissent that the British re-evaluated their approach to security and control in Sudan. This tension reached a boiling point following the assassination of Sir Lee Stack, the British Governor-General and Sirdar of the Egyptian Army, which triggered a wave of protests and unrest across Sudan, led by members of the Sudanese battalion stationed in Khartoum.¹⁰² Shortly after, the British ordered Egyptian officers to be removed from Sudan, leading to the 1924 mutiny, which laid bare the political consciousness and organisational capacity within the ranks of the Sudanese army, prompting a fundamental restructuring of colonial military power. Rather than risk further politicisation of existing forces – particularly those shaped by Egyptian command and nationalist sympathies – the British moved swiftly to dismantle the remnants of the shared Anglo-Egyptian military structure. In its place, they established the Sudan Defence Force (SDF) in 1925: a new colonial army under exclusive British control, designed to insulate the military from nationalist influence while maintain internal order.¹⁰³ This transition not only reveals how the colonial state sought to depoliticise and fragment the very forces that had challenged its authority, but also marks the beginning of a longer history in which the army remained central to both the reproduction of state power and the trajectory of Sudanese nationalism. The evolution of the SDF, therefore, offers a critical lens through which to understand how the colonial state reasserted itself – militarily and ideologically – in the face of rising demands for independence.

Although initially led almost exclusively by British officers, the SDF underwent a significant internal shift during World War II. By the end of the war, approximately 51 Sudanese officers had been promoted to commissioned ranks.¹⁰⁴ These officers – many of whom were politically

¹⁰² Elena Vezzadini, ‘The 1924 Revolution in Sudan’, in *Oxford Research Encyclopedia of African History*, by Elena Vezzadini (Oxford University Press, 2018), <https://doi.org/10.1093/acrefore/9780190277734.013.11>.

¹⁰³ Sharkey, *Living with Colonialism*, pp.77-78.

¹⁰⁴ Ahmad M. al-Awad, *Sudan Defence Force: Origin & Role 1925-1955*, vol. Occasional Paper No. 18, Institute of African and Asian Studies, 1996, pp.106-107.

active and influenced by regional currents – were not only militarily competent but increasingly politically conscious. Influenced particularly by Egyptian nationalism and early Nasserist thought, several within this cohort would later emerge as key figures in Sudan’s postcolonial landscape.¹⁰⁵ The roots of this dynamic can be traced further back. Sudan’s early colonial governance had a distinctly militarised character. The Egyptian army – commanded by British officers—formed the basis of rule following the reconquest in 1898. For Sudanese recruits, the military presented one of the few accessible routes to advancement within the colonial hierarchy. Despite British dominance at the officer level, Sudanese soldiers and non-commissioned officers occupied positions of considerable responsibility – especially in frontier regions.¹⁰⁶ Therefore, World War II temporarily re-elevated the status of the SDF as Sudan became a strategic theatre in the British campaign against Italian forces in North-East Africa and Libya.¹⁰⁷ The war placed the SDF at the frontlines, highlighting its strategic importance and giving new prominence to Sudanese soldiers and officers. This confluence of militarisation and political awakening during the 1940s laid the institutional ideological foundation for the army’s eventual role in political transformations.

The SDF’s growing presence signalled a quiet but consequential recalibration of their institutional character, one that the colonial administration monitored with increasing concern. British authorities, particularly those stationed in Khartoum, Cairo, and London, observed these developments with both interest and anxiety. Throughout the war, correspondence between the British War Office, the Sudan Administration, and the British Embassy in Cairo noted the emergence of politically assertive Sudanese officers within the SDF. These concerns fed directly into the drafting of the Sudan Defence Ordinance of 1942, authored by the British Attorney General in Khartoum and debated with senior officers in the Middle East Forces, based in London. Ostensibly, the ordinance aimed to regularise the status, duties and display structures of the SDF, as recruits for the war.¹⁰⁸ However, it also served as a legal mechanism to reinforce colonial command and suppress political agitation within the military ranks.

¹⁰⁵ Al-Awad, *Sudan Defence Force*, p.108.

¹⁰⁶ Al- Agab A. Al- Teraifi, ‘Sudanization of the Public Service: A Critical Analysis’, *Sudan Notes and Records* 58 (1977): 117–34, (p.124).

¹⁰⁷ Andrew Stewart, ‘The First Victory: The Second World War and the East Africa Campaign’, in *The First Victory* (Yale University Press, 2016), <https://www.degruyterbrill.com/document/doi/10.12987/9780300222203/html>. (p.150).

¹⁰⁸ ‘1942: Egypt and Sudan,’ FO 371/31581, Foreign Office: Political Departments: General Correspondence, 1906–1966, United Kingdom National Archive (UKNA)

In private correspondence, the Deputy Judge Advocate General of the Middle East Forces expressed unease about the political leanings of Sudanese officers, warning: 'Under present conditions, difficult questions arise in connection with officers serving with the Sudan Defence Forces who are growing critical of us.'¹⁰⁹ In response, the Attorney General in Khartoum defended the need to preserve the Governor-General's discretionary power to discipline politically active officers, stating: 'If the necessity arises to exercise these powers within the constitution of the Sudan, it would seem that the only proper and predictable authority is the Governor-General. It must be assumed that he would not exercise such authority except in concert with the military authorities of the condominium partners concerned.'¹¹⁰ This tension – between military professionalisation and political suppression – reflected deeper anxieties within the Anglo-Egyptian Condominium regarding the role of the army in the colonial state. The concern was not unfounded. By the early 1950s, the same officers who had risen through the ranks during the war were asserting claims to political relevance, framing control over the military as integral to the exercise of national sovereignty.

From Advisory Council to Constitutional Commission: Institutionalising Constitutional Authority (1946-1952)

While the establishment of the SDF in 1925 intended to depoliticise the military, this reconfiguration ultimately facilitated the emergence of a nationalised officer corps, whose influence expanded steadily in the decades that followed. By the post-war period, the British colonial administration began formally pursuing Sudanisation – the gradual replacement of British personnel with Sudanese officials in the civil service. This process, inaugurated with the creation of the Sudanisation Committee in 1946, was presented as a step toward self-rule but was critiqued by Sudanese nationalists for its narrow scope and rapid implementation. The committee, composed of British administrators and select Sudanese intellectuals, symbolised growing colonial anxiety about the legitimacy of continued imperial rule in the face of mounting nationalist demands. Significantly, however, the Sudanese army was excluded from the initial Sudanisation efforts. It was only after the promulgation of the Self-Government Statute in 1953 that the SDF became a site of active Sudanisation. By 1954, senior Sudanese officers were directly negotiating with British commanders to accelerate nationalism, calling for shortened training periods and the immediate transfer of command positions.¹¹¹ The success of these

¹⁰⁹ "1942: Egypt and Sudan," FO 371/31581, Foreign Office: Political Departments: General Correspondence, 1906–1966, UKNA.

¹¹⁰ "1942: Egypt and Sudan," FO 371/31581, Foreign Office: Political Departments: General Correspondence, 1906–1966, UKNA.

¹¹¹ Ahmed El Awad Mohammed, 'Militarism in the Sudan: The Colonial Experience', *Sudan Notes and Records* 61 (1980): 15–26, (p.23).

demands illustrates that the army was not a passive recipient of colonial policy, but a politically assertive actor with its own vision of the postcolonial state. Military Sudanisation, therefore, ran parallel to elite-driven constitutional reform, and both processes became critical instruments through which Sudanese actors – civilian and military alike – positioned themselves in the emerging national order. The period from 1946 to 1955 thus witnessed two intersecting trajectories: the institutionalisation of constitutional authority through bodies such as the Legislative Assembly and Constitutional Amendment Commission, and the transformation of the army from a colonial coercive force into a national institution with growing political agency. Together, these developments reveal how Sudan's path to independence was shaped not only by formal constitutional processes, but also by the evolving ambitions of its military elite.

In the aftermath of World War II, as anti-colonial nationalism surged across Africa and Asia, Britain faced growing pressure to formalise a path toward self-government in Sudan.¹¹² In this context, Sudanisation was presented as both a practical administrative solution and a concession to nationalist demands. The process began with the formation of the Sudanisation Committee in March 1946. Composed of four British officials and three Sudanese intellectuals: Ibrahim Eff. Ahmed M.B.E, the Vice Principal of Gordon Memorial College; Dr Ali Badri M.B.E, Deputy Assistant Director, Medical Department; and Abdel Magid Eff. Ahmed M.B.E., Inspector for the Department of Commerce and Trade.¹¹³ The committee was hailed by *El Ray El Amm* as an important step towards Sudanese independence:

Although the constitution of this committee falls short of expectations yet it is a step forward. It affords an opportunity to the three Sudanese members to satisfy an urgent aspiration of their countrymen. They know they are there to secure a national desire by helping to accelerate the process of Sudanisation and cannot accept to be mere dupes so that their presence is to be used in justifying a procedure which might not be in the interest of the Sudanese.¹¹⁴

This view from Khartoum's independent daily newspaper points to a disappointment in the composition of the committee, which was dominated by two members of the of the Umma party and one Umma party sympathiser.¹¹⁵ However, there is also a recognition that the inclusion of Sudanese members in the Sudanisation committee is progress nonetheless, allowing them to

¹¹² Ahmad M. al-Awad, *Sudan Defence Force: Origin & Role 1925-1955*, vol. Occasional Paper No. 18, Institute of African and Asian Studies, 1996, pp.106-107.

¹¹³ Al-Awad, *Sudan Defence Force*, p.127.

¹¹⁴ *El Rayy El 'Amm*, June 21, 1946, 2-Dakhila 1/7/32, CRO Khartoum, in Al-Teraifi, *Sudanization of the Public Service*, p. 135.

¹¹⁵ *El Rayy El 'Amm*, June 21, 1946, 2-Dakhila 1/7/32, CRO Khartoum, in Al-Teraifi, *Sudanization of the Public Service*, p. 125.

‘satisfy an urgent aspiration of their countrymen. So while this newspaper commentary endorsed Sudanisation as a national goal, it also implicitly accepted the elite-driven and limited nature of political change it enabled.

The creation of the Sudanisation committee was also accompanied by the creation of new representative institutions. In 1944, the British had established the Advisory Council, ostensibly to provide local input into colonial governance.¹¹⁶ However, its narrow geographic mandate, mainly focusing on Northern Sudan, and reliance on tribal religious elites limited its legitimacy.¹¹⁷ The council was not representative of the opinions and experiences of those living in Eastern Sudan, Darfur, the Nuba Mountains or southern Sudan.¹¹⁸ As described in the Sudan Government Gazette, the Advisory Council’s mandate only focused on northern Sudan because ‘the general conditions, social, cultural economic and linguistics of northern Sudan are sharply distinguished from those in southern Sudan and other regions.’¹¹⁹ This rationale reflected and deepened the marginalisation of non-Northern voices from national politics.

A central achievement of the Advisory Council recommendations was the 1946 Sudan Administration Conference, which led to the creation of the Legislative Assembly and, eventually, the Constitutional Amendment Commission.¹²⁰ While this conference is often framed as a milestone in Sudan’s path toward autonomy, its proposals reveal the tightly controlled nature of political transformation under colonial oversight.¹²¹ The British delegates advocated for a gradual, supervised transition to parliamentary governance, explicitly modelled on the Westminster system. As the final report noted:

After careful consideration we unanimously recommend that the Sudan should aim at a system of Parliamentary Government with a responsible Cabinet on the British model. But we realise that the relation of the Executive Council to the Assembly cannot at present be the same as the relation of the British Cabinet to the House of Commons. We recommend the following at this stage.... Certain legislation will be *ultra vires* the Assembly, e.g., legislation affecting the Constitution of the Sudan, of which the law constituting the Assembly will be part, and legislation to do anything contrary to the Constitution of the Sudan. We consider that the definition of matters *ultra vires* the

¹¹⁶ Sudan Government Gazette, no. 731, ‘Part Copy of the Special Legislative Supplement,’ 1 September 1943, SAD 518/6/25–26.

¹¹⁷ Sudan Government Gazette, no. 731, ‘Part Copy of the Special Legislative Supplement,’ 1 September 1943, SAD 518/6/25–26.

¹¹⁸ Sudan Government Gazette, no. 731, ‘Part Copy of the Special Legislative Supplement,’ 1 September 1943, SAD 518/6/25–26.

¹¹⁹ Sudan Government Gazette, no. 731, ‘Part Copy of the Special Legislative Supplement,’ 1 September 1943, SAD 518/6/25–26.

¹²⁰ Oette and Babiker, *Constitution-Making and Human Rights in the Sudans*, pp.41-42.

¹²¹ Holt and Daly, *History of the Sudans*, p.105.

Assembly should be very precisely made and we recommend that this should be done after legal advice.¹²²

This report underscores the limited nature of the devolution of power envisaged by the British, who were willing to concede parliamentary forms but not parliamentary substance. The comparison to the British Cabinet and the House of Commons is explicitly qualified – Sudanese institutions were not to enjoy the same constitutional authority but would instead operate under a more constrained framework, particularly with regard to matters deemed ‘ultra vires,’ or in other words, exceeding the scope of authority legally granted to them. The emphasis on legal advice and precise boundaries highlights how law was used not to enable Sudanese sovereignty but to delimit it – ensuring that any legislative body would remain subordinate to the colonial administration’s constitutional red lines. Crucially, this quotation also points to the hierarchical logic of colonial constitutionalism, in which Sudanese political actors were positioned as apprentices to a British model of governance rather than autonomous agents shaping their own institutional future. The promise of self-government was thus tethered to a normative and procedural framework that reflected British legal-political ideals, rather than Sudanese historical or social realities. In this way, the conference’s recommendations anticipated the broader dynamics of Sudan’s constitutional development: formal structures of participation were granted, but substantive power – particularly over constitutional design and national sovereignty – remained tightly controlled.

The limited vision of parliamentary development laid out at the 1946 Sudan Administration Conference – emphasising British oversight, legal constraints, and the curtailment of Sudanese legislative authority – was institutionalised two years later through the creation of the Legislative Assembly in 1948. Although it included a small number of southern representatives, as a result of the Juba Conference of 1947,¹²³ the Assembly was dominated by northern elites, particularly members of the Umma Party and affiliated traditionalist figures.¹²⁴ The Graduates’ Congress, a nationalist coalition of educated Sudanese elites, and other prominent groups boycotted the Assembly altogether, condemning it as a colonial contrivance lacking popular legitimacy.¹²⁵ As

¹²² Sudan Administration Conference, *The First Report of the Sudan Administration Conference – Containing Their Recommendations for the Closer Association of the Sudanese with the Central Government of the Sudan*, 1946, SAD 518/6/25–26.

¹²³ The Juba Conference, held in June 1947, was the first formal meeting between southern Sudanese leaders and northern Sudanese and British officials to discuss the future political structure of Sudan. It was a colonial effort to integrate the South into a unified administrative framework ahead of independence. See: Ahmed El Awad Mohammed, ‘Militarism in the Sudan: The Colonial Experience’, *Sudan Notes and Records* 61 (1980): 15–26.

¹²⁴ Lutz Oette and Mohamed Abdelsalam Babiker, *Constitution-Making and Human Rights in the Sudans*, First issued in paperback, Routledge Research in Constitutional Law (London New York: Routledge, Taylor & Francis Group, 2020). 41–42.

¹²⁵ Mo, ‘Contested Constitutions: Constitutional Development in Sudan 1953–2005,’ (p.17).

one resolution passed within the Graduate Congress bluntly argued, British-led initiatives could no longer reflect the varying imaginings of the Sudanese people.¹²⁶ Despite these criticisms, the Assembly was tasked with preparing the foundations for a future constitutional order. Its most consequential initiative was the establishment of the Constitutional Amendment Commission in 1951. Composed of thirteen Sudanese representatives and chaired by a British legal expert, the Commission was intended to draft a framework for self-rule.¹²⁷ However, it too was mired in controversy. Members of the Ashigga political movement – linked to urban nationalist activists – and the Khatmiyya Sufi order refused to participate, viewing the body as an extension of British control rather than a genuine vehicle for Sudanese sovereignty.¹²⁸ Nevertheless, the Commission proceeded. By October 1951, it had produced a constitutional draft which the British authorities announced unilaterally – bypassing Egyptian input and further straining the already fragile Anglo-Egyptian Condominium relationship.¹²⁹ In official reports, British administrators in Sudan who oversaw the creation of the Constitutional Commission framed their work in deliberately ambiguous terms: ‘the Commission has achieved a great deal and made many important resolutions for a future constitution for the Sudan.’¹³⁰ Such phrasing, while outwardly celebratory, revealed little about the content of the draft or the unresolved tensions it had produced. The absence of broad-based political participation – including from southern constituencies, trade unions, and women’s groups – reflected the narrow parameters within the constitutional process was permitted to unfold. It remained, fundamentally, an elite-driven project.

The constitutional draft produced by the Commission ultimately laid the groundwork for the creation of the Self-Government Statute, enacted the following year.¹³¹ Presented by the British authorities as a milestone in Sudan’s path to self-rule, the Statute built upon the legal and institutional foundations laid since 1946, yet it did little to address the structural exclusions that had shaped the process from the outset. Instead, it translated its narrowly brokered political settlement into constitutional reform – prioritising stability, gradualism and imperial interests over broad-based participation or substantive reform. To understand the nature and implications

¹²⁶ Al-Teraifi, ‘Sudanization of the Public Service: A Critical Analysis,’ (p.124).

¹²⁷ Holt and Daly, *A History of the Sudan*, p.105.

¹²⁸ Mo, ‘Contested Constitutions: Constitutional Development in Sudan 1953-2005,’ (p.18).

¹²⁹ Holt and Daly, *A History of the Sudan*, p.105.

¹³⁰ "The Draft Self-Government Statute: Comments and Criticisms," Feature No. 94/52, Bulletin No. 443, 11 April 1952, *Sudan General Pamphlets 1952–1987*, Library of Congress.

¹³¹ Holt and Daly, *A History of the Sudan*, p.106.

of Sudan's transition to self-government, the Statute must be read not only as a legal instrument, but as a mechanism for consolidating a particular vision of state power.

The Self Government Statute, 1952

The Self-Government Statute, enacted on 23 April 1952, was the foundational moment in Sudan's late colonial trajectory – not because it marked the realisation of full sovereignty, but because it codified a vision of political transition that privileged a narrow spectrum of Sudanese elites while strategically preserving key levers of imperial control.¹³² Framed publicly as a bold step toward self-rule, the Statute was the legal culmination of a carefully managed process that began with the 1946 Administration Conference and passed through the restricted channels of the Legislative Assembly and Constitutional Amendment Commission. Drafted by a colonial administration increasingly concerned with containing Egyptian influence and forestalling mass mobilisation, the Statute represented not an open-ended experiment in democratic state-building, but a tightly circumscribed model of controlled devolution.

The Statute established a Sudanese-led Council of Ministers and a House of Representatives, formally transferring certain administrative powers from the British Governor-General to Sudanese officials. On the surface, this appeared to align with nationalist demands. However, beneath this appearance lay a constitutional architecture designed to safeguard British strategic and institutional interests. Crucially, the Governor-General retained broad discretionary powers, especially over security, foreign affairs and civil service. Article 2 of the Statute codified this duality of authority: 'The Government of the Sudan shall consist of a Council of Ministers, responsible to a House of Representatives, and a Governor-General who shall act in accordance with the advice of the Council in all matters other than those reserved to him.'¹³³ These 'reserved matters' were intentionally undefined in broad terms but implicitly encompassed the core functions of sovereignty. Article 13 reinforced this asymmetry by authorising direct consultation between the Governor-General and the British government: 'The Governor-General may, in any case which he considers of sufficient importance, submit a matter to her Majesty's Government for consultation and act in accordance with their advice.'¹³⁴ These clauses reveal the Statute not

¹³² Holt and Daly, *A History of the Sudan*, p.106.

¹³³ Self-Government Statute for the Sudan, 1952 (Khartoum: Public Service Commission, 1952), art. 2, JF(6)B143, London School of Economics and Political Science (LSE) Archives.

¹³⁴ Self-Government Statute for the Sudan, 1952 (Khartoum: Public Service Commission, 1952), art. 13, JF(6)B143, LSE Archives.

as a break from colonial governance, but as a transitional mechanism that maintained the imperial command structure beneath a veneer of national governance. The Statute offered symbolic recognition to Sudanese claims for autonomy while ensuring that the ultimate decision-making power—especially in times of crisis—remained in British hands. This arrangement was not accidental. In private correspondence and internal policy documents, British officials were candid about their motivations. A confidential memorandum from the Foreign Office to the Sudan Administration made clear that the primary aim of the Statute was to outmanoeuvre Egyptian influence and to ensure a favourable postcolonial order:

No one thinks the Sudanese ‘ready’ for independence but they see the best chance for the future of the country in enabling the more moderate elements to keep in control, rather than having to yield, not very much later, to extremist pressure. If the handover can take place with good-will and co-operation, the new regime will (it is hoped) not be blinded by the “national struggle mentality” to its need for outside help.¹³⁵

The ‘moderate elements’ referenced here were not representative of Sudan’s broader political and social realities. They were carefully selected intermediaries – primarily from the Umma Party and other religious notables – whose influence was cultivated through long-standing relationships with the colonial administration.¹³⁶ Their prominence in the new constitutional order was not simply a reward for loyalty, but a strategic attempt to stabilise the transition through actors perceived as predictable and manageable.

Beyond the asymmetries of executive authority and elite brokerage, the Statute also embedded a logic of legal continuity that restricted political contestation and suppressed alternative visions of statehood, even implicitly. Its emphasis on administrative order was matched by a deep suspicion of disruption or dissent. Article 29 granted the Governor-General the power to ‘dissolve the House of Representatives at any time,’ a provision that rendered parliamentary authority contingent on executive discretion.¹³⁷ This clause effectively weakened the legislature’s independence and acted as a constitutional safeguard against any radical reorientation of the political order. Moreover, Article 50 required that ‘any bill passed by the House of Representatives shall not become law until it has been assented by the Governor-General,’

¹³⁵ "Secret: Notes on Impression of Opinion in the Sudan, March 7th–18th, 1952," 1952, UKNA FO 371/96854, *Constitution for the Sudan*, UKNA.

¹³⁶ Ahmed Ibrahim Abushouk, ‘The Anglo-Egyptian Sudan: From Collaboration Mechanism to Party Politics, 1898–1956’, *The Journal of Imperial and Commonwealth History* 38, no. 2 (June 2010): 207–36, <https://doi.org/10.1080/03086531003743924>, (pp.223-225).

¹³⁷ Self-Government Statute for the Sudan, 1952 (Khartoum: Public Service Commission, 1952), art. 29, JF(6)B143, LSE Archives.

placing final legislative authority in the hands of a colonial appointee.¹³⁸ These articles reinforced a culture of legal paternalism in which representative institutions operated within a tightly bounded procedural framework. While political parties were permitted to operate, the legal structure discouraged ideological divergence and empowered the Governor-General to act as final arbiter in moments of uncertainty. In this sense, the Statute functioned not only to transfer limited power to Sudanese officials but also to define the permissible boundaries of political life in the late colonial state. It codified a narrow constitutional imagination.

British authorities were quick to declare the Statute a success. In a statement following its enactment, the Governor-General declared: 'I feel satisfied that in so doing [creating the Self-Government Statute], we have met the wish of the vast majority of Sudanese.'¹³⁹ On the surface, this echoed nationalist calls for self-rule. However, this statement reveals more about British strategic thinking than it does about Sudanese popular will. By conflating elite endorsement with mass approval, the Governor-General's claim masked the profound exclusions that continued to shape the transitional order. 'The vast majority' referred not to the diverse political and social make-up of the country, but to the sectarian leaderships and urban professional classes cultivated through decades of colonial patronage. Rather than a genuine rupture with the imperial past, the Statute functioned as a mechanism to preserve British influence through localised intermediaries. This conflation is further reflected in a telegram sent from an unnamed official from the Sudan Administration to the British Foreign Office:

It is too early yet finally to assess the reaction of Sudanese political opinion, but the immediate reaction appears very favourable, and both Umma and Socialist-Republican parties have expressed approval and there is evidence that a considerable portion of Khatamiyya opinion is favourably impressed.¹⁴⁰ The only critical comment so far has come from Ashigga newspaper which had, in any case, prejudged the issue by saying before that draft constitution was published that it could not accept anything produced by the present Sudan Government.¹⁴¹

The emphasis on party approval—and the swift dismissal of dissent—underscores how 'Sudanese political opinion' was selectively defined to suit the priorities of the outgoing colonial regime. The reference to the Ashigga newspaper is telling: its criticism is framed as illegitimate,

¹³⁸ Self-Government Statute for the Sudan, 1952 (Khartoum: Public Service Commission, 1952), art. 50, JF(6)B143, LSE Archives.

¹³⁹ 'Copy of News Telegram, JE File, 1015,' 1952, UKNA FO 371/96854, *Constitution for the Sudan*, UKNA.

¹⁴⁰ The Socialist Republican Party was primarily active in the early 1950s and was made up of urban professionals who were former Umma Party members that rejected sectarian politics. See: *Constitution for the Sudan*, UKNA.

¹⁴¹ 'Addressed to Foreign Office telegram No. 71 of 6th April,' 1952, UKNA FO 371/96854, *Constitution for the Sudan*, UKNA.

not because of its substance, but because it is perceived as having ‘prejudged’ the Statute. This reveals a broader pattern in colonial transition discourse: the presumption that reasoned critique – especially from actors outside the favoured elite consensus – was irrational, premature or disruptive. Such framing served to invalidate alternative visions of sovereignty and political community.

The Sudanisation of the Army and the Rise of Military Agency, 1952-1955

Perhaps the most structurally significant exclusion from the Self-Government Statute was that of the military. Despite the army’s centrality to the colonial state’s functioning—especially as an instrument of internal order and coercive legitimacy—it was conspicuously absent from both the Statute’s design and its deliberative process. No formal provisions addressed the future of the SDF, nor was there any meaningful effort to engage military perspectives in shaping the contours of Sudan’s impending sovereignty. This omission reflected a deliberate calculus: on one hand, British anxieties about politicised armed forces—particularly in the aftermath of the 1924 mutiny—and on the other, a dominant view among civilian elites that constitution-making was to be a legal-administrative enterprise, removed from the realm of coercive power. Yet this vision of a clean divide between civilian governance and military force was both idealistic and deeply flawed. By the early 1950s, the SDF had undergone profound transformation. It was no longer the apolitical colonial apparatus envisioned by British planners, but an increasingly Sudanised institution, populated by officers who were educated, nationally conscious, and attuned to the ideological currents sweeping the region – from Nasserism and Ba’athism to broader discourses of anti-colonial military modernism. For many within its ranks, the military was not simply an instrument of the state; it was a legitimate political actor with its own vision of Sudanese nationhood.

This emergent political consciousness within the army would have far-reaching implications. In the months following the Statute’s enactment, senior Sudanese officers began convening discreetly to discuss their institutional future. Their demands were straightforward but consequential: the acceleration of Sudanisation within the armed forces and the immediate replacement of British commanders with Sudanese officers.¹⁴² These internal discussions marked a critical turning point. What had been framed as a legal and civilian-led path to independence

¹⁴² al-Awad, *Sudan Defence Force: Origin & Role 1925-1955*, pp.106-107.

was now increasingly challenged by a military establishment beginning to assert itself – not merely as a guarantor of state security, but as a foundational stakeholder in postcolonial order. The British government, acutely aware of the rising pressure, began reassessing its timetable. As a Sudan Government report admitted in 1953: ‘In the view of changing political conditions in the country, including the possibility of fairly early constitutional changes, it was necessary to provide for the possible acceleration of Sudanisation.’¹⁴³ While this recognition is framed as pragmatic, it also underscores how constitutional transformation and Sudanisation had become intertwined. The military was no longer a background institution—it was now an object of, and participant in, political negotiations.

That same year, a 1953 memorandum from the Civil Secretary’s Office to the Foreign Office captured British concerns regarding the ambitions of the SDF: ‘The Sudanisation of the Defence Force, if pursued prematurely, will not only undermine military discipline but will encourage further political demands from quarters presently excluded from the constitutional process.’¹⁴⁴ This acknowledgement reveals how military exclusion was both strategic and fraught, rooted in colonial anxieties about the politicisation of coercive institutions. Furthermore, these anxieties reveal how the military was increasingly seen not only as a security force but as a node of political potential capable of reshaping the logic of transition itself. By 1954, this potential began to materialise. In a meeting of the Sudanisation Committee on 13 March 1954, British and Sudanese actors openly debated the reconfiguration of the SDF. According to records cited by Ahmad al-Awad, British commander Reginald Scoones noted that there were officer shortages in Sudan in the run up to independence. In response to this, he approved a major expansion of the SDF – from 4,567 to 6,967 men – including eight new infantry companies and full brigade structures including artillery, engineers, and logistic units.¹⁴⁵

The rationale for this expansion was military on the surface, but it carried deep political implications. Most notably, senior Sudanese officers attending secret meetings with British authorities – including Ab Allah al-Siddiq, Ahmad Rida Farid, Hassan Bashir Nasr, al-Maqbul al-Amin al-Haj, and Ibrahim Abboud – pressed not only for increased representation but for fundamental redefinition of military command. Abboud, who acted as the group’s spokesperson and who would launch a successful coup d’état four years later, insisted on the immediate

¹⁴³ Sir John Carmichael, "Papers Related to the Sudanisation and Compensation of Expatriates," 1953, SAD 992/1/3.

¹⁴⁴ Civil Secretary’s Office to Foreign Office, ‘Memorandum on Sudanisation and the Defence Force’, 1953, FO 371/96854, UKNA.

¹⁴⁵ Al-Awad, *Sudan Defence Force*, pp.99-100.

Sudanisation of key posts and requested that officer training be reduced from two years to 18 months to accelerate the transition.¹⁴⁶ This insistence was not bureaucratic but ideological: the army, too, was articulating a vision of national sovereignty in which it played a central and autonomous role. The eventual agreement of the British to shorten the training period and the insistence from the army officers for rapid Sudanisation marked a significant moment. It showed that Sudanisation could no longer be managed solely from above or restricted to elite civilian institutions. The army had developed its own ‘socio-technical imaginaries,’ to borrow Alden Young’s formulation, in which military control over coercive infrastructure was essential to national independence.¹⁴⁷ As Young argues, the Sudanese political class made their visions of sovereignty visible not only through rhetoric but through institutional interventions.¹⁴⁸ The military’s mobilisation around Sudanisation, then, was an assertion of one such vision: to claim legitimacy not as enforcers of colonial command but as architects of national destiny.

Ultimately, Sudan’s decolonisation was not a linear or uniformly civilian-led process, but one marked by dual and often competing trajectories: the formal, legalistic path of constitutional reform, and the parallel assertion of political agency by the military. While the Self-Government Statute and its antecedent institutions – such as the Legislative Assembly and the Constitutional Commission – consolidated elite civilian authority through carefully curated mechanisms of Sudanisation, they also exposed the structural exclusions upon which the process was built. Chief among these was the side-lining of the army from formal constitutional deliberations. Yet, rather than remaining peripheral, the SDF actively negotiated its role within the emerging postcolonial order. Through secret meetings, institutional pressure, and a reimagining of its own purpose, the military transformed Sudanisation from an imperial exit strategy into a platform for asserting national sovereignty. Their success in forcing concessions – such as the shortening of training periods and the rapid expansion of Sudanese command – signalled not only their institutional strength but their entrance into the constitutional imagination of the state. As Sudan approached independence in 1956, the political terrain had already been reshaped by this dual process. The military’s path to power was not an aberration but a product of its early engagement with, and eventual intervention in, the nation’s legal and political transition. The seeds of postcolonial military intervention were thus sown not after independence, but during it – through a Sudanisation process that simultaneously empowered and destabilised the fragile architecture of civilian rule.

¹⁴⁶ Al-Awad, *Sudan Defence Force*, pp.99-100.

¹⁴⁷ Young, *Transforming Sudan*, p.117.

¹⁴⁸ Young, *Transforming Sudan*, p.117.

CHAPTER 2: AUTHORITARIAN CONSTITUTIONALISM AND MILITARISED SUDANISATION UNDER IBRAHIM ABOUD (1958-1964)

The Abboud regime's brief but consequential rule (1958-1964) reveals how constitution-making under military control functioned not as a mechanism for democratic transformation, but as an instrument for authoritarian consolidation. The regime's manipulation of legal and institutional frameworks enabled it to suspend participatory politics, centralise power, and redefine the terms of political legitimacy. At the same time, the era witnessed the emergence of varied constitutional imaginaries – articulated by students, workers, southern political actors, and civil society organisations – that challenged the regime's authority and reasserted the role of the public in shaping Sudan's political future. These movements treated constitutional issues – such as freedom of speech, association, and federalism – not merely as legal abstractions but as urgent demands grounded in lived experience.

In contrast, Abboud's regime developed tutelary Sudanisation along militarised and authoritarian lines. Originally a colonial project for transferring administrative power to a narrow elite, Sudanisation was appropriated by the military as a tool for political control. Constitution-making, under this logic, became a staged process aimed at legitimising the regime and maintain order – first through the suspension of constitutional dialogue following the 1958 coup, and later through carefully orchestrated efforts to revive it under the guise of national reform. This chapter traces how these competing visions of constitutional order collided. It examines how the regime attempted to use constitutional rhetoric and selective reforms to maintain power, and how different actors mobilised alternative imaginaries to demand a more inclusive and democratic political future. In doing so, it highlights the central role of constitution-making as a site of contestation in postcolonial Sudan – a terrain shaped by competing constitutional imaginaries.

Constitutional Conditions and the Military's Authoritarian Turn

A close reading of the constitutional conditions preceding the 1958 military takeover – Sudan's first experience of direct military rule – reveals how the Abboud regime was able to dramatically alter the trajectory of the country's constitutional development. By reconfiguring the framework of Sudanisation, the military asserted itself not merely as a coercive apparatus but as a central political actor capable of defining national legitimacy. Contrary to narratives that portray the Abboud regime as devoid of constitutional vision or ideological innovation, the period between

1958 and 1964 demonstrates a more complex picture.¹⁴⁹ The regime strategically undermined participatory constitution-making and presented its own conception of statehood – rooted in order, stability, and military guardianship – as a necessary corrective to the perceived failures of parliamentary politics. This understanding compels a reconsideration of the ideological assumptions underlying Sudanese authoritarianism. While the regime undoubtedly relied on coercive instruments and administrative decrees, its legitimacy was also premised on an implicit constitutional logic: that the military was uniquely positioned to safeguard national unity and overcome the factionalism that plagued the postcolonial state. Abboud's failure to institutionalise this vision through a permanent constitutional framework – particularly in the face of mounting southern resistance and growing demands for political liberalisation – was central to the regime's eventual downfall in the October Revolution of 1964. Yet, in its earlier phase, the regime's annulment of existing constitutional debates allowed it to exploit the legal vacuum and entrench military authority under the guise of national stewardship.

The 1958 military coup did not initially present itself as a radical break from the constitutional order. Rather, the Abboud regime framed its intervention as a corrective to a dysfunctional political system, invoking themes of national salvation, order and efficiency. This shift – namely the transformation of the military from a temporary stabilising force into a self-legitimising political authority – was the anchor of tutelary Sudanisation under this regime. This process was implemented hastily and selectively, empowering a narrow stratum of Arab-Muslim, educated elites from northern Sudan while excluding vast segments of the population. Constitution-making was central because constitutional debates led by political elites were halted, and the process was now directed by the military. In this light, the regime's suspension of parliamentary politics and the annulment of constitutional debate was not a rejection of constitutionalism itself, but an attempt to monopolise it – recasting the military not merely as the guardian of the state, but as its sole constitutional director.

Political infighting and early constitutional developments: the colonial character of the Self Government Statute

The constitutional conditions prior to the 1958 military coup centred on the Self-Government Statute and the constitutional negotiations undertaken by the transitional parliamentary government led by Ismail al-Azhari and the National Unionist Party (NUP). This period marked the emergence of post-colonial Sudan's first constitutional crisis – a contest over state authority,

¹⁴⁹ Badri, 'A Critical Analysis of the Evolution of Constitutions in Sudan', (p.11).

legitimacy and representation that exposed the fragility of the postcolonial political order. The debates that ensued reflected a deeper structural tension: between the inherited frameworks of colonial administration and the competing aspirations for the post-colonial period. Scholars of Sudan's early independence period have consistently underscored this tension, arguing that the absence of a consensus on fundamental questions – such as federalism, minority inclusion, and the distribution of executive power – undermined the viability of the new state.¹⁵⁰ Political elites, largely drawn from northern urban and religious networks, dominated the constitutional process debating what a permanent constitution for Sudan should look like. The military, observing the fragmentation of parliamentary governance and the inability to come to a unified political vision, later capitalised on these weaknesses to justify the 1958 coup d'état as a necessary intervention to preserve national stability.

At the heart of these postcolonial constitutional debates was the Self-Government Statute, a British-designed transitional arrangement that formalised Sudan's internal autonomy and initiated the phased withdrawal of foreign powers. While the Statute was often presented as a precursor to independence, it functioned primarily as a mechanism to safeguard British strategic interests. It vested overriding authority in the office of the Governor-General, who acted both as the Supreme Constitutional Authority and the Commander-in-Chief of the Sudanese Defence Force.¹⁵¹ This institutional design reflected a broader logic of tutelary politics, whereby postcolonial frameworks appeared to devolve authority to local actors while retaining structural mechanisms of external control – anchoring colonial assumptions that Sudanese political actors required supervision and guidance from colonial authorities.¹⁵² A document addressed to the Foreign Office from the Sudan Administration noted that there is a need to position 'suitable political candidates' in the forthcoming Sudanese government.¹⁵³ This was an explicit indication that the decolonisation process was to be tightly managed to ensure continuity with colonial priorities. In this sense, the Statute allowed Sudanese politicians to perform functions of parliamentary governance while sovereignty and constitutional authority remained aligned with colonial administrative logic.

¹⁵⁰ Badri, 'A Critical Analysis,' (p.11).

¹⁵¹ Holt and Daly, *A History of the Sudan*, p.117.

¹⁵² Justin Willis, 'Document Number Five: Elections and Tutelary Politics in Uganda, 1967–1971*', *The English Historical Review* 138, no. 590–591 (1 February 2023): 281–306, <https://doi.org/10.1093/ehr/cead080>, pp.281-283.

¹⁵³ The Sudan Government, *Constitutional Changes in the Sudan: A Scheme of Compensation for Expatriate Officials*, 1953, SAD 992/1/3.

Upon formal independence in January 1956, and the final withdrawal of British and Egyptian personnel, the office of the Governor-General was dissolved. In its place, a five-member Sovereignty Council (*Majlis al-Siyada*) was established as a collective head of state.¹⁵⁴ This shift marked the formal end of colonial authority, but the institutional legacies of the Statute endured. The Self-Government Statute was retained as the interim constitution, but the postcolonial government continued to operate within the same structural constraints – an elite-dominated Westminster-style parliamentary system that privileged procedural governance over substantive inclusion. The political class that inherited this system had limited incentive to radically restructure it. Furthermore, although there was a general consensus among major political parties to draft a permanent constitution, the process was marred by inter-party rivalries, regional exclusion, and the absence of a unified national vision.¹⁵⁵ For Ibrahim Bedri, Secretary General of the Socialist Republican Party (SRP), these tensions were evident and dangerous. In a public statement, he emphasised:

There were many occasions when the national duty necessitated that all parties should unite but because of the deeply rooted sectarianism nothing of the sort has taken place. This state of affairs made the national cause of secondary importance as compared to the sectarian sentiments.¹⁵⁶

While Bedri's perspective was influenced by his break from sectarian politics and involvement with the SRP, his comments highlight the extent of political infighting during the transitional period. These unresolved tensions would ultimately form the backdrop against which the military seized power in 1958, claiming that only the armed forces could provide the unity, order and constitutional direction that civilian elite had failed to deliver.

Constitutional Fragmentation and the Conditions for Military Intervention, 1956-1958

Transitional periods, as scholars of civil-military relations have noted, often provide unique openings for military intervention, especially when civilian leadership is perceived as divided, ineffective, or incapable of articulating a coherent vision for state-building.¹⁵⁷ In Sudan's case, the absence of a binding constitutional framework and the failure of political elites to resolve key national questions gave the military both motive and opportunity to intervene. General Ibrahim

¹⁵⁴ Mo, 'Contested Constitutions,' (p.26).

¹⁵⁵ Self-Government Statute, 21 March 1953, Anglo-Egyptian Agreement, Legal Advisor's Copy, 1953, SAD 736/4.

¹⁵⁶ Statement by the Socialist Republican Party, 1953, SAD 534/11/7–8.

¹⁵⁷ Hager Ali, Salah Ben Hammou, and Jonathan M. Powell, 'Between Coups and Election: Constitutional Engineering and Military Entrenchment in Sudan', *Africa Spectrum* 57, no. 3 (December 2022): 327–39, <https://doi.org/10.1177/00020397221136581>, p.338).

Abboud's coup in November 1958 was not simply a reaction to elite weakness, but an act of political redefinition—one that aimed to re-centre the army within the very project of Sudanese statehood.

An analysis of the period between 1956 and 1958 reveals deep fractures within the elite political class. While Ismail al-Azhari's National Unionist Party initially formed a post-independence government committed to economic development, education reform, and national integration, its reformist agenda was quickly derailed. By 1957-58, global economic downturns and shrinking commodity revenues – particularly from cotton – undermined the government's fiscal capacity.¹⁵⁸ At the same time, growing southern demands for federalism were repeatedly excluded from constitutional and parliamentary discussions. Southern politicians, who had already been marginalised in the Sudanisation process, were now further alienated by the dominant parties' refusals to accommodate their calls for decentralised governance.¹⁵⁹ These ideological and regional cleavages meant that Sudan's constituent assembly, established in 1956, was mired in mistrust from the outset.

The constituent assembly, dominated by al-Azhari's NUP and later by Abdallah Khalil's Umma Party, failed to serve as a unifying forum for constitutional development. Al-Azhari's government collapsed within months, giving way to Khalil's premiership. While Khalil continued constitutional discussions, the process remained paralysed. As Khalil confided to British constitutional adviser, Ivor Jennings, in a private conversation later relayed to the British Foreign Office, the constitutional crisis stemmed not only from inter-party hostility but also from intractable questions surrounding the religious character of the state, the treatment of non-Muslim southerners, and the nature of executive authority.¹⁶⁰ The religious-secular divide was particularly contentious, as competing visions emerged over whether Sudan should become an Islamic republic or maintain a more secular framework inherited from the colonial legal order. Khalil's insights reveal not simply a breakdown in political consensus, but a deeper crisis over the ownership and direction of the ongoing Sudanisation process. Formally, the transfer of political and administrative authority to Sudanese nationals had been completed by the time of independence. But conceptually, Sudanisation remained a site of active contestation. Political

¹⁵⁸ Holt and Daly, *History of the Sudan*, p.116.

¹⁵⁹ 'Clash between the Northern and Southern Members of the Sudanese Parliament over the New Constitution,' 1958, FCO 28/5/58, UKNA.

¹⁶⁰ Foreign Office to Sir Ivor Jennings: Sharing Sudanese Thanks for Agreeing to Support Constitutional Difficulties, 1958, FCO 06/20/58, UKNA.

elites from different ideological camps shared a belief in their right to define the postcolonial state, yet they failed to agree on what Sudanisation should mean in practice.

These unresolved constitutional conflicts – over federalism, religion, and political authority – left Sudan's parliamentary institutions vulnerable to military exploitation. The army, increasingly alienated from civilian politics and frustrated by the political impasse, began to see itself as the only actor capable of safeguarding the integrity of the state. In this view, the military did not simply intervene to 'rescue' the nation from crisis; it intervened to assert its own custodianship over the constitutional future of Sudan. As such, the 1958 coup was not merely reactive but ideologically framed. Ibrahim Abboud's own reflections underscore this. In a broadcast on Omdurman Radio shortly following the coup, he declared:

A change in regime was inevitable, and I was certain that nothing would change unless a coup was staged. In fact, this was the general belief. People asked me to have the army intervene and stage a coup. One enthusiast even told me that I would not require more than 20 soldiers to carry out the coup. However, I did in fact stage the coup with 6,000 soldiers. The people responded and nothing happened.¹⁶¹

Abboud's emphasis on popular expectation – 'this was the general belief' – reflects not only the military's self-perception as the stabilising force but also its appropriation of a public mandate. His framing of the coup as a necessary, even inevitable, correction to elite failure reveals how the military sought to legitimise its political and constitutional role. Furthermore, Abboud justified the cessation of constitutional processes by appealing to the failures of civilian leadership and the urgency of national salvation:

As a natural reaction, the Sudanese Army and security forces had no alternative but to take over in order to put an end to the chaos and restore peace and order for Sudanese and foreigners alike. Praise be to Allah your loyal army has today carried out a peaceful move which, it is hoped will be the turning point towards stability and clean administration. I am confident that every well-wisher of the Sudan will welcome it.¹⁶²

This language does critical political work. Abboud frames the coup as a 'natural reaction' – a biologically inevitable response to political dysfunction – thereby depoliticising what is, in fact, a deeply political intervention. His insistence that there was 'no alternative' positions the military as reluctantly compelled into action, absolving it of ambition or premeditation. The repeated use of possessive and emotive language – 'your loyal army' – constructs a narrative of trust and moral authority, designed to invoke a shared national identity and legitimise the seizure of power.

¹⁶¹ 'Statements by Gen. Abbud.' Middle East News Agency, November 29, 1958. *JWB*, December 1, 1958: 5–6.

¹⁶² Khālid, *The Government They Deserve*, p.169.

In doing so, the military not only halted constitutional progress but claimed the moral high ground in defining Sudan's political future. However, reception of the coup was far from uniform. Sections of the northern urban middle class, parts of the civil service, and business elites—many of whom were disillusioned with the instability and factionalism of parliamentary politics – welcomed the coup as a return to order.¹⁶³ For these groups, Sudanisation had come to represent political stagnation rather than meaningful autonomy, and the military's promise of 'clean administration' offered a more technocratic and disciplined alternative. However, these hopes were quickly challenged as the regime's authoritarian character became apparent.

After gaining power, popular sovereignty was effectively usurped by the Supreme Council of the Armed Forces (SCAF) – a thirteen-member body chaired by Abboud. While the regime claimed to act in the name of the people, there was no electoral or consultative mechanism by which legitimacy was granted.¹⁶⁴ The notion of sovereignty became conflated with control; the military substituted institutional representation with hierarchical command. In this context, the language of popular sovereignty was largely symbolic – used to legitimise military rule while bypassing actual mechanisms for popular participation. The consolidation of this authoritarian rule proceeded rapidly, in a second radio address, Abboud declared:

As the security forces have taken over the reins of the Government, and in order for them to be able fully to perform their duties, I order the following to be carried out immediately: (1) the dissolution of all political parties; (2) prohibition of gatherings, processions, and demonstrations in all Sudanese provinces; (3) suspension of the press pending an order from the Ministry of the Interior. The army authorities ask all citizens to carry this out with good spirit. They also warn those who may think of disturbing the peace that they will not refrain from impacting the severest punishments against them.¹⁶⁵

This declaration formalised the regime's authoritarian turn. The dissolution of political parties, suspension of the press, and prohibition of public assembly eliminated the basic infrastructure of democratic life. Abboud's dual invocation of discipline and goodwill – asking citizens to comply 'with good spirit' while threatening 'severest punishments' – speaks to the regime's paradoxical self-image as both a paternalistic guardian and coercive enforcer. The use of emergency powers in this context was not just a response to political instability but a deliberate strategy to prevent the re-emergence of pluralist politics. The army did not simply fill the vacuum left by political parties; it redefined what postcolonial governance could look like. In this context, Sudanisation

¹⁶³ Berridge, *Civil Uprisings*, p.15.

¹⁶⁴ Berridge, *Civil Uprisings*, p.15.

¹⁶⁵ 'Lieut. Gen. Abbud's Proclamation.' *Appendix K: The Sudan*, SWB, 1958: ME/185/A/12.

came to mean technocratic efficiency. By exploiting the constitutional deadlock and disenchantment of the late 1950s, the military presented itself as the sole actor capable of delivering national stability on its authoritarian terms.

Alternative Imaginaries and Constitutional Issues

The abrupt termination of participatory constitution-making and the emergence of authoritarian governance during the early years of General Ibrahim Abboud's rule were central to asserting a vision of tutelary Sudanisation. Rather than abandoning the state-building project altogether, the military sought to monopolise it – recasting Sudanisation not as a process of broad-based national integration, but as the imposition of a centralised political vision rooted in northern, Arab-Islamic norms. This redefinition of Sudanisation was accompanied by the systematic dismantling of varied political spaces and the repression of alternative imaginings of the postcolonial Sudanese state. With political parties banned and dissent criminalised, the regime positioned itself as the sole interpreter of the national will, legitimising its authority through both coercion and propaganda. While Berridge argues that Abboud's regime lacked a coherent ideological project comparable to the radical Arab nationalist regimes of Nasser's Egypt or Qasim's Iraq, this assessment overlooks the ideological significance of the regime's approach to Sudanisation.¹⁶⁶ Though less overtly articulated, Abboud's was a top-down ideological project that sought to assert military guardianship over the state's cultural, political, and religious foundations. Rather than appealing to revolutionary populism, the regime advanced a technocratic authoritarianism: a vision of statehood grounded in discipline, national unity, and developmentalist rhetoric, enforced through repression and propagated via tightly controlled media narratives.

Following the 1958 coup, the SCAF ruled without a constitution, parliamentary oversight, or an electoral mandate. In this constitutional vacuum, the regime swiftly suppressed dissent and centralised power. Abboud presented the military as the antidote to political chaos. However, the measures undertaken by the regime suggest that order was imposed not through consensus but through coercion. The banning of political parties, curbing of press freedoms, and persecution of opposition figures marked the beginning of a broader campaign to silence pluralism and assert military primacy in all spheres of governance. This prompted significant resistance from

¹⁶⁶ Berridge, *Civil Uprisings*, p.16.

opposition parties, many of which had been excluded from the political arena they believed they helped shape. In a statement directed at the regime, a coalition of politicians, including Sadiq al Mahdi, Ismail al Azhari, Mohamed Hamed Maghoub, among others, stated:

The people, who know that the Government is not an Army function, waited patiently when the Army took over the reins of power and its Commander in Chief declared his action was a temporary measure. They waited patiently in order to reap the fruits of that measure.¹⁶⁷

This quotation reveals a critical inversion – while Abboud consistently invoked ‘the people’ to justify military rule, political parties also appealed to the popular will to challenge it. Both sides claimed to represent the nation, yet the military refused to subject its vision to party deliberation, while the parties themselves represented narrow bases of elite politicians. As such, both the military and elite politicians seemed to clash over who represented ‘the people.’ This also underscores the contested nature of postcolonial sovereignty in Sudan, where both military and political elites sought to define the locus of legitimate authority.

Alternative Imaginings and the Struggle Over Sudanisation

The authoritarian turn under Abboud’s military regime generated a proliferation of alternative imaginings – alternative visions for Sudan’s constitutional future articulated within and beyond the formal political sphere. These visions were far from monolithic. While opposition political parties envisioned a return to elite-driven parliamentary politics, other actors – especially trade unions, student networks, and workers’ organisations – began formulating more bottom-up approaches. These perspectives shared a rejection of the army’s tutelary Sudanisation but diverged in their aspirations. This plurality of resistance reflected Sudan’s complex and contested political landscape. Not only were there competing imaginaries between elite and non-elite actors, but even within each camp, debates over the future of governance, federalism, secularism, and economic justice were highly differentiated. These tensions underscore the extent to which Sudanisation remained an open and unfinished project in the 1950s and 60s, subject to active renegotiation from above and below.

One dominant alternative to the military’s vision came from the political elites who had governed during the parliamentary period (1954-58). Although previously beset by their internal

¹⁶⁷ ‘Memorandum Sent to the President and Members of the Supreme Council of Armed Forces of the Republic of Sudan by Opposition Parties,’ 1960, SAD 314/9/17.

contradictions, these parties – especially the Umma Party and the NUP – found renewed unity in their opposition to Abboud’s military regime. Their critique of the junta coalesced around two interrelated demands: removing the military from politics and restoring democratic constitutional governance. This is expressed in the 1960 memorandum submitted to Abboud and the SCAF. Signed by prominent opposition figures, including Sadiq al-Mahdi, Ismail al-Azhari, and Abdullah Khalil, the document urged a return to civil rule. It warned of the dangers of prolonged authoritarianism. It stated:

Two whole years of military rule have elapsed. They were characterised by the concentration of powers in the hands of a few men, the absence of civil and other democratic liberties and by the consequent inability of the Press to express public opinion.¹⁶⁸

This critique foregrounded the erosion of political plurality and the silencing of public discourse. The references to ‘democratic liberties’ and ‘public opinion’ invoked a liberal political imaginary in which the press, literature, and public debate are key vehicles of constitutional accountability. The elite parties casted themselves as legitimate stewards of such a vision – rooted in the norms of parliamentary politics and familiar to the educated, urban electorate of the postcolonial centre. Their rejection of the army’s constitutional role was even more explicit: ‘It is indeed right that the army should be kept away from the political currents so that its neutrality will remain intact to enable it to devote itself entirely to the defence and safety of the nation.’¹⁶⁹ Here, the opposition parties contested the military’s redefinition of Sudanisation, arguing that the army’s involvement in political life fundamentally compromised national sovereignty and distorted the postcolonial order. Yet their argument was not without contradiction. The very parties advocating a return to parliamentary rule had themselves failed to resolve core constitutional dilemmas before the 1958 coup – including questions of federalism, religion, and civil liberties.¹⁷⁰ Moreover, deep divisions between the parties, rooted in ideological rivalry and mutual suspicion, had contributed significantly to the instability of the parliamentary era.¹⁷¹ Their appeal, then, was not for a radically new order, but for the restoration of an elite-driven status quo.

¹⁶⁸ Memorandum sent to the President and Members of the Supreme Council of Armed Forces of the Republic of Sudan by Opposition Parties, 1960, SAD 314/9/17.

¹⁶⁹ Memorandum sent to the President and Members of the Supreme Council of Armed Forces of the Republic of Sudan by Opposition Parties, 1960, SAD 314/9/17.

¹⁷⁰ ‘Clash between the Northern and Southern Members of the Sudanese Parliament over the New Constitution,’ 1958, FCO 28/5/58, UKNA.

¹⁷¹ Lesch, *The Sudan*, p.72.

In contrast to this elite-centric vision, a more radical critique of the regime emerged from within the labour movement. Following the banning of trade unions and the Sudan Workers' Trade Union Federation (SWTUF) in the late 1950s, workers' organisations went underground and began to rearticulate their political demands through education and mutual aid networks. Among the most important of these was the Workers' Education Union, a federation composed of the Industrial Workers' Union, Agricultural Workers' Union, Service Employees' Union, and Public Sector Workers' Union.¹⁷² It was founded as a non-partisan initiative to raise workers' political consciousness and equip them with the tools for civic engagement. A 1959 booklet published by the Workers' Education Union offers a unique window into this alternative imagination. The publication promoted worker solidarity, civic rights, and education as central to national renewal. Rather than calling for a return to parliamentary rule, it outlined a vision of Sudanisation rooted in political inclusivity and economic justice.¹⁷³ One of its key arguments was that workers had both the right and the obligation to 'unionise and cooperate with one another, and enjoy their full rights as citizens.... Education is a right and necessity... We offer training in Sudanese affairs, legal awareness, and social responsibility.'¹⁷⁴ This discourse was significant for several reasons. First, it redefined political participation not as elite deliberation in parliamentary chambers, but as collective organising in workplaces in neighbourhoods. Second, it framed unionisation not simply as a labour issue, but as a constitutional one: a matter of rights and citizenship. Third, it invoked education as a vehicle for political transformation, calling for training in Sudanese affairs, legal awareness, and social responsibility. In doing so, the Workers' Education Union offered a bottom-up vision of statehood. By emphasising collective agency, the union's proposal was not simply a critique of authoritarianism, but a rejection of the narrow postcolonial order that had emerged after independence.

Army responses

As underground networks, labour unions, and exiled political parties articulated increasingly coherent and competing visions for Sudan's political future, the Abboud regime responded not simply with repression, but with selective institutional innovation. In a bid to diffuse dissent while reasserting its authority, the military regime launched a series of constitutionally framed initiatives aimed at local governance reform and political restructuring. These efforts did not signal a genuine commitment to democratisation or decentralisation, but rather reflected the

¹⁷² 'Workers' Education Union: Co-operatives,' [1959], EAP218/24/26, British Library.

¹⁷³ 'Workers' Education Union: Co-operatives,' [1959], EAP218/24/26, British Library.

¹⁷⁴ 'Workers' Education Union: Co-operatives,' [1959], EAP218/24/26, British Library.

regime's attempt to reframe its authoritarian rule within the familiar language of constitutional progress. This strategy exemplifies a colonial logic – attempting to consolidate central control while appearing to accommodate local participation and civic control. In doing so, the military drew not only on its own post-coup ambitions but on longstanding colonial precedents, thus reaffirming a vision of tutelary Sudanisation.

In 1959, General Abboud commissioned a committee under Chief Justice Muhammad Ahmad Abu Rannat to explore avenues for local government reform.¹⁷⁵ Ostensibly designed to enhance public participation as a precursor to constitutional reform, the initiative culminated in a three-tiered system of rural, municipal, and provincial councils. These reforms were introduced through key ordinances: the Provincial Administration Act of 1960, which granted advisory powers to rural, municipal, and provincial councils on local matters; the Local Council Act of 1962; and the Central Council Act of 1962.¹⁷⁶ The system was supervised by a constitutional commission formed in 1961, which proposed the establishment of a Central Legislative Council consisting of 72 members—52 elected indirectly through the provincial councils, and 18 appointed by the President. Unsurprisingly, these councils were overwhelmingly populated by army officers and regime loyalists.¹⁷⁷ This form of decentralisation echoed British colonial policy from the late 1930s and 1940s, when the Anglo-Egyptian administration had attempted to implement indirect rule through local tribal authorities and native administration systems.¹⁷⁸ Like the colonial approach, Abboud's initiative nominally empowered local bodies while retaining real power at the centre. The institutional architecture bore a striking resemblance to earlier colonial efforts to manage diversity and defuse nationalist demands without ceding substantive control. Thus, what was presented as constitutional reform was, in practice, a centralised mode of governance disguised in the language of participatory development.

The regime's discourse around these initiatives further reveals the colonial underpinnings of tutelary Sudanisation. Speaking at a conference in Berlin, the Director of Local Government for Sudan claimed that 'local authorities in Sudan derive their existence from the Central Government, subject to common law but they are not agents for the Central Government.'¹⁷⁹

¹⁷⁵ Niblock, *Class and Power*, pp.222-223.

¹⁷⁶ Khālid, *The Government They Deserve*, p.117.

¹⁷⁷ Khālid, *The Government They Deserve*, p.117.

¹⁷⁸ Ahmed Mustafa Elhussein, 'The Revival of "Native Administration" in the Sudan: A Pragmatic View', *Public Administration and Development* 9, no. 4 (1989): 437–46, <https://doi.org/10.1002/pad.4230090409>, (pp.438-439).

¹⁷⁹ Address by the Director of Local Government at the Conference of International Unions of Local Authorities, held in Berlin on 10 June 1959, SAD 314/9/6–13.

On the surface, this assertion attempted to draw a distinction between local autonomy and central control. Yet, in reality, it masked the continued subordination of local structures to military authority. The idea that local authorities could exercise meaningful independence was undercut by the fact that provincial councils had only advisory powers, while executive authority remained in the hands of unelected officials.¹⁸⁰ This discursive strategy was not without ideological purpose. In the same conference address, the Director added that the local government system had ‘a special identity of its own, expressing the Sudanese personality and a way of life.’¹⁸¹ At one level, this may be read as empty rhetoric, a nationalist veneer over what was effectively a military-run bureaucracy. Yet it also speaks to the regime’s ambition to redefine national identity in line with its own centralising project. By invoking the idea of a unique ‘Sudanese personality,’ the military positioned itself as both guardian and arbiter of authentic nationhood. In effect, the regime deployed cultural nationalist tropes to legitimise what remained a top-down form of governance, thereby extending tutelary Sudanisation beyond political exclusion to the realm of identity formation.

Despite the regime’s rhetorical emphasis on participation and unity, its local governance programme failed to gain widespread acceptance. Political parties, still banned but increasingly coordinated through the National Front, urged the Sudanese public to boycott these reforms.¹⁸² Simultaneously, in southern Sudan, opposition intensified. Local councils in the Southern region were consistently under-resourced and held no real authority, further alienating southern constituencies that had long demanded federalism.¹⁸³ So while the council system may have created the appearance of institutional plurality, it failed to open genuine channels for political expression or local autonomy. The advisory nature of the Councils meant that key decisions continued to be made by centrally appointed officials. Therefore, the system not only failed to address disparities, but reproduced the very hierarchies that existed during the colonial era.

¹⁸⁰ Ali, Ben Hammou, and Powell, ‘Between Coups and Election,’ (p.335).

¹⁸¹ J.N. Lawrence, UN Economic Commission for Africa, File 2: Country Paper, *Seminar on Central Services to Local Government*. ‘The New Local Government in the Sudan,’ a lecture delivered at the Sudan Armed Forces Staff School on 4 April 1964 by Sayed Ali Hassan Abdalla, Under Secretary, Ministry of Local Government, SAD 381/2/101–120.

¹⁸² Holt and Daly, *A History of the Sudan*, pp.120–121.

¹⁸³ J.N. Lawrence, UN Economic Commission for Africa, File 2: Country Paper, *Seminar on Central Services to Local Government*. ‘The New Local Government in the Sudan,’ a lecture delivered at the Sudan Armed Forces Staff School on 4 April 1964 by Sayed Ali Hassan Abdalla, Under Secretary, Ministry of Local Government, SAD 381/2/101–120.

In authoritarian settings, constitutional reform and decentralisation initiatives are often less about democratisation than about the performance of legitimacy. As Ginsburg and Simpser argue, constitutions provide autocratic regimes with ‘normative properties’ – a symbolic architecture through which rulers can claim legal and moral authority, regardless of actual political pluralism.¹⁸⁴ These properties include public visibility, formalised references to rights, and the mobilisation of constitutional language to signal accountability and state responsiveness. Such strategies are especially common during periods of internal dissent or declining legitimacy, when regimes must appeal to symbols of order, legality, and national unity in order to maintain control. Abboud’s regime, confronted with mounting opposition, turned to constitutional performance to stabilise its rule. The establishment of the constitutional commission in 1961, alongside the rollout of the local governance ordinances, was part of this broader political project. While some, such as Abdel Salam and de Waal, have argued that there was a genuine attempt to build viable institutions at the local level, this must be understood within the context of Abboud’s broader authoritarian strategy.¹⁸⁵ The local governance system was less a democratic innovation than a state-sanctioned response to growing demands for political participation. In this sense, it reflected the regime’s commitment to a colonial model of Sudanisation – centralised control masked by decentralised rhetoric.

Abboud’s regime also used constitution-making as a mode of political communication. In its public rhetoric, the military presented the constitutional commission and the local governance councils as evidence of a new era of popular participation and unity. Government-controlled press praised local government as a mechanism for bringing people together. A government publication, published in 1960, proclaimed: ‘We have secured the country’s unity and ensured cooperation around citizens,’ directly linking local governance to national cohesion.¹⁸⁶ This narrative was further reinforced by Abboud himself, who regularly invoked constitutional development as both a duty and a marker of state success. In a 1963 address, he declared that it has always been the responsibility of the government ‘to protect the rights and obligations of

¹⁸⁴ Ginsburg and Simpson, ‘Introduction,’ (p.2).

¹⁸⁵ A. H. Abdel Salam and Alexander De Waal, eds., *The Phoenix State: Civil Society and the Future of Sudan* (Conference on Human Rights in the Transition in Sudan, Trenton, NJ: Red Sea Press, 2001), p.20.

¹⁸⁶ Directory of the Republic of the Sudan, 1960, MEDV 17/4/TR A, Middle East Documentation Unit, Durham University.

citizens, and preserve the country's unity and solidarity.'¹⁸⁷ Referring to the progress of the constitutional commission and the Central Council, he asserted:

The constitutional development will carry us to these goals (of unity, solidarity and the protection of citizenship rights)... and we have witnessed the attainment of the peak of the constitutional pyramid, representing the paramount success of the principles of collective responsibility where citizens are associated in the summit of responsibility.¹⁸⁸

This statement reveals a key element of the regime's discursive strategy: the conflation of authoritarian reform with democratic inclusion. The metaphor of a 'constitutional pyramid,' culminating in the 'summit of responsibility,' presents the military's centralised rule as the apex of a collective national effort. It is also a clear attempt to redefine citizenship – not as a right tied to political agency, but as a moral duty fulfilled through state-sanctioned participation. By framing constitutional development as the ultimate expression of solidarity and national character, Abboud sought to transform dissent into disloyalty and participation into compliance. This ideological repositioning was echoed by senior bureaucrats, most notably Sayed Ali Hassan Abdalla, Under Secretary for the Ministry of Local Government. In a formal defence of the local governance reforms, delivered at the Sudan Armed Forces Staff School, Abdalla declared:

There are several reasons Sudan has embarked on local governance. First, the need for decentralisation in order to avoid the concentration of power and authority in the hands of a few at the centre. This is purely a democratic objective. Secondly, the need for the division of power between local and central organs of the Government springs up and stands for most as a method to arrange, organise and coordinate administratively and technically the functions to be taken by these central and municipal organs, each separately within its own sphere... Thirdly, it is necessary to adapt the various services, which are of ever increasing volume and quality. Fourthly, in a democracy, account must be taken of the contribution which the system makes to the citizens life. Democracy implies active and interested citizenship. Even if it is proved that the services in the state would better be served if things were entirely left for the professionals, there would still remain strong arguments in favour of the widest participation by citizens as a safeguard, not so much against the misuse of power by these officials but so as to have a safeguard for their local interests. The existence of Local Government bodies is one, a vital one, of these safeguards.¹⁸⁹

¹⁸⁷ Sudan Monthly Newsmagazine, "Special Issue No. 42/43, October/November 1963," published by the Central Council, 1963, Government Publications 626/50, LSE Archives.

¹⁸⁸ Sudan Monthly Newsmagazine, 'Special Issue No.42/43, October/November 1963, published by the Central Council.' 1963, Government Publications 626/50.

¹⁸⁹ J.N. Lawrence, UN Economic Commission for Africa, File 2: Country Paper, *Seminar on Central Services to Local Government*. 'The New Local Government in the Sudan,' a lecture delivered at the Sudan Armed Forces Staff School on 4 April 1964 by Sayed Ali Hassan Abdalla, Under Secretary, Ministry of Local Government, SAD 381/2/101–120.

Abdalla's statement offers a revealing example of how the regime used democratic language to legitimise authoritarian control. Though couched in the vocabulary of decentralisation, participation, and citizenship, the logic underpinning his claims is circular: the regime asserts that its local governance system is democratic simply because it exists and was established in the name of the people. Abdalla frames decentralisation as a 'purely democratic objective,' but strips it of its political content. Local governance is presented as a technocratic exercise in administrative efficiency, rather than a mechanism for meaningful representation or public accountability. More telling is his fourth point, in which he acknowledges the tension between professionalised bureaucracy and citizen participation. Even if services could be more efficiently delivered by state professionals, he argues, there remains a 'strong argument' for broad citizen involvement – not as a right, but as a 'safeguard for local interests.' This framing is significant – participation is not presented as a foundational principle of democracy, but as an auxiliary measure to protect against the excesses of centralised power. The implication is that the system already functions effectively, and citizen engagement is a supplement rather than a demand. This rhetoric functioned on two fronts. Domestically, it placated dissent by offering the illusion of reform. Internationally, it signalled constitutional progress in line with postcolonial expectations. Ultimately, this statement exemplifies how the regime used constitutional language to manufacture legitimacy – transforming governance into a performative exercise that masked the exclusionary and centralised nature of military rule.

Propaganda and constitutional issues

Alongside its constitutional and local governance initiatives, the Abboud regime increasingly deployed a programme of propaganda to project an image of progressive governance – strategically addressing social, economic, and cultural themes that resonated with the demands of its critics. Framed through the language of responsiveness and modernisation, the regime presented itself as a developmental statute attuned to people's needs. Specifically, the regime expressed patronage for the arts, support for workers' rights, and investment in public services. By highlighting these initiatives, the regime aimed to project an image of progressiveness and responsiveness to the people's needs. Importantly, the promotion of the arts was framed as a means of fostering cultural expression and national identity, aligning with broader goals of unity and inclusiveness, as espoused by the local governance initiatives. Supporting workers' rights was portrayed as a commitment to social justice and economic fairness, reinforcing the regime's claims of advocating for the common citizen. Finally, investments in public services were

presented as efforts to improve the quality of life and ensure equitable access to essential resources.

Yet this rhetorical commitment to inclusion and reform served to mask a deeper reality – the centralisation of political power, the narrowing of civic space, all in the name of tutelary Sudanisation. Crucially, this propaganda was not generic. It was carefully constructed and disseminated through state-controlled outlets, most notably the *Sudan Monthly*, a newsmagazine published in English by the Central Council of the Armed Forces. Aimed primarily at international audiences but distributed within Sudan among English-speaking populations, the *Sudan Monthly* blended political commentary, development announcements and cultural features – ranging from speeches by military officials to profiles on infrastructure projects and the arts. In this way, it served as both a domestic propaganda tool and a diplomatic instrument, crafted to position Sudan as a modernist postcolonial nation under responsible military stewardship. One of the key areas the regime sought to highlight was its investment in culture and national identity. In particular, the regime publicised its patronage of the arts, framing artistic development as a means of forging a unified Sudanese identity. In a 1963 issue of the *Sudan Monthly*, the regime praised the Sudan Film Unit, claiming:

The rapid advancement of the Sudan Film Unit is the sole responsibility of the revolutionary progress of the army. This is one example of our gigantic revolutionary progress that emerged since the revolution, and we will continue to advance our beloved country in the fields of arts and expression¹⁹⁰

This celebration of the artistic achievement was deeply linked to tutelary Sudanisation. The Film Unit was framed as a national vehicle for promoting cultural unity under military leadership. The notion of ‘revolutionary progress’ suggests that artistic expression was no longer an autonomous sphere, but a curated tool of statecraft, instrumental to a homogenised vision of Sudanese identity. That such promotion occurred amid widespread censorship and political repression only sharpens the contradiction: the regime claimed to be fostering expression while systematically closing down independent voices. Similar contradictions can be seen in the regime’s economic and administrative rhetoric. In a speech reproduced in the *Sudan Monthly*, Major General El Bahary, Minister of Local Government, described the role of provincial councils as central to rural development and decentralised planning. He stated:

¹⁹⁰ Sudan Monthly Newsmagazine, ‘Special Issue No. 42/43, October/November 1963,’ published by the Central Council, 1963, Government Publications 626/50, LSE Archives.

The Revolutionary Government started to introduce decentralisation system by establishing the Province Councils to which is entrusted the development of rural areas and the task of planning and execution of the development programme.¹⁹¹

This was followed by vague promises to ‘double efforts’ to meet the growing needs of the Sudanese people through town planning, residential development, social programmes, and bridge construction.¹⁹² Yet the lack of specificity – no timelines, actors, or concrete mechanisms – underscored the regime’s tendency to announce grand ambitions without meaningful implementation. Still, such rhetoric served an important symbolic function: it allowed the regime to insert itself into the very debates around Sudanisation and development that had been initiated by dissident actors. In doing so, it advanced a distinct state-led version of Sudanisation – one in which national progress and citizen welfare were the products of military order and administrative rationality, not political pluralism or popular mobilisation. This narrative was further extended to the domain of labour, where the regime sought to reposition itself as a protector of workers’ rights and productivity. In another article from the *Sudan Monthly*, the regime declared:

The revolutionary government firmly believes in raising the productivity of the Sudanese worker. That constitutes one of the first essentials for the development of the various social services in the country. Urged by this deeply rooted conviction, the Revolutionary Government spared no time in establishing a technical institute in Atbara for the training of workers in diesel mechanics...The working class in our country were and are still the source of markedly huge energy capable of producing creative minds...The Government also made a review of their status and consequently admitted 900 workers into the permanent service... a new system of social security is applied to them when they quit the service and go on pension.¹⁹³

This passage reflects the regime’s attempt to construct an image of benevolent paternalism. Workers are framed not as political agents with demands, but as national assets to be developed and managed by the state. The state’s ‘sympathy’ is expressed through selective welfare initiatives – permanent employment, pensions, training centres – but its conspicuously silent on the banning of trade unions, the suppression of strikes, and the broader erosion of workers’ rights. Ultimately, the regime’s use of constitutional discourse, local governance initiatives, and cultural and labour propaganda were not merely efforts to mask repression, but attempts to redefine what political belonging looked like in postcolonial Sudan. In this context, the regime’s public

¹⁹¹ Sudan Monthly Newsmagazine, ‘Special Issue No. 42/43, October/November 1963,’ published by the Central Council, 1963, Government Publications 626/50, LSE Archives.

¹⁹² Sudan Monthly Newsmagazine, ‘Special Issue No. 42/43, October/November 1963,’ published by the Central Council, 1963, Government Publications 626/50, LSE Archives.

¹⁹³ Sudan Monthly Newsmagazine, ‘Special Issue No. 42/43, October/November 1963,’ published by the Central Council, 1963, Government Publications 626/50, LSE Archives.

messaging was not just propaganda – it was a performative strategy of authoritarian constitutionalism. The goal was not only to placate internal dissent and appeal to international observers, but to present the armed forces as the right arbiters of Sudanisation: capable of delivering development, unity, and modernity without relinquishing control.

The 1964 Popular Uprising, Alternative Imaginaries and the Contestation of Sudanisation

The October 1964 uprising represented a critical rupture in Sudan's postcolonial history. It was both a rejection of the constitutional order imposed by the armed forces and an assertion of alternative political futures grounded in alternative imaginaries. At its core, the uprising revealed a clash between multiple visions of Sudanisation: one imposed from above by the military, and others articulated from below through protests, organising, and contestation. These alternative imaginaries – though far from uniform—expressed varied and competing attempts to reimagine the state beyond the militarised and exclusionary model of governance instituted under General Abboud. The uprising marked a decisive moment where alternative approaches to Sudanisation, centred on different ideas of pluralism, federal, and popular participation, challenged the centralised vision advanced by the regime.

The uprising emerged from a confluence of long-standing grievances. Political repression, censorship, the banning of unions and associations, and erosion of civil liberties had intensified throughout Abboud's rule. Economic pressures – rising inflation, unemployment, and deteriorating public services – further fuelled discontent, while the regime's violent suppression of dissent in southern Sudan had by 1963 escalated into open warfare in many areas.¹⁹⁴ These grievances coalesced into mass mobilisation, beginning with student protests at the University of Khartoum on 21 October 1964, where student debates were forcibly shut down by the Interior Minister. The killing of student Ahmad al-Qurayishi during the confrontation became the galvanising event. A British diplomat reporting to the Foreign Office described the escalation as a 'free speech riot.'¹⁹⁵ University members were soon openly calling for regime change, and within days, professionals, trade unions, and civil servants joined a nationwide general strike that paralysed the economy and forced Abboud to resign by the end of the month.¹⁹⁶ These events demonstrated not only the fragility of the regime's legitimacy, but also the enduring power of civic organisation. Yet it is important to nuance the image of a fully unified uprising. The

¹⁹⁴ Rolandsen and Daly, *A History of South Sudan*, p.75.

¹⁹⁵ E.W.T. Morris, *Newsletter from Khartoum*, including events of the October Revolution and the resignation of Chief Justice Abu Rannat, written by his Legal Assistant, 1962–1964, SAD 1062/3/1–6.

¹⁹⁶ E.W.T. Morris, *Newsletter from Khartoum*, including events of the October Revolution and the resignation of Chief Justice Abu Rannat, written by his Legal Assistant, 1962–1964, SAD 1062/3/1–6.

uprising was led primarily by urban professionals, student organisers, and political elites in Khartoum.¹⁹⁷ While segments of the army did refuse orders to suppress protestors –prompting demonstrators to chant, ‘one army, one people’ (*jaysbun wahid, shaabun wahid*), in a symbolic appeal to military solidarity – this did not reflect widespread institutional defection.¹⁹⁸ Moreover, although support expanded to provincial towns, much of the mobilisation during the uprising reflected a culturally homogeneous – yet ideological eclectic – group, reinforcing the need to understand alternative Sudanisation not as a single project, but as a spectrum of visions shaped by diverse contexts and constituencies.¹⁹⁹

The 1964 uprising gave form to a set of competing political imaginaries – many of which rejected the military’s definition of Sudanisation and asserted, to some extent, plural, civic conception rooted in constitutional reform. Opposition groups framed their grievances not merely in anti-authoritarian terms, but as constitutional demands: for the restoration of civil liberties, the right to association, and the inclusion of marginalised voices in national governance. By 1964, tensions had moved well beyond bureaucratic neglect.

‘The Southern Question’ and Federalism as Constitutional Demand

Among these competing visions, one of the most sustained constitutional debates revolved around the question of federalism. The University of Khartoum protest that sparked the uprising centred explicitly on what contemporary elites described as the ‘Southern problem’ – a reference to the longstanding political, cultural and economic tensions between northern and southern Sudanese. Federalism was a constitutional demand long rooted in both colonial-era proposals and post-independence from southern political discourse. British administrators such as Sir Shuldham Redfern had previously proposed federal arrangement as part of a transitional framework ‘to grant independence to some parts (of Sudan) with a form of trusteeship for those parts whose people are not yet ready to stand on their own two feet.’²⁰⁰ Critically, his proposal was grounded in paternalistic notions of ‘trusteeship’ and uneven development. In the postcolonial period, however, southern actors reframed federalism as a mechanism for justice and self-determination.

Calls for federalism also arose during the Abboud period because of the regime’s violent policies in the South, where the military undertook a systematic campaign of Islamisation and

¹⁹⁷ Berridge, *Civil Uprisings*, pp.32-33.

¹⁹⁸ Berridge, *Civil Uprisings*, p.119.

¹⁹⁹ Berridge, *Civil Uprisings*, pp.32-33.

²⁰⁰ Sir Shuldham Redfern, ‘The Sudan Problem,’ undated, SAD 518/8/29.

Arabisation. In the absence of a constitutional framework to mediate the state's relationship with its southern population, the regime relied on cultural repression and military coercion to enforce its political vision. A strict media blackout was imposed to suppress news of unrest, and Christian missionaries – who had operated schools and social services in the region – were expelled.²⁰¹ Curricula were revised to emphasise Islamic and Arabic instruction, reflecting the regime's attempt to homogenise Sudanese identity along northern lines. Poggo argues that measures were not isolated incidents but part of a broader effort to inscribe a northern, Arab-Islamic identity onto the body politic of Sudan.²⁰² However, as argued by Rolandsen and Leonardi, this represented more than just religious intolerance – it was part of a wider nationalist strategy envisioned by the military.²⁰³ The army's actions in the South sought to extinguish heterogeneous political imaginaries. This constituted not just a campaign of repression, but a violent redefinition of national identity by constitutional exclusion.

Against this context, federalism became a central theme of southern political organising, particularly for the Sudan African National Union (SANU), a group formed in exile by southern politicians including William Deng and Joseph Oduho. The focus on SANU here is instructive because they explicitly framed southern grievances in constitutional terms – revealing how questions of political marginalisation, regional autonomy, and cultural exclusion were increasingly understood as issues of constitutional structure rather than merely governance failure. When SANU emerged in 1962 it quickly became one of the most prominent southern political voices, advocating for secularism, federalism, and political inclusion.²⁰⁴ However, SANU's positioning – led largely by educated elites and exiles – also reflected internal contradictions. While the group articulated a vision of Sudanisation that rejected Arab-Islamic dominance and centralised rule, it remained largely an elite-driven project. As such, SANU fit uneasily within the question of an alternative Sudanisation philosophy. Although it challenged the dominant nationalist paradigm, it did not fully capture the vernacular political structures, grievances, or diverse imaginaries of autonomy held by many southern communities. In this sense, SANU mirrored aspects of the central regime's elite politics, even as it sought to subvert

²⁰¹ Berridge, *Civil Uprisings*, p.18.

²⁰² Scopas S. Poggo, 'General Ibrahim Abboud's Military Administration in the Sudan, 1958-1964: Implementation of the Programs of Islamization and Arabization in the Southern Sudan', *Northeast African Studies* 9, no. 1 (2002): 67–101, (p.72).

²⁰³ Øystein H. Rolandsen and Cherry Leonardi, 'Discourses of Violence in the Transition from Colonialism to Independence in Southern Sudan, 1955–1960', *Journal of Eastern African Studies* 8, no. 4 (2 October 2014): 609–25, <https://doi.org/10.1080/17531055.2014.949599>, (p.618).

²⁰⁴ Justin Willis, 'The Southern Problem: Representing Sudan's Southern Provinces to c. 1970', *Journal of African History* 56, no. 02 (12 June 2015), <https://doi.org/10.1017/s0021853715000249>, (pp.12-13).

them. Nonetheless, SANU's critique of the Abboud regime was clear. In a 1963 publication, Deng and Oduho co-wrote:

The South today has no voice in Sudan's politics. Any opposition to the Northern Arab regime is now suppressed by civil and military' Governor, Deputy-Governor, or District Commissioner in the South, and the new Southern Assistant District Commissioners who have been appointed are often shifted far North, away from any contact with the South. The army and police and predominately Northern. It has been pointed out in previous pages that the administration is in Arab hands; there is no Southern political vision, and there is no space to discuss federalism.²⁰⁵

This framing explicitly linked political exclusion to the regime's constitutional model. By highlighting the absence of southern representation, SANU positioned federalism as both a remedy to authoritarianism and a strategy for decolonising the state's structure. They argued that 'Sudanisation was in fact Northernisation, as far as the South is concerned. The Northern administrators continued to act as British colonisers... the South as been subjected to stagnation and retrogression in social and political advancement.'²⁰⁶ This resonates with longer histories of colonial administrative favouritism – particularly toward northern elites – which was perpetuated under the military. As argued by Rolandsen and Leonardi, government officials during this period viewed themselves as engaged in educating southerners in citizenship, in how to become legal subjects, thus reinforcing hierarchical relations.²⁰⁷ However, SANU's own vision of citizenship was not without limitations. While their federalist proposals responded to the structural marginalisation of the South, they also risked homogenising 'the North.' As argued by Manoeli, SANU reinforced colonial discursive practices, by attempting to separate the North and South using language of racial and cultural difference. They also overlooked the rising calls for decentralisation in other regions. For instance, during the October Revolution, regionalist movements from western and eastern Sudan also began to articulate demands for greater autonomy.²⁰⁸

Despite these shortcomings, the centrality of federalism to SANU's political agenda highlights how constitutional demands were being used to articulate broader visions of justice and inclusion. Federalism thus became more than a governance model – it was a constitutional

²⁰⁵ Joseph Oduho and William Deng, *The Problem of Southern Sudan*, 1963, JF(6)/C28, LSE Archives.

²⁰⁶ "Reply to the Scheme of Proposals by the Northern Political Parties for the Settlement of the Southern Question," including copies of speeches delivered at the conclusion of the Juba Round Table Conference on the South, Khartoum, 16–29 March 1965, 1965, SAD 314/9/30.

²⁰⁷ Rolandsen and Leonardi, 'Discourses of Violence,' (p.618).

²⁰⁸ Sebatatso C. Manoeli, *Sudan's "Southern Problem": Race, Rhetoric and International Relations, 1961-1991*, African Histories and Modernities ([S.l.]: Palgrave Macmillan, 2019), <https://research.ebsco.com/linkprocessor/plink?id=3b460cfe-b1d6-3292-8cf1-9e8086bc8178>, p.34.

imaginary that linked demands for justice, inclusion, and political recognition. After the fall of Abboud's regime, SANU's constitutional proposal stated:

Immediately following the overthrow of the Military Regime on 21st October, 1964; the Sudanese people together with their political leaders acknowledged, that there exists racial, cultural and geographical differences between the people of the South and the North...This being so, SANU thinks that only a Federal Constitution can accommodate such differences that exist between the North and the South²⁰⁹

This vision was grounded in the belief that unity could not be imposed through cultural homogenisation or centralised control, but that it had to be negotiated through institutional pluralism. For SANU, a federal constitution offered a potential mechanism to acknowledge Sudan's diversity, while enabling equitable participation in national governance. However, while SANU's call for federalism marked a significant rejection of Abboud's tutelary Sudanisation, it also highlighted the challenges of articulating a constitutional alternative capable of accommodating Sudan's full political and cultural complexity. Its vision was shaped as much by its aspirations as by its exclusions.

Freedom of speech and association as an alternative imagining

The popular demands for freedom of speech and association that surfaced during the 1964 uprising were not simply reactions to military repression – they represented a broader contestation over the nature of political citizenship and the constitutional order in Sudan. Freedom of speech and association should be recognised as constitutional rights because they protect both individual expression and enable collective political participation and the contestation of state power. Their absence thus signals the erosion of constitutional governance itself. Under the Abboud regime, these freedoms were systematically curtailed through emergency laws, press censorship, bans on politics parties and unions, and the suppression of public assembly. Yet authoritarian restrictions on political expression did not begin with the military – Sudan's colonial constitutional legacy had already established the state's role in regulating speech, association and dissent.²¹⁰ In this sense, the 1964 uprising challenged not only the military's legal apparatus but also the deeper structural continuities between colonial authoritarianism and post-independence governance.

²⁰⁹ 'Proposals by SANU to the 12-Man Action Committee on the Constitutional and Administrative Set-Up in Sudan,' 1964, SAD 314/9/22.

²¹⁰ Abbashar, 'Decolonising Security,' (pp.106-107).

It was in this context that students, workers, and civil society actors began to reassert these liberties as constitutional matters. They refused to see rights as privileges granted by the state, and instead demanded their recognition as inherent components of Sudanese citizenship. In doing so, they articulated a new vision of Sudanisation – one grounded in civic freedoms, public participation, and a rejection of authoritarian legalism. Independent press outlets, which were heavily censored, spoke out. *Al-Sahafa*, for example, published an article memorialising Qurayishi as a *shaheed* (martyr), declaring: ‘This is the student who sacrificed his life and gave his blood. After his death, the processions of the revolution will continue knocking on the doors of freedom until they are opened wide.’ This rhetoric reflects how the suppression of expression paradoxically amplified dissent, recasting it as a moral and constitutional claim for legitimacy and reform. University students and independent journalists positioned free speech and assembly as fundamental rights denied under military rule – rights for which blood had now been spilled. In addition, two judges, Babiker Awadallah and Abd al-Majid Imam, publicly backed the uprising, lending crucial and constitutional weight to the movement’s legitimacy.²¹¹ The university space, transformed by this violence, became a symbol of a broader struggle to reclaim the right to speak, to organise, and to imagine new futures within the nation.

While students initiated the uprising, its momentum was also sustained by workers, trade unions, and rural actors – each of whom reinterpreted the struggle in light of their own histories of exclusion. The farmers’ unions, for instance, issued a powerful statement during the protests that explicitly linked their oppression under Abboud to longer patterns of exploitation under colonial rule:

We have been exploited by greedy colonialism for decades and it has caused us to lose unity among the ranks of our people. But the movement of the workers and the farmers share the collective goal to earn a living and free ourselves from colonial influence. Independence has heralded a new dawn for the Sudanese people, and we must begin to find the final path towards freedom from the grips of the colonialists.²¹²

This framing situates the contemporary authoritarian regime not as a historical rupture, but as a continuation of colonial power structures. The call to ‘free ourselves from colonial influence’ highlights the belief that political repression, economic hardships, and curtailment of civil liberties under the military were not isolated phenomena but part of a longer trajectory of exclusion. For the farmers’ unions, political rights were intimately tied to broader struggles for

²¹¹ Berridge, *Civil Uprisings*, p.76.

²¹² Documents of the Sudanese Left in 10 Years, ‘Statement from the Farmers Union,’ 1964, EAP218/19/1, The British Library.

social justice and postcolonial emancipation. Similarly, a petition from Khartoum University lecturers to Abboud denounced both the state's violent authoritarianism and its failure to uphold basic principles of governance and legality. They wrote:

We are appalled by the mismanagement of the country's affairs and the failure of the Government's policies, which have resulted in the conflict in the south that nearly destroyed our national unity. ... We are frightened at the extent of complete corruption that runs through all machinery of the Government and its administration. ... The people are being subjected to cruel and tyrannical orders, and are being exposed to weapons of detention, without ever committing a crime and without trial. Freedoms are being infringed upon.²¹³

This statement is significant not only for its critique of executive overreach but for its constitutional register. The petition framed arbitrary detention and political persecution as violations of basic legal norms, challenging the regime's legitimacy on constitutional grounds. It echoed the students' and farmers' claims that freedom is not an abstract ideal but a lived right that has been denied and must now be reclaimed. Taken together, these diverse expressions of resistance – from students and journalists to farmers and academics – illustrate how the 1964 uprising constituted a constitutional moment. Freedoms of speech and association were imagined as central to a new social contract – one not defined by colonial tutelage or military guardianship, but by civic engagement, political pluralism, and participatory governance.

Unlike the Sudanisation process of the late colonial period, which was largely confined to northern bureaucrats and political elites, the October uprising expanded the constitutional conversation to a broader spectrum of urban professional publics. Yet this expansion was still marked by important limits. Many members of the Professional Front were themselves products of elite institutions such as Gordon Memorial College and Khartoum University. They were socially embedded within what Gallab describes as 'the community of the state,' and several would go on to serve in transitional governments, post-uprising parliaments, and even subsequent authoritarian regimes.²¹⁴ What emerged, then, was a fragmented and uneven articulation of an alternative Sudanisation philosophy, in which diverse actors coalesced around demands for political freedom, even as deep structural exclusions – particularly of peripheral and marginalised groups – remained unaddressed.

²¹³ Internal political situation: sacking of military government, "The Khartoum University Lecturers' Petition: Addressed to the President of the Supreme Council of the Armed Forces," 1964, FO371/178810, UKNA.

²¹⁴ Abdullahi A. Gallab, *A Civil Society Deferred: The Tertiary Grip of Violence in the Sudan* (Gainesville: University Press of Florida, 2011), <https://muse.jhu.edu/pub/227/monograph/book/17956>, p.25.

In response to mounting dissent, the regime sought to reassert its waning authority through the language of constitutional reform. Yet these overtures were not genuine efforts at constitutionalism. Rather, they functioned as a strategic attempt to reclaim legitimacy during a moment of profound political crisis. As opposition groups advanced their own constitutional demands – grounded in freedoms of speech, association, and regional autonomy—Abboud’s government turned to constitution-making for control. The regime hoped that invoking legality would pacify public unrest and re-establish its central role in defining Sudan’s postcolonial trajectory. Several accounts of this period have overlooked this, failing to detail how the regime responded with constitutional and legal language. However, an analysis of the military’s attempt to monopolise political imagination after the outbreak of the October Revolution demonstrates that their capacity to control the constitutional imaginaries of the population was rapidly eroding. Two major episodes exemplify how the regime attempted to instrumentalise constitutional language in response to the October 1964 uprising. First, on 27 October, Abboud gave a radio address announcing the dissolution of SCAF, while paradoxically declaring that he would retain constitutional powers in order to oversee the transition. This move was framed as an alignment with popular sentiment. In his address, Abboud stated:

I explained to you in my statement last night that I had decided to dissolve the Supreme Council and the Council of Ministers, and that I would retain for the time being all my constitutional powers until I supervise by myself the completion of the final set-up acceptable to our people... The public received my statement with pleasure and delight, as it expressed their wishes and supported their viewpoints.. I have today started contacts with a number of good citizens for consultations with a view of forming a transitional national government to administer the affairs of the country until the necessary measures have been taken to create a constitution acceptable to the people.²¹⁵

Abboud’s use of the phrase ‘all my constitutional powers’ is striking given that his regime had long suspended constitutional discussions and governed through emergency rule. His claim to constitutional authority thus lacked legal grounding and exposed the performative nature of his appeal. Second, the emphasis on ‘the people’ having received the announcement ‘with pleasure and delight’ reads as an attempt to manufacture consensus and align the regime’s actions with a presumed national will – despite widespread strikes and protest mobilisations occurring at that very moment. Lastly, the reference to ‘good citizens’ as consultation partners suggests an effort to selectively co-opt elite figures, such as party and professional representatives, while excluding organised civil society movements, like the farmers’ and workers’ unions, that helped catalyse

²¹⁵ ‘Sudan Riots: Omdurman Radio Report – Abboud Statement,’ October 27, 1964, FO 371/178819, UKNA.

the uprising.²¹⁶ The announcement reveals not a shift toward democratic governance, but a last-ditch strategy to contain dissent by projecting an image of constitutional order and transitional authority. The regime's second manoeuvre came two days later, when representatives of the armed forces and the United National Front (UNF) – a coalition of banned political parties, prominent politicians, intellectuals, and civil society leaders – announced an agreement to revert to the 1956 transitional constitution, pending adjustments suitable for a new political arrangements. As the broadcasted statement read:

A meeting was held from 10pm on October 28 to 3AM on October 29 between the representatives of the armed forces and the United National Front. Agreement was reached by the settling of the present constitutional position by reverting to the temporary constitution of 1956 when it has been adjusted to suit the present transitional period. The outcome of the discussions will be announced to citizens as soon as possible, as will the composition of the transitional government. The general strike continues and final agreement has not yet be announced.²¹⁷

This reflects both the declining authority of Abboud's regime and the increasing leverage of opposition groups in shaping the terms of constitutional transition. Importantly, the return to the 1956 constitution – a document shaped during Sudan's immediate postcolonial phase – was symbolically significant. It marked an attempt to restore parliamentary legitimacy and move away from military governance. At the same time, the decision to frame this shift as a mutual agreement between the armed forces and the UNF demonstrates the military's effort to remain part of the political settlement, as well as the desire for political elites to enter the political chasm. It was not a surrender of power, but a re-negotiation of it. Yet the ambiguity in this process warrants scrutiny. References to 'the Sudanese people' elide the complex and unequal dynamics of participation. Professional groups, former parliamentary figures, and segments of the officer corps dominated these negotiations, while the broader coalition of students and workers who had fuelled the uprising remained largely marginalised. These constitutional manoeuvres illustrate how constitution-making during the crisis became a site of political struggle – where competing visions of Sudan's future were contested. Abboud's appeals to legality were not rooted in a commitment to constitutionalism but were attempts to re-legitimise military rule through the language of transition.

The final phase of the Abboud regime reveals the limits of authoritarian constitutionalism in the face of sustained popular mobilisation. Constitution-making, traditionally a tool for establishing

²¹⁶ Berridge, *Civil Uprisings*, p.103.

²¹⁷ 'Sudan Riots: Omdurman Radio Reporting Decision to Revert to Temporary Constitution of 1956,' October 29, 1964, FO 371/178819, UKNA.

legitimacy, was used to delay political transition and obscure the regime's declining authority. Abboud's dissolution of SCAF while retaining 'constitutional powers,' and the armed forces' subsequent negotiations over the 1956 constitution, were not indicators of constitutional intent but signs of political desperation. These manoeuvres reflect how the military sought to contain the uprising through procedural gestures, even as it lost its capacity to control the political narrative. The broader arc of Abboud's rule (1958-1964) illustrates how military regimes may use constitution-making to entrench authoritarian power while claiming reform. The regime's deployment of local governance schemes, its censorship of public discourse, and its reliance on emergency decrees all served to consolidate control under the banner of order and national unity. Yet from within this repressive framework emerged multiple forms of alternative imaginings – student protests, trade union mobilisation, and southern demands for federalism – that redefined Sudan's constitutional imagination. These expressions of dissent articulated an alternative vision of Sudanisation. Ultimately, the 1964 October Revolution underscores the fragility of authoritarian rule when confronted by a mobilised citizenry with alternative constitutional visions. Abboud's failure to contain these aspirations, even though the strategic deployment of constitutional rhetoric, marked the end of his regime. More broadly, this period serves a critical reminder that constitution-making is not merely a political exercise, but a terrain of political contestation – shaped by both elite manoeuvres and alternative demands. It highlights the tensions inherent in postcolonial state-building: between militarised centralism and desires for participation, between legal form and lived legitimacy, and between imposed order and diverse sovereignties.

CHAPTER 3: A CONSTITUTION FOR THE PEOPLE? MILITARY RULE, AUTHORITARIAN REFORM, AND COMPETING CONSTITUTIONAL VISIONS UNDER JAAFAR AL-NIMEIRI (1969-1985)

The constitutional project and imaginings under Jaafar al-Nimeiri's military regime (1969-1985) illuminate the contested terrain between alternative notions of Sudanisation and the efforts of a politically fluid military to retain power amidst shifting political currents. Originally coined by the British administration in the 1940s, Sudanisation referred to the replacement of British officials with Sudanese personnel in government. However, this process primarily elevated educated, Muslim, Arabic-speaking elites from the North, entrenching unequal power structures and excluding large segments of the population. Under Nimeiri, tutelary Sudanisation was an evolving mechanism where the military reshaped the state to suit its political preferences in the name of improving government efficiency and solidifying its legitimacy, particularly through constitution-making. This became especially pronounced during moments of internal dissent and external pressure, as the regime retooled Sudanisation to assert its political and constitutional legitimacy and secure its survival. In this context, constitution-making was not a neutral exercise but a strategic instrument of military governance. Yet, this top-down vision constantly collided with alternative imaginings – the diverse ideas, hopes, and constitutional aspirations of Sudan's population. These imaginings, often rooted in lived experiences, reframed issues of livelihood, justice, and identity as constitutional questions. The friction between the military's reconfiguration of state power and these diverse constitutional visions underscore the dynamic tension at the heart of Nimeiri's rule: a contest between the army's attempt to author the nation and the drive of various groups in Sudanese society to reclaim it.

In its early years, the regime sought to reject what it perceived as colonial remnants, such as native administration systems, and positioned itself as a champion of the masses in the fight against colonialism. This was reflected in its political manoeuvres and revolutionary rhetoric. However, despite these decolonial aspirations, the regime remained authoritarian, still entangled within the legal, administrative, and political frameworks inherited from colonial rule.²¹⁸ This paradox underscored the regime's inability to fulfil its decolonial aspirations and break from the legacies of previous governments. As Partha Chatterjee poignantly asks: 'If postcolonial nationalisms are shaped by 'modular' forms provided by Europe and the Americas, what is left

²¹⁸ Mamdani, *Citizen and Subject*, p.23.

for these nations to imagine for themselves?’²¹⁹ This question resonates deeply with the Nimeiri regime’s struggle to craft a postcolonial identity while simultaneously maintain an authoritarian grip on power. Furthermore, understanding the regime’s political intentions as driven by a desire to redraw Sudan’s political, social and economic trajectory in the post-colonial era reveals that decolonisation can carry different meanings for different actors, and that constitution-making serves as the vessel for articulating these intentions.

The regime, which came to power via military coup in 1969 and was brought down by popular uprising in 1985, was marked by significant political, social and ideological shifts, which changed the country’s constitutional landscape. The regime began promising radical change and decolonisation through a blend of socialist and nationalist rhetoric. These ideals served as the foundation for two critical political developments – the 1972 Addis Ababa Agreement, which brought an end to the First Sudanese Civil War, and the 1973 constitution. Over the years, however, its practice and ideological approaches shifted, reflecting the conflicting constitutional visions of the regime and the political parties around it. The regime moved from embracing socialist principles to aligning with an Islamist constitutional vision, culminating in the introduction of the September Laws in 1983. These ideological and constitutional shifts were attempts to consolidate power and address the various pressures from both within the constitution-making circles of high politics and broader Sudanese society. Therefore, from 1969-1973, the Nimeiri regime attempted to address the constitutional issues that were at the core of Sudan’s divisions, which it attributed to the remnants of colonialism. Nimeiri believed Sudan’s divisions, especially between North and South, could be resolved by dismantling colonial-era institutions like political parties and chiefs, while empowering the army and state as vehicles of anti-colonial unity – overlooking that these were themselves colonial creations.

To illustrate these points, three phases of the regime’s rule will be examined. First, as the Free Officers movement, the regime endeavoured to reshape national politics by advocating for the ideals of socialism, decolonisation, and nationalism. They also treated conflict resolution and constitution-making – distinct tasks – as overlapping strategies, often conflating them in efforts to consolidate their authority. Secondly, during the period of Islamist reformation, the regime sought to redefine the cultural and legal frameworks of the state. Here, Islamism – understood as a political project that seeks to restructure state and society through the application of Islamic

²¹⁹ Partha Chatterjee, *The Nation and Its Fragments: Colonial and Postcolonial Histories*, 8. impr, Princeton Studies in Culture, Power, History (Princeton, NJ: Princeton Univ. Press, 2007), p.5.

principles, particularly Sharia law – became central to the regime’s attempt to solidify its ideological stance and appease rising Islamist sentiments within the country.²²⁰ Lastly, the 1985 popular uprising exemplified various alternative Sudanisation philosophies, as factions within Sudanese society mobilised to challenge the military’s grip on power and reclaim constitutional space. Ultimately, these three historical junctures reveal the multifaceted and often conflicting aspirations behind Sudan’s constitutional evolution during Nimeiri’s rule. The interplay between the desire to hold onto military power, political and ideological bargaining, and popular resistance highlights the enduring struggle of post-colonial constitution-making.

The Constitution as a Tool for Decolonisation, 1969-1975

The pivotal role of constitution-making under the Nimeiri regime is exemplified by the series of constitutional initiatives that came to define its early years. After staging a coup in 1969, the regime swiftly turned its attention to addressing constitutional issues and articulating its early vision for the state. This period marked a deliberate departure from the constitutional legacies of the latter half of the parliamentary governments, as the regime sought to redefine Sudan’s political and legal frameworks in line with its own political inclinations. Central to this vision was the peace process with southern Sudan, an endeavour aimed at resolving an enduring conflict, and the development of the 1973 constitution, which encapsulated the regime’s aspirations for a unified and stable Sudan. These initiatives underscore the regime’s belief in and reliance on constitution-making as a powerful tool to transform Sudan’s socio-political landscape and step away from its colonial past. In doing so, the Nimeiri regime engaged with its own version of an alternative Sudanisation philosophy, reconceptualising Sudan’s identity through a complex lens that intertwined socialism, decolonisation, and authoritarian governance.

To demonstrate this, the constitutional visions of the regime from 1969 to 1975 will be examined through two critical historical junctures. The first juncture centres on the Free Officers Movement and their early constitutional imaginings, which reveal the regime’s political leanings towards Pan-Arabism, socialism and the rhetoric of decolonisation. This period is particularly significant as it highlights the complex relationship between developing new constitutional realities, enacting a coup d’état against the parliamentary government, and advocating for specific visions of the state. This early phase illustrates the evolution of the Nimeiri regime’s

²²⁰ An-Na’im, ‘Constitutionalism and Islamization in the Sudan’, (pp.11–28).

constitutional visions, reflecting its aspirations to redefine Sudan's identity and governance in the context of a broader regional and ideological framework.

The second juncture examines the transformation of the regime into the Sudanese Socialist Union (SSU) following the 1971 coup attempt. This transformation was quickly followed by two central constitutional efforts: the Addis Ababa Agreement of 1972 and the 1973 Constitution. This period is particularly relevant to the theme of decolonisation, as it saw the development of Sudan's first formal and codified constitutional project and the introduction of a socialist regime, whose stated aims were to rectify the colonial and post-colonial mistakes under previous regimes. Additionally, the Addis Ababa Agreement exemplifies the SSU's attempt to resolve a conflict that had persisted since colonialism, further distancing itself from the post-colonial regimes it regarded as extensions of colonial rule. These historical moments provide critical insights into the regime's evolving constitutional visions as well as the complicated and often contradictory relationship between a one-party state, socialism, and decolonisation.

The Free Officers and their constitutional imaginings

The origins of the Free Officers Movement in Sudan are rooted in the early 1950s, a period marked by political discontent and the influence of regional movements, particularly the 1952 coup in Egypt. Initially, the movement began as a secret society, made up of individuals who had attended the prestigious Military College.²²¹ Inspired by the Egyptian experience, a group of Sudanese soldiers began referring to themselves as the Free Officers, organising their discussions around the aim of improving government efficiency.²²² The movement began to critique the leadership of the parliamentary government, particularly their failure to create a national vision or find common ground on discussing central constitutional issues,²²³ such as the relationship between religion and state.²²⁴ Against this political climate, the Free Officers focused on addressing what they perceived as the incompetence and corruption of the post-independence political institutions.²²⁵ However, the assumption of power by General Ibrahim Abboud in 1958 forced them underground, temporarily stalling their ambitions. By the 1960s, the movement had re-emerged, but with significant differences from its earlier incarnation. Now led by figures such

²²¹ Ahmed El Awad Mohammed, 'Militarism in the Sudan: The Colonial Experience', *Sudan Notes and Records* 61 (1980): 15–26, (p.23).

²²² Niblock, *Class and Power in Sudan*, pp.234–236.

²²³ Khālid, *The Government They Deserve*, p.12.

²²⁴ Mo, 'Contested Constitutions,' p.17.

²²⁵ Niblock, *Class and Power in Sudan*, pp.234–236.

as Jaafar Nimeiri and Faruq Hamdallah, the movement had evolved to embrace a more radical agenda focused on restructuring Sudan's social and economic systems.²²⁶ Nimeiri specifically was active in nationalist politics from an early age, having been expelled from school in 1948 for leading a strike against British rule.²²⁷ His political consciousness grew once he attended the Military College and served in the army, where he became involved with then-secret Free Officers movement and grew increasingly sympathetic towards pan-Arabist and socialist ideas.²²⁸

By the 1964 October Uprising, the Free Officers Movement had gained enough influence within the army to play a subtle but significant role in the events that led to the end of General Ibrahim Abboud's rule. Their influence was evident in actions such as persuading officers not to use force against civilian demonstrators.²²⁹ Mansour Khalid, who served as the Minister of Foreign Affairs under President Nimeiri from 1971 until 1975, provides a revealing insight into the mindset of the Free Officers during this time. According to Khalid, the officers sought to disassociate themselves from the Abboud regime and 'viewed themselves not like another military, but rather a symbiosis of the army and the civilian political forces with a predominance of elements from the professional front of October.'²³⁰ This remark underscores the officers' self-perception as intellectual and professional leaders, not merely military commanders. They saw their role as extending beyond traditional military functions, presenting themselves as key players in a broader political and ideological movement that sought to merge military strength with civilian political ideals. Their attempt to portray themselves as revolutionary figures was intertwined with this perception of professionalism, differentiating them from the older military order under Abboud.

The Free Officers continued to contest government institutions and the constitutional direction of Sudan's future following the October uprising, reflecting a deep-seated divergence in the visions between the military and the parliamentary government of 1964-1969. In the four years following Abboud's downfall, they maintained a low profile and were consistently disillusioned with the political trajectory of the time. They viewed the series of parliamentary governments that emerged post-1964 as a betrayal of the ideals sparked by the October Revolution.

²²⁶ Niblock, *Class and Power in Sudan*, p.237.

²²⁷ Paul Lagasse and Columbia University, 'Nimeiri, Muhammed Jaafar Al-', in *The Columbia Encyclopaedia*, 8th ed. (Columbia University Press, 2018),

<https://search.credoreference.com/articles/Qm9va0FydGJlbGU6NjQzOTIy?aid=280085>.

²²⁸ Eichstadt M., Brian, 'Nimeiri, Gaafar', in *World History: A Comprehensive Reference*, 1st ed. (Facts on File, 2016), <https://search.credoreference.com/articles/Qm9va0FydGJlbGU6NTc5MTA4?aid=280085>.

²²⁹ Niblock, *Class and Power in Sudan*, 1987, (p.283).

²³⁰ Mansour Khalid, *Nimeiri and the Revolution of Dis-May* (London: KPI, 1985), p.13.

Specifically, there was a concern that the government of Ismail al-Azhari was plagued by political fragmentation, preoccupied with internal disputes, and dominated by conservative elites—particularly the Umma, National Unionists, and Islamic Charter Front.²³¹ These tensions were also heightened by the banning of the Sudanese Communist Party, which had particularly close ties to the Free Officers at this point.²³² Therefore, the Free Officers' frustration lay not only in this political stagnation but also in what they saw as the side-lining of the revolutionary aspirations for social and constitutional reform. Their critiques reflected a deeper clash between military visions of radical change and the parliamentary government's more conservative, elite-driven approach to governance. By 1969, this disconnect culminated in the officers' coup, reflecting their conviction that they were the only force capable of realising the revolutionary ideals they believed had been betrayed.

The 1969 coup d'état and the Revolutionary Command Council (RCC)

The successful 1969 coup, led by Colonel Jaafar al-Nimeiry, was characterised by its swiftness and lack of bloodshed, and encountered no immediate resistance. This marked the end of the parliamentary era and ushered in significant changes, including the dissolution of the provisional constitution, supreme council, constituent assembly, public service commission, and electoral commission, that were set up by the previous government.²³³ Public meetings were banned, newspapers were shut down, and strict censorship was enforced. Furthermore, political parties were outlawed, their properties confiscated, and prominent politicians such as Ismail al-Azhari were arrested.²³⁴ In contrast to the 1958 coup led by senior commanders, the 1969 takeover was orchestrated by a group of junior officers. The Revolutionary Command Council (RCC), as they became known, consisted of ten members – nine young military officers led by Nimeiri, and one civilian, former Chief Justice Babiker Awadallah, who became the country's prime minister.²³⁵ A 23-member cabinet, including several communists, leftists, and figures from the 1964-65 transitional government, was responsible to the RCC. The cabinet also featured two southerners and representatives from the intelligentsia and business sector.²³⁶ From the onset of the 1969 coup, the RCC aimed to position itself not just as a military regime but as a continuation and

²³¹ Badri, 'A Critical Analysis of the Evolution of Constitutions in Sudan,' (p.7).

²³² Alain Gresh, 'The Free Officers And The Comrades: The Sudanese Communist Party And Nimeiri Face-To-Face, 1969–1971', *International Journal of Middle East Studies* 21, no. 3 (August 1989): 393–409, <https://doi.org/10.1017/S0020743800032578>, (p.396).

²³³ Holt and Daly, *A History of the Sudan*, p.130.

²³⁴ Niblock, *Class and Power in Sudan*, p.238.

²³⁵ Niblock, *Class and Power in Sudan* (State University of New York Press, 1987). *Class and Power in Sudan*. p. 239.

²³⁶ Holt and Daly, *A History of the Sudan*, p.130.

embodiment of the revolutionary spirit that had defined the October uprising. The regime deliberately aligned itself with the revolutionary atmosphere, capitalising on the issues that had mobilised the October revolutionaries. This alignment is evident in the government-issued publication, addressed to the Sudanese population, titled *The Draft National Charter*, which stressed the necessity of distancing Sudan from the failures of post-colonial governments.²³⁷ In it, the officers portrayed themselves as the true representatives of the Sudanese people's revolutionary zeal, in unity with the armed forces. The army also critiques earlier governments, stating:

Sudan's post-independence government did not have a clear vision for the country and failed to define a democratic mode of governance. The 1964 popular protests were a revolutionary movement but the transitional government failed and achieved nothing but deepening of the gulf between the people and the armed forces.²³⁸

This critique of post-independence governments was not confined to official documents but also amplified in public addresses by the regime's leadership. For instance, in one of the first speeches to the nation on Omdurman public radio, Nimeiri declared:

Since independence in 1956, our country has enjoyed no stability. This, dear compatriots, was due to a series of tragedies brought about by the corrupting elements of various parties. At the hands of successive Governments, independence became an ugly travesty... the coalition parties' only concern was to seize power to serve their own private ends, without paying attention to the people's interests.²³⁹

This rhetoric reflects the officers' deliberate attempt to justify their coup as a necessary corrective to the failures of the past. By publicly framing their seizure of power as a direct response to the political inefficiencies and corruption of previous governments, they positioned themselves as standing with the revolutionary ideals of 1964. Nimeiri's speech distinguished his movement from the other post-colonial governments as one that stood by the people's will. The regime's early rhetoric also strongly positioned its movement as anti-imperialist, arguing that all previous governments remained entangled in imperialist influence. In one of his first addresses to the nation, Babiker Awadallah declared: 'We now stand on the threshold of a decisive stage in our bitter struggle against reaction and imperialism.'²⁴⁰ He specifically condemned the parliamentary system, portraying it as:

²³⁷ *The Draft of the National Charter, Democratic Republic of Sudan*, 1970, JQ3981.S8 S75 1970, Library of Congress, Washington, D.C.

²³⁸ *The Draft of the National Charter, Democratic Republic of Sudan*, 1970, JQ3981.S8 S75 1970, Library of Congress.

²³⁹ "Council of Revolution Proclamation No. 1." Omdurman Home Service, May 25, 1969. *SWB*, May 25, 1969: E2/14–E2/15.

²⁴⁰ 'Babakr Awadallah's Broadcast.' Omdurman Home Service, May 25, 1969. *SWB*, May 25, 1969: E2/6–E2/11.

A collusion of the imperialist and reactionary forces and their determination to reinstitute the hateful party regime preparatory to creating a corrupt political atmosphere – this is the only atmosphere in which the imperialist germs can grow.²⁴¹

Nimeiri echoed this sentiment in his own national address after the coup, referring to the close relationship between colonial powers and the previous governments:

The imperialists and their agents offered the parties generous funds to enable them to regain their strength, destroy the revolution and silence the October Revolution's slogans against the return to party anarchy.²⁴²

These statements reflect the RCC's conviction that post-independence governments continued to operate within imperialist structures. By framing their coup as a necessary rupture from this colonial legacy, they positioned themselves as the only legitimate force capable of dismantling its lingering influence. This anti-imperialist stance extended to the regime's constitutional and social agenda. Promises to eliminate discrimination and improve housing, health, and education were not framed merely as policy goals, but as constitutional obligations tied to decolonial transformations. As Awadallah declared:

The revolutionary Government will deal immediately and decisively with the housing problem... care for the health of the people and the education of their sons is a vital duty... unemployment must be eliminated.²⁴³

By linking social justice to government reform, the regime claimed to be addressing the inequalities embedded by colonial rule and reimagining the state in line with anti-imperialist ideals. Finally, the regime's approach to the conflict with southern Sudan was framed through its anti-imperialist lens. In his public address, Awadallah emphasised the importance of peace and national unity, stating:

The revolutionary Government will deal with the South in a serious and decisive manner which will ensure tranquillity and stability for this part of our dear homeland. It will adopt strict measures to ensure the unity of the country and its development.

This statement reflects a dual concern: a stated desire to resolve the conflict in the South, combined with an unambiguous insistence on national unity. The South is firmly positioned as

²⁴¹ 'Babakr Awadallah's Broadcast.' Omdurman Home Service, May 25, 1969. *SWB*, May 25, 1969: E2/6–E2/11.

²⁴² 'Council of Revolution Proclamation No. 1.' Omdurman Home Service, May 25, 1969. *SWB*, May 25, 1969: E2/14–E2/15.

²⁴³ 'Babakr Awadallah's Broadcast.' Omdurman Home Service, May 25, 1969. *SWB*, May 25, 1969: E2/6–E2/11.

an integral part of the homeland, leaving little room for autonomy or alternative constitutional arrangements. Nimeiri reinforced this position in public broadcast on 9 June 1969, where he framed the ‘Southern question’ as both a legacy of British colonialism and a failure of post-independence governments. Seeking to align the RCC with the revolutionary consciousness of October 1964, he declared:

It is the result of the policies of British colonialism which left the legacy of uneven development between the Northern and Southern parts of the country, with the result that on the advent of independence Southerners found themselves in unequal position with their Northern brethren in every field. The traditional circles and parties that held the reins of power in our country since independence have utterly failed to solve the Southern question.²⁴⁴

By portraying the Southern conflict as a product of imperialist division and elite political failure, the RCC positioned its own rule as a corrective grounded in national unity. This framing allowed the regime to fold the conflict into its broader narrative of anti-imperialist state-building. However, it is important to recognise that while the regime adopted anti-colonial stances to distance itself from previous governments, its early political and constitutional imaginings were not purely cynical control exercises. To a significant extent, the military leadership believed in the transformative vision they articulated. This coexists with the contradictions inherent in military rule, where leaders position themselves as guardians of the state and agents of reform despite operating outside pluralist agendas.²⁴⁵ Such contradictions complicate any reading of the regime as authoritarian; instead, they reflect the ideological commitments that often underpinned postcolonial military governments. These tensions sparked debate within Sudanese political circles, particularly within the Sudanese Communist Party (SCP), which had a fraught and complex relationship with the military regime. The SCP itself was internally divided over how to respond, unsure about the regime’s genuine commitment to its anti-colonial agenda. Some factions viewed the coup as a potential vehicle for revolutionary change and advocated cooperation to influence policy from within. Others were more sceptical, warning that the regime’s logic masked a continuation of authoritarian rule.²⁴⁶ In a 1969 internal circular, one faction accused Nimeiri of hiding behind ‘liberal logic,’ arguing that the RCC was preserving the

²⁴⁴ *Government Booklet: Relief and Resettlement Conference on the Southern Region* (Ministry of State for Southern Affairs, Khartoum), February 1972, Shore/9/88, LSE Archives.

²⁴⁵ David Kuehn, ‘Midwives or Gravediggers of Democracy? The Military’s Impact on Democratic Development’, *Democratization* 24, no. 5 (29 July 2017): 783–800, <https://doi.org/10.1080/13510347.2017.1324421>, (p.783).

²⁴⁶ Abdullahi Ali Ibrahim, ‘The 1971 Coup in the Sudan and the Radical War of Liberal Democracy in Africa’, *Comparative Studies of South Asia, Africa and the Middle East* 16, no. 1 (1 May 1996): 98–114, <https://doi.org/10.1215/1089201X-16-1-98>, (pp.102-103).

existing power structure under a new guise and that the true hopes of the revolution were at a risk of being co-opted.²⁴⁷

In this context, the early constitutional project of Nimeiri's regime must be understood as an instrument of authoritarian consolidation and as part of a broader, if contradictory, attempt to redefine Sudan's postcolonial trajectory. The RCC's efforts to distance itself from past governments, articulate an anti-imperialist agenda, and position itself as the embodiment of popular revolutionary will reflected a flawed yet committed new national vision. This underscores the central tension at the heart of Sudanisation during this period: a process no longer simply about replacing colonial personnel with Sudanese officers but about militaries actively reshaping the state in their image.

The Sudanese Socialist Union

The early years of the RCC were marked by political upheaval and a preoccupation with constitutional matters. These challenges prompted the regime to rebrand as the Sudanese Socialist Union (SSU), a socialist movement focused on addressing the perceived failures of both colonial and post-colonial governance. Key developments during this period – such as the abolition of the native administration in 1971, the Addis Ababa Agreement in 1972, and the 1973 constitution – were driven by the regime's need to consolidate authority and assert its legitimacy through constitutional means. These moves were framed as part of a broader anti-colonial project: dismantling colonial-era institutions and addressing unresolved national issues. These efforts reveal how the regime's constitutional vision evolved in tandem with its consolidation of power and its projection of anti-colonial legitimacy through one party rule.

Prior to the formal establishment of the SSU in May 1971, the military regime began confronting the challenge of how to transition from revolutionary rule to a stable governing structure. This tension – between a regime that had seized power through force and a government that required institutional legitimacy – shaped early reforms. In January 1971, the regime formally abolished the native administration, framing this act as a decisive break from the colonial past and a necessary step towards modern governance. The native administration had selectively empowered local leaders – some with precolonial legitimacy, others newly elevated by colonial

²⁴⁷ *Watha'iq al-Lajna al-Markaziyya li-Hizb al-Shuyū'ī al-Sūdānī; Dawrat Augustus al-Istithnā'īyya* (Session of the Central Committee, August 1969), *Hizb al-Shuyū'ī al-Sūdānī Collection*, International Institute of Social History (IISH), Amsterdam.

decree – to enforce state control in rural areas. In this way, it functioned as a form of what Mamdani terms ‘decentralised despotism,’ a system that cloaked authoritarian governance in the appearance of customary authority, enabling colonial – and later postcolonial – regimes to exert control over rural populations while shielding central power from local accountability.²⁴⁸ The regime identified the native administration as a relic of colonial rule that perpetuated power structures and tribal divisions, which, in their view, hindered national unity and development.²⁴⁹ In a radio broadcast about these reforms, Nimeiri underlined this, stating that:

The revolution has been rushed to the rural areas because the great majority of the masses are there, and because great and huge potential for production and exploitation were to be found there. The revolution has entered the rural areas. It has produced a national responsibility which is building the homeland and preserving its unity.... This is socialism... we swear to eliminate the agonies of rural areas, which have been neglected for a long time, and to develop their latent potentials and build a liberated great Sudan.²⁵⁰

By framing the elimination of the native administration as a necessary step in building a unified Sudan, Nimeiri underlines that the native administration was inconsistent with their vision of a modern, socialist state that would address the failures of both colonial and post-colonial governance. Against this backdrop, the regime established the SSU in 1971 as the country’s sole political party. In an interview with Anthony Sylvester during their rail journey across Sudan, Nimeiri described the SSU as a tool for ‘disciplined participation in government and for social and economic development,’ underlining its role in uniting people into a cohesive national identity.²⁵¹ This vision marked a shift from the earlier revolutionary rhetoric and provisional military rule toward a more structured, institutionalised order. The SSU was also framed as a distinctive political movement that diverged from Nasser’s Arab Socialist Union (ASU) aiming to establish a ‘broad-based, democratic organisation’ that was not merely an extension of the government but was a vehicle for national identity.²⁵² While Nimeiri acknowledged the influence of Nasser’s ideas in the formation of the SSU, he sought to distance his movement from the Egyptian model: ‘The political movement I planned for the Sudan was to be in some respects similar to Nasser’s Arab Socialist Union. But it was to be really something specifically Sudanese, by no means a copy of the ASU.’²⁵³ He further elaborated: ‘Our Sudanese Socialist Union is a broad-based, democratic organisation, the Egyptian model is more like an extension of the

²⁴⁸ Mamdani, *Citizen and Subject*, pp.37-61.

²⁴⁹ Musa Abdul-Jalil, ‘From Native Administration to Native System: The Reproduction of a Colonial Model of Governance in Post-Independent Sudan’, 2015, (p.6-7).

²⁵⁰ ‘The Native Administration.’ Omdurman Home Service, February 20, 1971. *SWB*, February 20, 1971: A/10.

²⁵¹ Anthony Sylvester, *Sudan under Nimeiri* (London: Bodley Head, 1977), p.60.

²⁵² Sylvester, *Sudan Under Nimeiri*, p.60.

²⁵³ Sylvester, *Sudan Under Nimeiri*, p.60.

Government, dominated by bureaucracy.²⁵⁴ While this comment downplays Nasser's revolutionary aims and his model of nationalist development and political transformation – reducing the ASU's project of mass mobilisation, ideological education, and social restructuring to a mere bureaucratic apparatus – it reflects Nimeiri's attempt to distance his regime and establish its distinctiveness, even as he adopted similar one-party structures to consolidate power.²⁵⁵ Ultimately, Nimeiri's vision for the SSU reveals how the regime used socialist rhetoric to legitimise its rule and build a uniquely Sudanese one-party state that reinforced its hold on power.

While the establishment of the SSU provided the regime with a platform to espouse their political imaginings, the development of a one-party system was not without its critics. Nimeiri specifically had worries about the growing discontent within the SCP, and as such, had members of the party arrested.²⁵⁶ However, on July 19 1971, members of the SCP's military wing launched a briefly successful coup d'état, temporarily ousting the President until a counter-coup was launched three days after, supported by loyalist military forces and regional allies like Egypt and Libya.²⁵⁷ The 1971 coup and its aftermath reveal how the SSU attempted to consolidate their authority and constitutional vision in response to growing dissent. This was achieved through both action and rhetoric – exiling and executing opposition while also employing a political rhetoric that marked their actions as transformative and revolutionary. The executions of prominent communist figures such as Abdel Khaliq Mahjoub and Hashim al-Atta were framed by the regime as necessary actions to protect the state, but from the perspective of the coup conspirators and their supporters, these were seen as acts of political repression. In an article from the Communist Party's newspaper, *Al-Hurriyya*, dated 2 August 1971, the trials of al-Atta and his co-conspirators were condemned as 'mock trials.'²⁵⁸ The article turned the rhetoric of mass politics back on the regime, declaring that:

A dividing line stands and there is nothing that can remove it after today: on one hand stands the commitment of Sudanese interests of the masses, and on the other hand stands those who fear the military and are rejecting the movement of the masses.²⁵⁹

²⁵⁴ Sylvester, *Sudan Under Nimeiri*, p.60.

²⁵⁵ Joel Gordon, *Nasser's Blessed Movement: Egypt's Free Officers and the July Revolution*, Studies in Middle Eastern History (New York Oxford: Oxford university press, 1992), p.5.

²⁵⁶ Ibrahim, 'The 1971 Coup in the Sudan and the Radical War of Liberal Democracy in Africa,' (p.105).

²⁵⁷ Gresh, 'The Free Officers,' (pp.390-393).

²⁵⁸ *Al-Hurriyya*, August 2, 1971, Halliday/344, LSE Archives.

²⁵⁹ *Al-Hurriyya*, August 2, 1971, Halliday/344, LSE Archives.

Speaking on behalf of the ‘masses,’ this quote reflects the communists’ view that their coup was a ‘progressive Sudan coup,’ aimed at protecting the working people and advocating for the development and rights of Sudan’s working class in the face of an oppressive regime.²⁶⁰

Critically, however, this article speaks with an authoritative tone, seeking to define the plight of the working class from the perspective of the party, and not the ‘masses,’ in the hopes to discredit the regime while legitimising the SCP’s own political ideologies and desire for state control. Another way the regime responded to the events of 1971 was through exiling its opponents. A significant example of this is the case of Rev. Philip Abbas Ghaboush, a prominent political leader from the Nuba Mountains who was forced into exile. Unlike the Communist Party, whose opposition was largely ideological, Ghaboush articulated specific grievances towards Nimeiri’s centralising and Arabising policies. A key source of resentment was the regime’s abolition of the Native Administration in 1971. While ostensibly framed as a step towards modern governance, this move dismantled a structure that, however flawed, had provided a degree of local autonomy. Its removal opened the door to land dispossession, as Khartoum-based merchants and elites began acquiring land in the Nuba Mountains, often at the expense of local communities.²⁶¹ In a letter to the British High Commissioner in Uganda, where he had sought refuge, Ghaboush lamented the erosion of freedom of speech and described a repressive political environment under Nimeiri’s one-party rule:

I would like to acquaint you with some of the facts about conditions in the Republic of Sudan of which you may not be aware... the Arabs have always ruled our country in their own interests, and have constantly pushed a policy of Arabisation and Islamisation at times more subtle and less obvious than others.... a majority of Sudanese are now opposed to the present military dictatorship, and especially towards its declared policy of leading our country into a federation with Libya, Egypt and Syria... General Nimeiry may be changing his tactics but his aims remain the same, that is continued Arab hegemony over our country.²⁶²

Ghaboush’s letter offers a striking critique of the regime, portraying it as continuation of Arab hegemony under a new authoritarian guise. His reference to ‘the Arabs have always ruled our country in their own interests’ and the push for ‘Arabisation and Islamisation’ underscores how he perceived the SSU policies as exclusionary. Crucially, Ghaboush’s rhetoric frames ‘the Sudanese’ as non-exclusively Arab, challenging the regime’s homogenising project – particularly

²⁶⁰ *Al-Hurriyya*, August 2, 1971, Halliday/344, LSE Archives.

²⁶¹ Douglas H. Johnson, *The Root Causes of Sudan’s Civil Wars: Old Wars and New Wars (Expanded 3rd Edition)*, 1st ed. (Boydell and Brewer Limited, 2016), <https://doi.org/10.1017/9781782048343>, pp.145-146.

²⁶² ‘Letter from Rev. Philip Abbas Ghaboush, Nuba, after his exile from Sudan by Nimeiri’, 1971, FCO39/901, UKNA.

in light of growing land dispossession. This contrasts sharply with the SCP's class-based critique. While the communists spoke in the name of the working class, Ghaboush spoke from the perspective of ethnicity. These divergent critiques reveal how Sudanisation itself was a contested concept – invoked by different actors to promote different visions of the postcolonial state. Therefore, whether framed through socialism, class struggle, or ideas of ethnic and regional justice, each actor contributed to a fraught process of state-building marked by competing claims to legitimacy. In the end, the early 1970s and the creation of the SSU were not just about a struggle for power – but a struggle for the meaning of Sudan itself.

The Addis Ababa Agreement, 1972

The Addis Ababa Agreement of 1972 marked a significant turning point in the conflict over Sudan's national identity – a struggle primarily fought militarily in the South but rooted in competing visions of what Sudan should become. By 1971, Khartoum's military efforts against Southern insurgents were faltering, as previously fragmented rebel groups had become more unified under the leadership of Joseph Lagu.²⁶³ At the same time, President Nimeiri faced mounting political pressure in the North after the 1971 coup attempt, having lost the backing of key political, sectarian, and regional factions.²⁶⁴ These converging pressures pushed the regime toward a negotiated settlement, culminating in the Addis Ababa Agreement. The agreement reshaped Sudan's governance by creating a self-governing Southern Region, comprising three provinces with their own assemblies and the High Executive Council (HEC), headed by a presidential appointee.²⁶⁵ While Khartoum retained control over national affairs like defence and foreign policy, authority over education, health, natural resources, and local administration was devolved to the Southern region, with Juba as its capital. The agreement thus reflected a temporary compromise between central authority and regional autonomy, grounded in a broader effort to redefine Sudan's political structure through constitutional means.

This peace-building attempt aligned closely with the SSU's broader state-building agenda. The creation of the SSU in 1971 provided the political framework through which the regime could present the Addis Ababa Agreement not just as a peace deal, but as a transformative national project. As argued by Srinivasan, Nimeiri and the SSU, like other post-colonial regimes, sought

²⁶³ Ali, Ben Hammou, and Powell, 'Between Coups and Election,' (p.73).

²⁶⁴ Holt and Daly, *A History of the Sudan*, p.133.

²⁶⁵ Holt and Daly, *A History of the Sudan*. p.133.

political hegemony and compromises through peace-making.²⁶⁶ This was achieved by framing regional autonomy as a deliberate act of unity – rather than fragmentation, thereby positioning the SSU as the first political force to meaningfully address Southern grievances through constitutional means. In doing so, it advanced a vision of Sudanisation that moved beyond the military, offering instead a model of unity through decentralisation, albeit under one-party control. As one BBC journalist later observed, ‘Nimeiri will be remembered for having brought about peace and reconciliation between the North and South of his country.’²⁶⁷

Several primary sources reveal how the Addis Ababa Agreement exemplifies the regime’s early ideas of constitutional imaginings, specifically with relation to unity and through the lens of post-colonial progress. One source, a government booklet titled *Relief And Resettlement Conference on the Southern Region*, published by the Ministry of State for Southern Affairs in February 1972, acknowledges the historical neglect of the South. It states:

Economic development in the South has lagged behind the North. The colonial British administration has neglected this important aspect for a very long period. It has been argued and accepted that if the South has to catch up with the North, the economic and social gap between the two parts of the country will have to be bridged by adopting special organisational and budget measures for the South. This implies that the economic and social development needs to be sped up.²⁶⁸

This extract reveals the regime’s recognition of structural inequalities between North and South, attributing them to colonial neglect. However, the phrase ‘if the South has to catch up with the North’ reveals a deeper ideological bias – it frames the North as the standard of development, implicitly casting Southern society as lagging or incomplete. Rather than acknowledging diverse regional trajectories, the solution proposed is about bridging the gap through accelerated development to bring the South in line with the Northern model. Published in English and aimed at international audiences, the booklet uses the Addis Ababa Agreement to signal a break from colonialism and project the SSU as ushering in a new, development-oriented constitutional order. However, at the same time, the regime reinforces the very hierarchies it claims to dismantle by positioning the North as a normative standard, while casting the South as underdeveloped. This narrative risked replicating colonial logics of difference, disguised now in the language of national unity and development. Yet, on the international stage, the regime

²⁶⁶ Sharath Srinivasan, *When Peace Kills Politics: International Intervention and Unending Wars in the Sudans*, ed. Sharath Srinivasan (Oxford University Press, 2021), 0, <https://doi.org/10.1093/oso/9780197602720.003.0002>, pp.21-22.

²⁶⁷ Sylvester, *Sudan under Nimeiri*, p.10.

²⁶⁸ *Relief and Resettlement Conference on the Southern Region*, Ministry of State for Southern Affairs, Khartoum, February 1972, Shore/9/88, LSE Archives.

continued to frame the Addis Ababa Agreement as a transformative milestone. The achievements of the accord were repeatedly affirmed in regional and global forums, reflecting the SSU's ambition to position Sudan as a postcolonial success story. Mansour Khalid, the regime's Foreign Minister, articulated this vision in a government document titled, *The Revolution's Constitutional Achievements*, stating:

It will serve to bring continental harmony as far as immediate neighbours are concerned... the agreement is a triumph for Africa. It proves that the Africans are capable of solving their problems peacefully without the interference of external powers.... With the May Revolution came peace and unity. The Revolutionary Government recognised the historical and cultural differences between the North and the South and firmly believed that the unity of our country must be built upon these objective realities.²⁶⁹

Khalid's framing seeks to elevate the agreement from a national compromise to a continental achievement. By presenting it as a model of African self-determination, the regime positioned itself as a leader in pan-African peacebuilding. Yet, this celebratory tone obscures some contradictions – particularly its centralising logic and the assumption that unity must be forged through integration into a singular national vision. His claim that unity was built upon 'objective realities' of North-South difference gestures toward pluralism, but ultimately reinforces a top-down model of inclusion managed by the revolutionary state. Finally, another source, titled, *Political situation in Southern Sudan*, presents a carefully managed dialogue between Southern Sudanese intellectuals and foreign journalists during a press conference held as part of the Addis Ababa Agreement proceedings. This was not a spontaneous exchange but a stage-managed event, orchestrated by the signatories to showcase Southern support for the agreement to international observers. When asked whether the situation in the South had improved after the May Revolution, the Southern representatives responded:

The May Revolution declared the basic solution of the Southern problem by granting the South the regional autonomous rule. This solution found an absolute support from the Southerners. The Revolution worked to assume the sovereignty of law. The Revolution drafted a time-table programme for implementation of its policy towards the South. It established the Ministry of Southern Affairs to supervise the programmes of economic and social development in the South.²⁷⁰

Their endorsement highlights how some Southern actors saw the agreement as a long overdue recognition of Southern autonomy and identity. By emphasising legal sovereignty and

²⁶⁹ *The Revolution's Constitutional Achievements*, Democratic Republic of the Sudan, Ministry of Culture and Information, [1973?], JQ3981.S8 S77 1973, Library of Congress.

²⁷⁰ *Dialogue between Southern Intellectuals and Foreign Pressmen*, *SUNA Daily Bulletin*, Issue No. 268, September 1971, *Political Situation in Southern Sudan*, FCO39/901, UKNA.

development, they positioned the agreement as a legal solution and foundational step to redefining the relationship between North and South. This narrative aligned with the SSU's broader framing of the agreement as a triumph of national unity. It also demonstrates how the regime's constitutional strategy gained traction among segments of southern leadership. The emphasis on autonomy, rule of law, and state-led development reveals how the regime's Sudanisation project was interpreted not only as top-down control, but also as an opportunity for reshaping the postcolonial state. Thus, the agreement served as a project of a reimagined Sudan, marking a foundational moment in Nimeiri's state-building efforts – one that paved the way for the more formalised articulation of his political vision in the 1973 constitution.

The 1973 Constitution

The solidification of the regime's rule and the continued articulation of its version of Sudanisation is most notably seen by the constitution-making process of the 1973 constitution. The constitution provides a critical lens for examining how the regime engaged with constitution-making and constitutional issues, especially within the context of pivotal political developments, such as the Addis Ababa Agreement and the creation of the SSU. Specifically, the 1973 constitution demonstrates that the regime utilised constitution-making as a tool to reshape Sudan's political landscape, while also consolidating power in response to internal challenges. Moreover, the ratification of the 1973 constitution marked a significant shift from previous post-colonial governments, which had struggled to enact constitutions despite extensive parliamentary debates on the matter. Importantly, the regime did not merely instrumentalise the constitution – their discussions and debates demonstrate that they also believed in its transformative potential and saw it as an expression of tutelary Sudanisation. This argument is most clearly understood through an analysis of why the constitution was developed, how it was formulated, and how it was projected to the population.

The process that culminated in the 1973 constitution was initiated in the early 1970s, driven by the regime's ambition to restructure society through constitution-making. The regime began confronting constitutional issues in 1969, primarily through the issuance of decrees. For instance, Decree No. 1 – issued just hours after the success of the coup – declared Sudan a democratic republic, repealed the provisional Constitution, and replaced the authority of the Sovereignty Council and Constitutional Assembly with the Council of the Revolution.²⁷¹ These

²⁷¹ "The Coup in Sudan." May 25, 1969. *SWB*, May 27, 1969.

early decrees served as instruments of provisional constitutional authority, allowing the regime to assert control while laying the groundwork for a more permanent legal framework. However, the need for a new constitution also arose from the signing of the Addis Ababa Agreement in 1972.²⁷² The agreement underscored the need for a formal constitutional framework to cement its political arrangements, especially in regard to the decentralisation of power. Additionally, the agreement highlighted broader national concerns such as ethnic and religious diversity, the balance of power, and the forging of a cohesive national identity – all critical issues that needed to be addressed within the new constitution.²⁷³ The constitution was also crafted as a strategic instrument to consolidate the regime's authority, particularly in the wake of the SSU becoming the sole legal party. In this context, the constitution functioned not merely as a legal document but as a political apparatus designed to legitimise one-party rule, institutionalise centralised control, and provide a framework through which the regime could address what it perceived as failures of previous governments to overcome national disunity and the legacies of colonialism. This instrumental view of constitutionalism was explicitly articulated by President Nimeiri during the official ceremony marking the constitution's adoption, where he stated:

All previous regimes since independence and up to the May Revolution had failed to resolve the main problems of government. The constitution is a document for organising power and its organs and specifying the nature and method of inter-organisational relations, clarifying the rights and duties of citizens and enunciating the philosophy and method of the regime in power.²⁷⁴

This statement reveals that the constitution was conceived not merely as a structural framework for governance, but as a pedagogical and ideological text. By defining it as a document 'for organising power and its organs,' the regime positioned the constitution as an instrument for structuring authority and centralising control. At the same time, by clarifying the 'rights and duties of citizens,' the regime sought to cast the relationship between the state and its people, embedding within the constitution a particular understanding of citizenship rooted in obedience, national unity, and loyalty to the SSU. In this way, the constitution could function as a tool for cultivating a politically docile citizenry. Therefore, the 1973 Constitution emerged at the intersection of political necessity and ideological ambition. It responded to the regime's desire to consolidate its authority, and institutionalise the power arrangements brought about by transformative events like the Addis Ababa Agreement. Framed as a solution to Sudan's

²⁷² Oette and Babiker, *Constitution-making*, p.23.

²⁷³ Holt and Daly, *A History of the Sudan*, p.133.

²⁷⁴ Official Translation of the Speech Delivered by H.E. the President of the Republic on the Occasion of the Ceremony by Receiving the Constitution Passed by the People's Assembly (14.4.1973), Democratic Republic of the Sudan, [1973?], DT108.7 .N819, Library of Congress.

governance challenges, the constitution offered a formalised structure through which the regime could project legitimacy and embed its vision of Sudanisation.

Developing the Constitution

In addition to the reasons for developing the 1973 constitution, it is crucial to understand how its formulation aligned with the SSU's attempt to advance its own version of Sudanisation. Internally, the development of the 1973 constitution highlights how the regime used constitution-making to cement its political authority, particularly in addressing contentious issues such as national identity and the role of religion within the state. Externally, the regime also utilised the constitution as a means to showcase the appearance of popular participation, prompting the idea of public involvement in the process and celebrating what they regarded as constitutional achievements. However, this public engagement, which was championed through the establishment of the People's Assembly, was more symbolic than substantive and transformative.

As Minister of Foreign Affairs at the time, Mansour Khalid notes that the development of the 1973 constitution was led by Dr Gaafar Bakhiet, with assistance from Khalid and Badr el Din Sulieman.²⁷⁵ The drafting process itself involved an extensive review of various global constitutions, including those of India, Tanzania, France, Algeria, Tunisia, and Egypt.²⁷⁶ Khalid then notes that there were several key issues addressed during the constitution-making process, such as questions of rights and political organisations. For instance, with regards to safeguarding individual rights, Article 22 notes that 'the Sudanese have equal rights and duties, irrespective of origin, race, locality, sex, language or religion.'²⁷⁷ It also states in Article 5 that 'the Sudanese Socialist Union is the sole political organisation in the Democratic Republic of the Sudan. It is founded on the alliance of the working forces of the people as represented by farmers, workers, intellectuals, national capitalists and soldiers...' thus underlining the notion of a one-party state while simultaneously alluding to a wide support base.²⁷⁸ In practise, this structure was corporatist, as it incorporated select leaderships to suppress dissent among the rest of the union movements. With regards to decentralisation, Article 8 of the constitution provided for 'a Regional Self-

²⁷⁵ Khalid, *Nimeiri and the Revolution of Dis-May*, p.43.

²⁷⁶ Khalid, *Nimeiri and the Revolution of Dis-May*, p.46.

²⁷⁷ Democratic Republic of the Sudan. *The Permanent Constitution of the Democratic Republic of the Sudan 1973*. Khartoum: Ministry of Culture and Information, 1973.

²⁷⁸ Democratic Republic of the Sudan. *The Permanent Constitution of the Democratic Republic of the Sudan 1973*. Khartoum: Ministry of Culture and Information, 1973.

Government in accordance with the Southern Provinces Regional Self Government Act, 1972...' thereby underlining their commitment to the agreement signed in 1972.²⁷⁹

Another actor in the constitution-making process was the People's Assembly. The Assembly's involvement in the 1973 constitution became the cornerstone of the regime's evidence of the incorporation of popular involvement in the drafting process. However, this engagement was largely superficial. The Assembly was selected in August 1971, under Republican Order No. 5, as part of a wider series of Republican Orders following the 1971 coup.²⁸⁰ It was stressed that the 'formation of the People's Assembly will truly represent all factions of the active people's forces and the various geographical areas in the Democratic Republic of Sudan.'²⁸¹ Further, it was implied that they would have some form of existing allegiance to the regime, as reflected by the following oath they had to take once elected: 'I swear by Almighty God to preserve the socialist revolutionary system, to respect the provisions of the law, to perform my duties honestly, seriously and sincerely, to take full care of the interests of the people...'²⁸² This reveals that, despite its name and the outward claims of inclusivity, there were elements of the Assembly that served to legitimise the regime's authority and reinforce its vision of Sudanisation.

The selection of the Assembly also reveals some inconsistencies with the regime's promise of popular involvement. According to a pamphlet issued by the Ministry of Information and Culture, the People's Assembly consisted of 207 seats, with 175 elected representatives, and 32 appointed members. Although nominally elected, these representatives were selected within the framework of the one-party system, with all candidates being nominated and vetted through local SSU offices.²⁸³ It was comprised of regional representatives, individuals from 'revolutionary' organisations, farmers, soldiers, existing government ministers, and intellectuals.²⁸⁴ While this composition appeared diverse, it actually reinforced a form of corporatism, using representatives from specific interest groups to strengthen the state's presence and suppress dissent. The document notes that the Assembly was tasked with drawing up the constitution, a role that was

²⁷⁹ Democratic Republic of the Sudan. *The Permanent Constitution of the Democratic Republic of the Sudan 1973*. Khartoum: Ministry of Culture and Information, 1973.

²⁸⁰ 'Sudan's Republican Order No. 5.' OMDURMAN HOME SERVICE, August 13, 1971. Translated in *Summary of World Broadcasts Second Series*, August 16, 1971: A/4-A/3. Readex: BBC Monitoring: *Summary of World Broadcasts*.

²⁸¹ 'Sudan's Republican Order No. 5.' OMDURMAN HOME SERVICE, August 13, 1971. Translated in *Summary of World Broadcasts Second Series*, August 16, 1971: A/4-A/3. Readex: BBC Monitoring: *Summary of World Broadcasts*.

²⁸² 'Sudan's Republican Order No. 5.' OMDURMAN HOME SERVICE, August 13, 1971. Translated in *Summary of World Broadcasts Second Series*, August 16, 1971: A/4-A/3. Readex: BBC Monitoring: *Summary of World Broadcasts*.

²⁸³ The People's Council, Democratic Republic of the Sudan, Ministry of Information and Culture, Publication Department, [1973?], DT157.36 .M34, Library of Congress.

²⁸⁴ The People's Council, Democratic Republic of the Sudan, Ministry of Information and Culture, Publication Department, [1973?], DT157.36 .M34, Library of Congress.

framed as more representative and inclusive than Sudan's former parliaments, which were criticised for being controlled by sectarian interests: 'Since our past experience in this matter has convinced us that parliaments of direct elections had been false institutions serving sectarian ends, other forms of elections should be used.'²⁸⁵

However, despite the Assembly's portrayal as a participatory body, its actual role in the constitution-making process was more about legitimising the regime's political framework than fostering true democratic engagement. This was evidenced through the short, six-month, period the Assembly had to help draft and discuss the constitution. The government-authored document, titled *The Revolution's Constitutional Achievements* (1973), describes how the Assembly engaged in general discussions, followed by the formation of ten committees that examined different aspects of the draft constitution and provided reports back to the Assembly.²⁸⁶ This document emphasised the 'absolute frankness and freedom'²⁸⁷ in these discussions, yet, in practice, the regime tightly controlled these outcomes through their careful selection of its members.²⁸⁸ Furthermore, the Assembly's objectives were also clearly aligned with the regime's broader political goals. For instance, the 1973 Assembly was responsible for 'enacting laws, legislation, and constitutional amendments that consolidated the security of the country and its citizens and secured the continuity of the revolution,' as stated in the report from the Sudanese Socialist Union's *Second National Congress* (1977).²⁸⁹ This emphasis on security and continuity demonstrates that the primary goal of the Assembly was not to foster democratic participation, but rather to stabilise and perpetuate the one-party system.

While the regime attempted to represent the constitution-making process as an ambitious and participatory attempt to reconcile Sudan's political, religious, and regional complexities, this official narrative was met with opposition from the SCP. For the SCP, the constitution was not a progressive framework aimed at modernising governance, but rather a tool for authoritarian consolidation masquerading as reform. They argued that the regime's promises of national unity and constitutional rights were fundamentally undermined by the institutionalisation of one-party

²⁸⁵ The People's Council, Democratic Republic of the Sudan, Ministry of Information and Culture, Publication Department, [1973?], DT157.36 .M34, Library of Congress.

²⁸⁶ The Revolution's Constitutional Achievements, Democratic Republic of the Sudan, Ministry of Culture and Information, Translation and Publication Section, [1973?], JQ3981.S8 S77 1973, Library of Congress.

²⁸⁷ The People's Council, Democratic Republic of the Sudan, Ministry of Information and Culture, Publication Department, [1973?], DT157.36 .M34, Library of Congress.

²⁸⁸ Second National Congress: S.S.U. President's Report, H.E. Jaafar M. Nimeiri, Wednesday, January 26, 1977, Khartoum, Sudanese Socialist Union, General Secretariat, [1977?], JQ3981.S873 I8267, Library of Congress.

²⁸⁹ Second National Congress: S.S.U. President's Report, H.E. Jaafar M. Nimeiri, Wednesday, January 26, 1977, Khartoum, Sudanese Socialist Union, General Secretariat, [1977?], JQ3981.S873 I8267, Library of Congress.

rule and suppression of political dissent. A 1973 article published in exile in *Al-Midan* argued that:

It is a constitution that does not reflect the essence of a presidential republic. Instead, it involves the confiscation of basic rights and freedoms of the public, one-party rule and favours privileges of modern colonial foreign and local capitalists.²⁹⁰

This statement directly challenged the regime's portrayal of the constitution as an inclusive and stabilising force. For the SCP, the central purpose of the new constitutional order was to channel the full apparatus of the state – and its economic resources – toward elite capitalist development, while stifling popular political mobilisation. As the article continued:

The main objective of the constitution is to put the state apparatus and the country's capabilities at the service of capitalist development and to suppress the democratic people's movement, especially the working class movement, whose struggles and goals are linked to the accomplishment of the tasks of the national democratic revolution.²⁹¹

To the SCP, the constitution was not a national charter born of inclusive dialogue but a class-based project designed to entrench the dominance of a narrow elite. The emphasis on 'rights and duties' of citizens, as outlined in the constitution, was seen not as a genuine commitment to equality or justice, but as a rhetorical device masking a system of control. However, it is important to situate the SCP's critique within its own political context. As a party reeling from state-led repression following the 1971-coup, the SCP's denunciation of the constitution also reflected its marginalised position and ongoing power struggle with the regime. Their claim to speak on behalf of the working class was shaped by elite competitions as much as it was ideology. Nonetheless, their opposition captured an unease with the contradictions embedded in the 1973 constitution.

The regime was aware that not everyone welcomed the constitution and that tensions were brewing. The difficulties of centralising power under a one-party system, upholding individual rights while suppressing dissent, and promoting accountability in the absence of political pluralism reveals the internal inconsistencies between the regime's stated goals and the authoritarian structure it upheld. These contradictions were underscored in a radio address delivered by Nimeiri on the fourth anniversary of the 1969 coup:

If the revolution has guaranteed, through the Constitution, freedom for the people and released all the detainees, this does not at all mean that freedom is an open licence. There must be a limit to it – that limit is national unity, commitment to the law and public

²⁹⁰ *Al-Midan*, April 1973, 349–366: ARCH01998, IISH, Amsterdam.

²⁹¹ *Al-Midan*, April 1973, 349–366: ARCH01998, IISH, Amsterdam.

order. Failure to exercise freedom responsibly is in itself the biggest aggression against freedom. Accordingly, in the same measure as I declared the revolution's commitment to the Constitution and its eagerness to provide all the guarantees and liberties that it stipulated, I also declare that any misuse of this freedom will only be met by the revolution with what is necessitated by the situation...²⁹²

This statement was Nimeiri's justification for quelling dissent and silencing and imprisoning opponents. During this period, opposition was not only arising from the SCP, but it was also spearheaded by the National Front—a coalition comprising the Umma Party, the DUP, and Muslim Brotherhood, who challenged the SSU's dominant role in Sudan's political framework. Nimeiri's emphasis on providing 'all guarantees and liberties' stipulated in the constitution, while also stressing that freedom is not 'an open licence,' demonstrates an inherent contradiction between the promise of rights and the regime's suppression of opposition. His language stresses the conditional nature of freedom, which reflects the regime's attempt to control the narrative around constitutional liberties. The claim that the SSU represents the 'authority of the alliance of the working forces of the people' portrays the government as an embodiment of national unity. In reality, however, under a one-party system, this functions as a tool for the regime to monopolise power. The document's language stresses their right of guardianship, supervision, and the importance of loyalty to the regime, which is indicative of their desire to centralise power while superficially committing to represent the people's interests. As such, these contradictions demonstrate that under the constitution, the existence of the SSU and the political atmosphere of a one-party state were geared towards consolidating the authority of Nimeiri's government. This is further demonstrated by Nimeiri's defence of his regime's system of governance. When asked by Anthony Sylvester if his regime was undemocratic, Nimeiri responded:

It all depends on what you mean by democratic. True enough, we have no political parties, only a large political organisation open to all Sudanese without distinction of class, race or religion. We had parties before. They were narrow cliques formed around privileged families, tied to specific tribes. These parties were also ineffectual and their leaders very corrupt. We have changed all that. Democracy in the Sudan now means that people and their views are taken into account. In most cases these views concern practical matters, the construction of a new well, laying of a new road, location of a development project. I find that people tend to be right in three quarters of all the cases when they make suggestions of this kind, that is local people I meet during my tours of the country, such as this. Apart from that we also want to bring people closer into decision-making processes, at local and national levels. The machinery to achieve this satisfactorily is still being put together. But already I can say that our democracy works well. I grant you, it's not for export. None the less, I feel it would be an improvement in many places where different systems apply at present. Some intellectuals may find our

²⁹² 'Sudan: Numayri's 25th May Revolution anniversary speech.' Omdurman Home Service, May 25, 1973. *SWB*, May 29, 1973: A/4.

system distasteful. They may prefer your system of Government. This may indeed fit them better. But I am convinced that our system is better for ordinary working people, anywhere.²⁹³

Nimeiri's response provides a clear insight into how the 1973 constitution and the broader governance framework were designed to justify the regime's consolidation of power while maintaining an appearance of public participation. His assertion that Sudan's democracy focused on 'practical matters' such as local development projects, rather than the existence of political parties, reflects a core aspect of the constitution. Furthermore, he was aligning the SSU with his version of democratic governance, where public participation was framed through a controlled, top-down structure. This perspective is well-positioned within the regime's ideology, which defined democracy in a government-produced report about its achievements: 'democracy, according to May Revolution thought, is to transfer power to the people, contrary to the liberal thought in which democracy expresses the interests of the elite.'²⁹⁴ The rejection of elite-driven political structures was framed as a necessary evolution towards a more inclusive governance model. However, while Nimeiri sought to portray the SSU as a truly representative body, the regime retained significant control over political discourse and stifled genuine democratic engagement.

Another central tension within the 1973 Constitution concerned the role of religion in shaping national identity – particularly in light of Sudan's religious diversity and the Addis Ababa Agreement. An official radio broadcast by the Ministry of Culture and Information in 1973 announced that the drafting committee had finalised the role of religion in the constitution. It stated:

The Committee approved Article 16 on the Constitution, of which the text is as follows:
(a) in the Democratic Republic of the Sudan there is the Islamic religion. Society is rightly guided by Islam, the religion of the majority. The state tries to express its values;
(b) The Christian religion in the Democratic Republic of the Sudan is for a large number of citizens who are rightly guided by it...
(c) It is not permissible to abuse or offend divine religions and Holy spiritual beliefs.²⁹⁵

The inclusion of both Islam and Christianity in Article 16 represents an attempt to acknowledge Sudan's plural religious composition. On the surface, the article appears to promote religious coexistence by explicitly recognising Christianity alongside Islam. However, the language used – particularly the description of Islam as 'the religion of the majority' and the state is being framed

²⁹³ Sylvester, *Sudan under Nimeiri*, pp.72-73.

²⁹⁴ The Revolution's Constitutional Achievements, Democratic Republic of the Sudan, Ministry of Culture and Information, Translation and Publication Section, [1973?], JQ3981.S8 S77 1973, Library of Congress.

²⁹⁵ "Religious beliefs." Omdurman Home Service, April 10, 1973. *SWB*, April 17, 1973: A/5.

as being ‘rightly guided by Islam,’ subtly positions Islamic values as the moral compass of national life. This phrasing reflects a hierarchical vision of religion within the constitutional framework – where Christianity is recognised but Islam is endorsed. Such dual recognition exposes a fundamental tension in the regime’s project: despite its claims of pluralism, the constitution privileged one religious identity: the effort to reconcile Islamist, secular, and pluralist demands reveals the contested and uneven dynamics of various imaginings of Sudanisation during this period.

Presenting the constitution

The 1973 constitution was a legal framework and a political instrument that the regime projected as a monumental achievement for the broader Sudanese population. In addition to championing the idea of popular participation through the People’s Assembly, the regime worked to elevate the constitution as a defining milestone in the country’s history. Several official sources reveal that by emphasising its permanence and positioning it as a cornerstone of Sudan’s political identity, the regime portrayed the constitution as a foundational document that would guide the nation’s future under the SSU. Specifically, the government celebrated the constitution as a significant step towards national liberation, modernisation, and fulfilling the May Revolution’s goals. This framing is yet another example of how the regime used constitution-making to assert its political dominance and advance tutelary Sudanisation. These narratives also faced resistance from those who viewed the constitution as a tool of authoritarianism under military rule rather than a product of constitutional progress.

According to the government authored document, *The Revolution’s Constitutional Achievements* (1973) that was available for public circulation and extracted into government-sponsored newspapers, the constitution ‘emphasises the sovereignty of the people and the unity of the country, its people and territory, and socialism as a means for construction.’²⁹⁶ This quote highlights Sudan’s role in both the Arab and African worlds, as well as problematising sovereignty as a concept that simultaneously invokes popular legitimacy while entrenching centralised rule. This narrative of a permanent and revolutionary document was key to projecting the constitution as something that would transcend the political moment, positioning it as the culmination of the May Revolution’s aims and achievements. Further evidence of the regime’s attempt to elevate the significance of the constitution was seen during the SSU’s Second

²⁹⁶ The Revolution's Constitutional Achievements, Democratic Republic of the Sudan, Ministry of Culture and Information, Translation and Publication Section, [1973?], JQ3981.S8 S77 1973, Library of Congress.

National Congress in 1977, where Nimeiri emphasised that the constitution marked a period in which ‘the masses practised real authority... through constitutional institutions.’²⁹⁷ This rhetoric reinforced the idea that the constitution had successfully established a government that represented the people and their will. Nimeiri also noted that ‘the revolution introduced comprehensive reforms to the government machinery,’ and that these reforms were necessary for the ‘task of building the modern state.’²⁹⁸ By promoting these themes, the regime sought to present the constitution as a symbol of modernisation and progress, one that would permanently secure the goals of the May Revolution. However, this narrative sidestepped the reality that political pluralism and opposition were entirely suppressed.

By promoting the constitution as a definitive solution to Sudan’s political challenges, the regime aimed to silence dissent and discourage attempts at reform. *The Revolution’s Constitutional Achievements* (1973), clearly articulates this, stating that the constitution ‘emphasises the sovereignty of the people and the unity of the country, its people and territory and socialism as a means for construction, and respect for the people’s beliefs.’²⁹⁹ This proclamation was framed as a historic achievement, embedding the revolution’s goals into the legal fabric of the nation. However, it also reflected the regime’s commitment to consolidating a one-party state, where the SSU would remain the sole political force shaping the country’s future. Furthermore, during the Second National Congress, Nimeiri stressed:

The last three years have been a period during which the masses practiced real authority and manipulated it to their benefit through constitutional institutions.... This consequently necessitates liquidation of old institutions and replacing them with modern ones capable of expressing this popular will – hence the SSU and its tributaries, people’s local government, regional self-government in the Southern Provinces, and the first People’s Assembly that passed the permanent Constitution.³⁰⁰

This notion of permanence was intended to close off possibilities for future political changes or challenges to the one-party system. The liquidation of old institutions and their replacement with

²⁹⁷ Ittihad al-Ishtiraki al-Sudani, *Second National Congress: S.S.U. President's Report*, H.E. Jaafar M. Nimeiri, Wednesday, January 26, 1977, Khartoum, Sudanese Socialist Union, General Secretariat, [1977?], JQ3981.S873 I8267, Library of Congress.

²⁹⁸ Ittihad al-Ishtiraki al-Sudani, *Second National Congress: S.S.U. President's Report*, H.E. Jaafar M. Nimeiri, Wednesday, January 26, 1977, Khartoum, Sudanese Socialist Union, General Secretariat, [1977?], JQ3981.S873 I8267, Library of Congress.

²⁹⁹ *The Revolution's Constitutional Achievements*, Democratic Republic of the Sudan, Ministry of Culture and Information, Translation and Publication Section, [1973?], JQ3981.S8 S77 1973, Library of Congress.

³⁰⁰ Ittihad al-Ishtiraki al-Sudani, *Second National Congress: S.S.U. President's Report*, H.E. Jaafar M. Nimeiri, Wednesday, January 26, 1977, Khartoum, Sudanese Socialist Union, General Secretariat, [1977?], JQ3981.S873 I8267, Library of Congress.

‘modern ones capable of expressing this popular will’ suggests a deliberate effort to equate the revolution with modernisation and progress, while also justifying the centralisation of power within the SSU and its affiliated bodies.³⁰¹ The invocation of the ‘permanent constitution’ in this context served to embed these reforms into the legal and institutional fabric of Sudan, presenting them as irreversible achievements.³⁰²

However, these justifications of one-party rule were met with resistance. At the University of Khartoum, students, intellectuals, and political activists challenged the regime’s portrayal of the one-party system as inherently flawed. The protests at the University of Khartoum in 1973 and 1974, which led to mass arrests and the temporary closure of the university, demonstrate student disillusionments with the regime’s attempts to stifle political pluralism under the guise of creating a ‘people’s democracy.’³⁰³ According to a report by the British Foreign Office, the protests were often driven by leftist and communist ideologies as well as growing Muslim Brotherhood influence and other sectarian parties linked to the National Front.³⁰⁴ Left-leaning students actively demanded the release of political prisoners, while students aligned with conservative religious ideologies expressed frustration with the state’s religious status, calling for the implementation of stricter interpretations of Sharia law.³⁰⁵ Additionally, there was a desire among students to engage in protests more openly and meaningfully, as the regime’s suppression of dissent curtailed their avenues for political expression.³⁰⁶ The eruption of these protests stood in stark contrast to the regime’s narrative that the constitution offered some forms of absolutism.

Ultimately, the constitutional project under Jaafar al-Nimeiri’s regime reveals the complexities and contradictions at the heart of post-colonial constitution-making. Framed as a revolutionary effort aimed at dismantling colonial legacies, the regime sought to institutionalise their version of Sudanisation through constitution-making, socialist rhetoric, and anti-imperialist posturing. While the regime’s rhetoric demonstrates its strong inclination towards these ideologies, its efforts often reproduced exclusionary hierarchies and centralised power under military and one-

³⁰¹ Ittiḥād al-Ishtirākī al-Sūdānī, *Second National Congress: S.S.U. President's Report*, H.E. Jaafar M. Nimeiri, Wednesday, January 26, 1977, Khartoum, Sudanese Socialist Union, General Secretariat, [1977?], JQ3981.S873 I8267, Library of Congress.

³⁰² Ittiḥād al-Ishtirākī al-Sūdānī, *Second National Congress: S.S.U. President's Report*, H.E. Jaafar M. Nimeiri, Wednesday, January 26, 1977, Khartoum, Sudanese Socialist Union, General Secretariat, [1977?], JQ3981.S873 I8267, Library of Congress.

³⁰³ Correspondence, papers and reports outlining constitutional changes and increased political control with University of Khartoum, 1970–1973, BW90/1776, UKNA.

³⁰⁴ Correspondence, papers and reports outlining constitutional changes and increased political control with University of Khartoum, 1970–1973, BW90/1776, UKNA.

³⁰⁵ Robin Bulkeley, *Sudan – Political Notes*, February 1974, LSE Archives.

³⁰⁶ Robin Bulkeley, *Sudan – Political Notes*, February 1974, LSE Archives.

party rule. Thus, the constitution became both a symbolic artefact of decolonial ambition and a practical instrument for consolidating political dominance. At the same time, alternative constitutional imaginations – expressed by students and opposition groups – persisted in challenging the regime’s centralised vision. These contestations underscored that Sudanisation was not a fixed or uncontested process, but a terrain of struggle over whose voices would shape the postcolonial nation. Therefore, the legacy of constitution-making in the earlier years of Nimeiri’s regime lies not only in the text produced or the institutions restructured, but in the enduring tensions between varying visions for the state.

Promises of Reform, Practices of Power, 1973-1977

After the constitution’s ratification in 1973, it grew evident that the regime’s constitutional project was less about establishing a stable legal order than about projecting the identity and authority of the state. As political, economic and social pressures intensified, the constitution was not upheld as a neutral arbiter of governance but invoked selectively to justify centralisation, marginalise opposition, and consolidate the regime’s rule. It became a symbolic anchor for Nimeiri’s vision of statehood, intertwining legal form with authoritarian function. This period was characterised by three pivotal struggles that illustrate how the constitution served as a tool for authoritarian consolidation. First, the autonomy promised in the 1972 Addis Ababa Agreement and codified in the constitution collided with centralising practices and textual contradictions. Second, Nimeiri’s socialist-led economic vision faltered under corruption and economic decline, eroding the regime’s claims for evolutionary transformation. Third, growing opposition, including two attempted coups in 1975 and 1976 led to reconciliation efforts in 1977, exposing the regime’s reliance on constitutional performance to preserve its political dominance.

While the regime continued to present itself as advancing a decolonised Sudanisation project – abolishing the native administration, developing a ‘permanent’ constitution, expanding public services, and promoting national unity – this rhetoric increasingly masked a governance style rooted in legal repression and administrative centralisation. As such, despite its revolutionary claims, the regime remained structurally tethered to the colonial frameworks it professed to dismantle, thus overlapping and colliding with tutelary Sudanisation. The constitutional order that emerged during this period thus reflected not the realisation of decolonial aspirations, but the repurposing of those ideals in service of authoritarian rule.

Autonomy versus Authoritarianism: The Addis Ababa Agreement

The 1973 constitution enshrined a set of promises that were, in many ways, fundamentally incompatible with the Addis Ababa Agreement. While it codified the agreement and formally recognised the South's right to autonomy, it did so within a centralised, authoritarian framework that ultimately undermined those very guarantees. These contradictions were not peripheral – they were embedded in the language and structure of the constitution itself. Articles that promised decentralisation simultaneously reaffirmed one-party rule and national unity. Development programmes promised modernisation while disregarding cultural autonomy. Political appointments and economic policies consistently subverted Southern self-governance. What emerged was not a coherent blueprint for reconciliation, but a governing framework that institutionalised contradiction.

Articles 1 and 8 embedded core principles of the agreement into Sudan's legal framework. Article 1 proclaimed Sudan to be a 'democratic, socialist, and united republic,' reflecting the regime's ideological aspirations for unity and modernity under a centralised political order.³⁰⁷ Yet Article 8 introduced a potentially incompatible commitment: it established a Regional Self-Government in the Southern Region 'in accordance with the Southern Provinces Regional Self-Government Act, 1972,' specifying that this arrangement was to be treated as an 'organic law,' amendable only through its own provisions.³⁰⁸ This attempt to reconcile national unity with regional autonomy exposed a deep constitutional contradiction at the heart of the regime's project. On one hand, the regime claimed to honour the distinctiveness of the South through legal guarantees of self-rule. On the other, it maintained a strong unitary identity. These tensions reflected a broader dilemma – the regime's desire to appear inclusive while centralising control. Regardless of these contradictions, President Nimeiri continued to present the Addis Ababa Agreement as a revolutionary achievement. In a 1977 address to the SSU, broadcast on Omdurman national radio, he declared:

The people of Sudan made their greatest achievement the day they ended the crushing civil war in their country and offered to Africa and the entire world a living example of the ability of a free people to solve their problems peacefully through dialogue, goodwill, and true patriotism..... Brothers and sisters, the five years stipulated by the Addis Ababa Agreement for the implementation of the constitutional, political and social measures necessary for the establishment of an autonomous regional government in the

³⁰⁷ Constitution of the Democratic Republic of the Sudan, 1973 (Khartoum: Ministry of Legal Affairs, 1973), Art. 1.

³⁰⁸ Constitution of the Democratic Republic of the Sudan, 1973 (Khartoum: Ministry of Legal Affairs, 1973), Art. 8.

southern provinces within the framework of a united integral Sudan have ended. The Sudanese people of both the North and the South have succeeded in implementing all these measures.³⁰⁹

By declaring that ‘the people of Sudan made their greatest achievement’ through ending the civil war, Nimeiri frames the peace process not as a negotiated compromise between conflicting parties but as a unified national triumph, folding the agreement into a singular national narrative dominated by the regime. Further, by addressing both ‘Africa and the entire world,’ Nimeiri attempts to reframe Sudan’s internal conflict resolution as a model for postcolonial governance – one that bolsters his international legitimacy and positions his regime as a leader among newly independent African states. The invocation of ‘dialogue, goodwill, and true patriotism’ reinforces this image, moralising the peace process and casting dissent as unpatriotic.

The Addis Abba Agreement, while presented as a global model for peaceful conflict resolution, was also falling apart – its fragility was exacerbated by Nimeiri’s authoritarian practices. While the constitution and agreement promised self-governance, the regime retained tight control over Southern politics – frequently intervening in leadership appointments, legislative processes and resource allocation. Nimeiri’s interference in the 1978 Regional Assembly elections, where he favoured Joseph Lagu’s coalition over Abel Alier’s alliance, exemplified his divide-and-rule strategy. By manipulating internal Southern rivalries, Nimeiri ensured that the Southern Regional Government (SRG) remained dependent on Khartoum and fragmented in its decision-making capacity.³¹⁰ Economic and resource exploitation also became central to this strategy. For instance, the Jonglei Canal project, initiated without meaningful consultation with Southern politicians, aimed to divert water from the White Nile to benefit the North and Egypt, leaving the South with environmental and socioeconomic consequences. The construction of the canal was viewed as part of a developmental vision for transforming the South, modernising agricultural and integrating the region into Sudan’s national economy, with Alier remarking that it is ‘the biggest and most ambitious economic development project so far devised for the Region.’³¹¹ Dr Muhammad Hashim Awad, Secretary of the SSU Development Committee, led a seminar on the project, where he emphasised its importance in developing the country:

The project is not a new idea... technicians at the Ministry of irrigation studied the Jonglei project, or rather the two Jonglei project of 1938 and the 1950s, and drew up a new plan. It is hoped that this plan will transform life in the Southern Region and create

³⁰⁹ ‘Numayri’s Report to SSU.’ *SWB*: Middle East and Africa, January 25, 1977: ME/5424/A/7.

³¹⁰ Rolandsen and Daly, *A History of South Sudan*, p.98.

³¹¹ Nelson Kasfir, ‘Southern Sudanese Politics since the Addis Ababa Agreement’, *African Affairs* 76, no. 303 (1977): 143–66, (p.163).

in the South a development project that is equal, if not better, than the project on which the country's progress has been based – the Gezira project.³¹²

Awad envisioned the canal as a means of modernising the South, changing traditional livelihoods, improving agriculture, and integrating the region into Sudan's broader economic trajectory. However, his comments also demonstrate how postcolonial regimes revived and repurposed colonial-era development schemes under the banner of national progress. He explicitly acknowledges that the canal originated in earlier colonial blueprints, thus revealing deeper continuity in the states' developmental thinking – the belief that large-scale infrastructural interventions could 'transform life' and bring peripheral regions into the fold of the national economy. Furthermore, by likening the canal to the Gezira Scheme – which is often regarded as the cornerstone of colonial agricultural development in Sudan – Awad elevates the project as a foundational instrument for postcolonial modernity.³¹³

However, acts of unrest, including a minor mutiny in Akobo in 1975 and violent student protests in Juba in late 1974, revealed the growing Southern disillusionment with the project.³¹⁴ After responding aggressively to these protests, the regime claimed that students had been 'misled' by 'subversive elements,'³¹⁵ and launched an 'enlightenment campaign on the development aims to be achieved from the Jonglei canal project.... to explain the dimensions of popular participation.'³¹⁶ These protests exposed the widening gap between Khartoum's narrative of national harmony and the lived realities of Southern communities. For some, the canal was evidence of renewed Northern domination.³¹⁷ Therefore, the canal – and by extension the agreement itself – was also entangled in competing Southern visions of progress, modernity, and development. Even so, the failure to ensure inclusive consultation and violent suppression of dissent revealed the fragility of its developmentalist promise.

The discovery of oil in southern Sudan only deepened these grievances. Southern leaders initially hoped that oil revenues would support regional development, but the regime's decision to build refineries at Kosti, in the North, rather than in Bentiu, near the oil fields, highlighted Khartoum's disregard for Southern interests. Southern officials viewed this decision as a deliberate

³¹² "The Jonglei Canal Project in Sudan." *Omdurman Home Service*, October 24, 1974. *SWB*, October 29, 1974: A/1.

³¹³ Harry Verhoeven, *Water, Civilisation and Power in Sudan: The Political Economy of Military-Islamist State Building*, 1st ed. (Cambridge University Press, 2015), <https://doi.org/10.1017/CBO9781107447769>, p.59.

³¹⁴ Richard P. Stevens, 'The 1972 Addis Ababa Agreement and the Sudan's Afro-Arab Policy', *The Journal of Modern African Studies* 14, no. 2 (June 1976): 247–74, <https://doi.org/10.1017/S0022278X00053271>, (p.251).

³¹⁵ "The Situation in Juba." *Omdurman Home Service*, October 18, 1974. *SWB*, October 21, 1974: A/1.

³¹⁶ "The Jonglei Canal project." *Omdurman Home Service*, October 20, 1974. *SWB*, October 22, 1974: A/3.

³¹⁷ Kasfir, 'Southern Sudanese Politics since the Addis Ababa Agreement,' (p.145).

marginalisation of the region.³¹⁸ Public speeches from the time reveal the regime's efforts to justify its extractive policies in the language of revolutionary progress. At a May Revolution commemoration held in Moscow, Fakr ad-Din Muhammad, the Sudanese Ambassador to Russia, praised the oil and canal projects as 'critical to Sudan's modernisation,' and declared:

The revolutionary leadership in Sudan has carried out a considerable number of progressive changes. It has coordinated the programme of the democratic solution of the question of South Sudan, relying on the support of the vast masses of the people and on the progressive social and political forces.³¹⁹

This rhetoric mirrored the regime's broader narrative that post-conflict development could unify the country under a singular national vision. By invoking the 'support of the vast masses' and framing its approach as both democratic and progressive, the regime sought to employ the language of revolution, mass support, and progress to neutralise state authority. This positioned the regime as the sole legitimate architect of unity and transformation. Yet, this framing elided the complex political negotiations, regional grievances, and uneven power dynamics underpinning the Addis Ababa Agreement. As Lesch notes, 'the principle underlying the agreement – that Sudan could remain one country only if the multiplicity of its people was recognised – was systematically undermined by the regime's centralisation of power.'³²⁰ Nimeiri's repeated interventions in Southern leadership and his exploitation of Southern wealth revealed the deep contradictions of his Sudanisation project. While the Addis Ababa Agreement was celebrated as a decolonial solution to Sudan's internal divisions, its implementation exposed a regime more invested in preserving power than pursuing reconciliation. The canal and refinery controversies thus became powerful symbols of the broader failure of peace-making. They reinforced the economic and political inequalities that had fuelled the North-South conflict. By prioritising centralised control and extracting Southern resources Nimeiri replicated the very colonial powers he claimed to dismantle – ultimately deepening the mistrust that the agreement as meant to resolve.

Economic Governance as Authoritarian Consolidation

The 1973 Constitution articulated an economic vision that tied revolutionary development to Sudan's postcolonial sovereignty. Chapter II of the constitution, titled 'Economic Fundamentals'

³¹⁸ Rolandsen and Daly, *A History of South Sudan*, (p.99).

³¹⁹ 'Fifth Anniversary of Sudanese May Revolution.' May 26, 1974. *SWB*, May 28, 1974: A4/3-A4/5.

³²⁰ Ann Mosely Lesch, *The Sudan: Contested National Identities*, Indiana Series in Middle East Studies (Bloomington : Oxford, UK: Indiana University Press ; J. Currey, 1998), p.51.

outlines that ‘the Socialist system shall be the foundation of the economy of the Sudanese Society so as to realise sufficiency in production and fairness in distribution, and to secure decent living for all citizens and prevent any form of exploitation and injustice.’³²¹ In the same chapter, Article 31 notes: ‘the Sudanese economy shall be directed to realise the objectives of development plans in order to achieve the society of sufficiency and justice and the State shall own and manage the fundamental means of production in the economy.’³²² These constitutional ideals reflected the regime’s effort to align economic governance with the revolutionary ethos of the May Revolution and to project Sudan as economically independent and socially just. However, by the mid-1970s, this vision had largely unravelled. Faced with economic decline and growing dissent, the regime shifted from structural transformation to authoritarian survival. Constitutional promises were increasingly used as political cover for centralised control and elite enrichment.

Following the 1969 coup, the regime launched sweeping nationalisation campaigns that targeted foreign and domestic enterprises in banking, insurance and industry.³²³ A Five-Year Industrial Development Plan introduced in 1970 promised to expand the public sector and lay the foundation for a socialist economy.³²⁴ Specifically, Nimeiri emphasised that this plan is ‘the first plan to be drawn on a scientific and socialist basis of development in this country economically and socially.... It indicates the solidarity of all efforts for the happiness of our people and future generations.’³²⁵ Therefore, since the 1970s, these moves were presented as revolutionary acts of economic liberation. In a 1974 radio broadcast Nimeiri explicitly linked these policies to anti-colonial struggle, declaring:

Colonialism plundered our resources and the fruits of our work, and stopped the country’s progress and the accumulation of national resources; it also left us with a legacy of poverty, suffering, and deprivation.³²⁶

This statement anchored economic grievances in the memory of colonial exploitation, framing nationalisation as a form of redress. Yet even as Nimeiri used anti-colonial language to legitimise his policies, the implementation revealed key contradictions. Many of the newly nationalised enterprises were poorly managed, lacked technical capacity, and quickly became vehicles for

³²¹ Constitution of the Democratic Republic of the Sudan, 1973 (Khartoum: Ministry of Legal Affairs, 1973).

³²² Constitution of the Democratic Republic of the Sudan, 1973 (Khartoum: Ministry of Legal Affairs, 1973).

³²³ P. M. Holt and M. W. Daly, *A History of the Sudan: From the Coming of Islam to the Present Day*, 6th ed (Harlow, England ; New York: Longman/Pearson, 2011), p.138.

³²⁴ Holt and Daly, *A History of the Sudan. A History of the Sudan*, p.138.

³²⁵ "Sudan's Five-year Plan." June 14, 1970. *SWB*, June 16, 1970: A/2-A/3.

³²⁶ "Sudan's Economic Priorities." February 17, 1974. *SWB*, February 19, 1974: A4/3-A4/4.

patronage.³²⁷ Productivity declined and by 1973, the regime began quietly reversing some nationalisations – an early sign that revolutionary rhetoric was already giving way to pragmatic retreat.³²⁸ Nonetheless, the regime doubled down on its public image. During a broadcast marking the fifth anniversary of the May Revolution, a government spokesperson proclaimed:

The May Revolution reflected people's interests and outlined the methods for solving the crisis... Among the measures were the expansion of trade and economic relations with Arab and socialist countries, the expansion of the public sector, and the end of foreign capital domination³²⁹

This quote reinforces how economic policies were framed as an extension of revolutionary justice. Yet by 1975, these proclamations increasingly served to mask governance failures. The regime's dependence on foreign credit began to rise, and its ideological commitment to socialism began to erode, partly as a result of the now-severed ties with the USSR following the 1971 coup attempt by the SCP. As a result, by the mid 1970s, Sudan had repositioned itself as a moderate Arab state, aligned with Western and Gulf donors. While this shift brought much-needed aid to the country, it also deepened external dependency.³³⁰ By the mid-1970s, Sudan's external debt had ballooned, further limiting the government's ability to pursue its development agenda. The IMF's structural adjustment policies imposed austerity measures that disproportionately impacted the rural poor, contradicting the regime's stated commitment to equitable development.³³¹ As a result, Nimeiri deflected the blame of Sudan's economic stagnation onto foreign actors. In a 1976 radio broadcast, he lamented:

Inflation and stagnation in Western markets are increasing the prices of our imports and lowering the prices of our exports. The price of our cotton has dropped; the price of gum Arabic has dropped; the price of groundnuts has dropped; the price of everything that we export has dropped.³³²

While global economic shifts had been impacting Sudan, Nimeiri's account externalised responsibility and obscured internal failures. His focus on international markets ignored the impact of regime-led mismanagement, corruption, and overambitious mega-projects. For instance, the Jonglei Canal and other large-scale irrigation schemes and diverted resources away

³²⁷ W. J. Berridge, *Civil Uprisings in Modern Sudan: The 'Khartoum Springs' of 1964 and 1985*, 1st ed. (Bloomsbury Publishing Plc, 2015), <https://doi.org/10.5040/9781474219969>, p.42.

³²⁸ Holt and Daly, *A History of the Sudan*, p.138.

³²⁹ Fifth Anniversary of Sudanese May Revolution.' May 26, 1974. *SWB*, May 28, 1974: A4/3-A4/5.

³³⁰ Holt and Daly, *A History of the Sudan*, p.138..

³³¹ Berridge, *Civil Uprisings in Modern Sudan*, p.132.

³³² "Numayri On Economic Aims." *Omdurman Home Service*, January 1, 1976. *SWB*, January 13, 1976: A1/9-A1/10.

from basic agriculture and drained state capacity.³³³ The emphasis on prestige projects over functional services reflected a leadership more concerned with symbolic power than economic outcomes. As a result of these factors, domestic criticism mounted. The SCP, in a 1978 circular, offered a damning indictment: 'The food crisis continues to worsen due to the government's bankruptcy. Inflation has swallowed everything, and the masses are facing rising prices of essential goods without relief.'³³⁴ This was not merely an economic grievance but a critique of the regime's promises of equitable development and state-led redistribution.

These failures were also compounded by corruption. Berridge notes that funding for development projects was often allocated based on personal gain rather than national priorities, with senior officials positioning themselves as beneficiaries of the system.³³⁵ This not only undercut the public sector's effectiveness but also delegitimised the very idea of socialist governance. The Sudanese Women's Union (SWU), in a 1979 leaflet, condemned the regime's betrayal of popular interests: 'The May dictatorial authority has burdened our people with taxes and increasing prices of essential goods. Crises of transportation, housing, hospitals, and education remain untreated, while favouritism and corruption flourish.'³³⁶ The union's critique reveals how widespread dissolution had become. Nimeiri's economic vision, once presented as a revolutionary corrective to colonial inequality, was now seen as a hollow justification for elite control. While the regime used language of economic justice and constitutionalism to justify its rule, these ideals became tools of authoritarian consolidation. The shift from socialist planning to debt dependency, from redistribution to elite capture, mirrored a broader political strategy: to protect the regime, not transform the state. In this way, the economic crisis of the late 1970s and 1980s was not merely a policy failure. It exposed a deeper contradiction of Nimeiri's governance: that a regime born in the name of revolutionary transformation would ultimately subordinate those ideals to the imperatives of power and control.

Coup Attempts and Authoritarian Consolidation: 1975-1976

The mid-1970s marked a critical juncture in the regime, exposing the fragility of the state's authoritarian social construct and emphasising its reliance on the constitution to maintain power. In response to mounting political opposition and unrest, the regime amended the 1973

³³³ Holt and Daly, *A History of the Sudan*. 139.

³³⁴ Circular Concerning the Current Political and Economic Crisis: *Tafaqum al-Azma al-Siyasiyya wa Maham Furuc al-Hizb fi Haraka al-Jamabiriyya* (1978), *Hizb al-Shuyu'i al-Sudani Collection*, International Institute of Social History (IISH)

³³⁵ Berridge, *Civil Uprisings in Modern Sudan*, p.42.

³³⁶ "Leaflet of the Sudanese Women's Union (SWU): *Ila jamahir al-nisa' al-Sudaniyyat*," June 3, 1979, *Hizb al-Shuyu'i al-Sudani Collection* International Institute of Social History (IISH)

constitution to expand executive authority, particularly following the failed coup attempt of 1975. These changes – justified in the name of national security – redefined constitutional order by enabling indefinite detention, emergency rule, and the circumvention of judicial oversight. However, the 1976 coup attempt, spearheaded by the National Front, directly challenged these authoritarian reforms and underscored the limits of constitutional repression in containing dissent. Together, the coups revealed the volatility of the regime's support base, the intensifying crisis of legitimacy, and the contradictions at the heart of Nimeiri's efforts to project unity and stability through legal authoritarianism. This period culminated in the 1977 National Reconciliation, a turning point that laid bare the unsustainability of the regime's governance model and its attempt to secure loyalty through coercion cloaked in constitutionalism.

Oppositional politics during this period escalated into significant military challenges to Nimeiri's rule. The failed coup of September 5, 1975, led by Brigadier Hassan Hussein, marked a turning point. The coup arose from 'economic grievances and dissatisfaction within the armed forces,' reflecting growing discontent with Nimeiri's centralisation of power and the marginalisation of certain groups within the military.³³⁷ Specifically, military officers from Western Sudan played a central role in the coup, motivated by their experiences of marginalisation and the hope that political intervention would shift the balance of power away from Khartoum.³³⁸ Furthermore, these grievances were also shaped by the ethnic stratification of the SAF, whose senior ranks were dominated by the riverine elite—the Ja'aliyyin, Shaigiyya, and Danagla—while the lower ranks were disproportionately filled by recruits from marginalized communities such as the Nuba and Nuer.³³⁹ This imbalance fostered resentment and internal divisions, weakening the SAF's cohesion and rendering it vulnerable to insurrection. Though swiftly suppressed, Hussein's coup exposed deep structural tensions within the regime. In a radio broadcast following the events, Nimeiri denounced the conspirators as 'renegade traitors,' accusing them of exploiting the military to 'shake the socialist revolution.'³⁴⁰ Beyond these accusations, the movement's emphasis on Western Sudan prompted regime media to label it 'racist,' framing its regional demands as a

³³⁷ "Sudan Rebels Stage Coup but Loyal Troops Crush It," *New York Times*, September 6, 1975, <https://www.nytimes.com/1975/09/06/archives/sudan-rebels-stage-coup-but-loyal-troops-crush-it.html>.

³³⁸ Willow Berridge, 'Western Sudanese Marginalization, Coups in Khartoum and the Structural Legacies of Colonial Military Divide and Rule, 1924-Present', *Journal of Eastern African Studies*, 13 November 2023, 1–22, <https://doi.org/10.1080/17531055.2023.2280933>, (p.536).

³³⁹ Harry Verhoeven, 'Surviving Revolution and Democratisation: The Sudan Armed Forces, State Fragility and Security Competition', *The Journal of Modern African Studies* 61, no. 3 (September 2023): 413–37, <https://doi.org/10.1017/S0022278X23000174>, (p.418).

³⁴⁰ "President Numayri's Broadcast of 5th September." *Omdurman Home Service*, September 5, 1975. *SWB*, September 6, 1975: A/16-A/18.

threat to national unity.³⁴¹ The designation of the conspirators as ‘renegade traitors’ personalised the act of betrayal, casting it within a moral lexicon of loyalty and deflection. Meanwhile, the claim that the coup aimed to ‘shake the socialist revolution’ presents the uprising not merely as a political challenge but as an existential threat to the ideological foundations of the state. By invoking the revolution, Nimeiri positioned himself as the guardian of its values, equating loyalty to his rule with the loyalty to the nation. Yet this rhetoric masked the regime’s failure to resolve internal military divisions or address the material grievances that had fuelled the uprising. As Johnson notes, these grievances were not confined to the military but resonated across Sudanese society, particularly among those who felt excluded from the benefits of Nimeiri’s regime.³⁴²

In response to the 1975 coup, Nimeiri intensified his authoritarian grip through constitutional means. Articles 41, 66, 81, and 82 of the 1973 constitution were repealed and replaced with clauses granting the president sweeping emergency powers. A government broadcast on Omdurman Radio summarised these amendments, stating that they granted the president ‘all necessary powers under the conditions of a state of emergency,’ including overriding due process to ensure ‘the security of the state and the protection of national unity.’³⁴³ These formulations were instructive. The phrase ‘all necessary power’ reflects the discretionary nature of executive authority – what is deemed ‘necessary’ is left undefined, permitting maximal interpretation. The emphasis on ‘security’ and ‘national unity’ mirrors Nimeiri’s framing of coups as existential threats, justifying the suppression in the name of state survival. This was demonstrated through the establishment of State Security Courts, which had jurisdiction to try offences of high treason.³⁴⁴ It was through these courts that the 1975 coup plotters were tried. By constitutionalising these extraordinary powers, the regime effectively suspended the rule of law while claiming to operate within it. The impact of these amendments were far-reaching, signalling a deeper authoritarian turn, whereby the regime’s power expanded. Emergency powers were used to detain political opponents indefinitely, bypass civilian courts, and suppress dissent under the veneer of legality.³⁴⁵

³⁴¹ Berridge, ‘Western Sudanese Marginalization, Coups in Khartoum and the Structural Legacies of Colonial Military Divide and Rule, 1924-Present,’ (p.545).

³⁴² Douglas H. Johnson, *The Root Causes of Sudan’s Civil Wars: Old Wars and New Wars (Expanded 3rd Edition)*, 1st ed. (Boydell and Brewer Limited, 2016), <https://doi.org/10.1017/9781782048343>, p.55.

³⁴³ "Sudanese Assembly Approval for Amendments to the Constitution." *Omdurman Home Service*, September 17, 1975. *SWB*, September 19, 1975: A/6-A/7.

³⁴⁴ Constitution of the Democratic Republic of the Sudan, Amendments (1975).

³⁴⁵ Sudanese Assembly Approval for Amendments to the Constitution." *Omdurman Home Service*, September 17, 1975. *SWB*, September 19, 1975: A/6-A/7.

Against this backdrop of suppression, another coup attempt was launched in 1976, led by the National Front coalition, comprising the Umma Party, the DUP, and Muslim Brotherhood. Intense fighting ensued in Khartoum, paralysing the capital for two days before the regime ultimately repelled the insurgents. Nimeiri framed this coup attempt as a product of foreign conspiracy. He described the National Front as a ‘reactionary force manipulated by foreign powers,’ describing its members as ‘the remaining elements of the old parties.’³⁴⁶ He further accused Libya of orchestrating the coup through foreign mercenaries, stating, ‘mercenaries from Ethiopia, Mali, Chad, Zanzibar, and Sudan were trained and funded in Libya to establish a regime led by Sadiq al-Mahdi and Sharif al-Hindi.’³⁴⁷ This statement externalised blame and reinforced a siege mentality: Sudan was portrayed as the target of regional aggression, with the regime as its defender. This narrative deflected attention from domestic failures and framed repression as a defence of sovereignty.

However, opposition leaders challenged this depiction. Sadiq al-Mahdi, speaking from exile in Paris, described the coup as ‘a popular insurrection’ led by the Sudanese people. He asserted that it reflected ‘the deep-seated frustrations with Nimeiri’s authoritarian rule’ rather than foreign machinations.³⁴⁸ This counter-narrative reasserted the domestic basis of dissent, reframing the coup as an expression of political grievance rather than foreign interference. His view was also underscored by the SCP in its circular, *Tafaqum al-Azma al-Siyasiyya wa Maham Furuc al-Hizb*, with the party noting: ‘The masses are no longer silent, nor do they reluctantly surrender as they did in the past.’³⁴⁹ Al-Mahdi’s use of the term ‘popular’ and the SCP’s use of ‘the masses’ invoke a people-centred legitimacy, that contrasts sharply with both the regime’s elite-driven authoritarianism and the Umma and SCP’s own elite-driven politics. As such, a tension arises whereby competing visions over what is ‘popular’ are fought in the name of claiming the political and moral high ground.

As with the 1975 coup, the regime used the 1976 insurrection to justify further legal reforms. Emergency rule was deepened, special courts proliferated, and the constitution was reshaped to

³⁴⁶ "Right-wing Reactionaries Blamed for Abortive Coup in Sudan." September 9, 1975. *SWB*, September 11, 1975: A4/1.

³⁴⁷ "Numayri's Port Louis Statement on 2nd July Events." *Cairo Home Service*, 2100 GMT, 5 July 1976. Excerpts from a report of 5 July interview given to the Egyptian press at the OAU summit meeting. *SWB*, July 7 1976, ME/5253/A/2.

³⁴⁸ "Statements by Sadiq al-Mahdi." *ARN4*, July 10, 1976. *SWB*, July 12, 1976: A/3-A/4.

³⁴⁹ Circular concerning the current political and economic crisis: *Tafaqum al-azma al-siyasiyya wa maham furuc al-hizb fi haraka al-jamahiriyya* (1978), *Hizb al-Shuyū'ī al-Sūdānī Collection* (IISH).

permit indefinite detention without trial.³⁵⁰ Furthermore, after thwarting two coup attempts, Nimeiri attempted to rehabilitate the regime's image. In a radio address, he claimed: 'The revolution is triumphant and capable of pardoning and forgiving. It extends an honest hand devoid of evil to all those who prefer participation to bragging, faith to doubt, and unity to division.'³⁵¹ This appeal to reconciliation was heavily a response to the regime's apparent weakness in the aftermath of the coups. Phrases such as 'an honest hand devoid of evil' and 'participation over bragging' evoke a paternalistic tone, framing the regime as morally superior and open to peace. At the same time, the regime continued to guard its interests through mass arrests and executions. The dissonance between rhetoric and reality avails how the regime sought to manage its legitimacy crisis through rhetoric of unity coupled with coercion. In reality, both the coup attempts and the regime's responses demonstrate different groups vying for their own version of Sudanisation. These dynamics ultimately necessitated the National Reconciliation of 1977 – a belated and partial recognition of the failure to build durable legitimacy through authoritarian constitutionalism.

The 1977 National Reconciliation: Manging Crisis Through Inclusion

The failure of the 1976 coup revealed the limits of military insurrection against the increasingly entrenched regime. It marked a moment of strategic recalibration, particularly for opposition leaders such as Sadiq al-Mahdi, who recognised that Nimeiri's control over the state's coercive apparatus made forcible removal unfeasible. The 1977 National Reconciliation Agreement, brokered in Port Sudan, emerged as a dual response: for Nimeiri, it was a means to defuse mounting internal and external pressure, while for the National Front, it was a reluctant compromise by the declining efficacy of the armed resistance and internal fragmentation. The agreement exemplified the regime's broader strategy of authoritarian inclusion – using selective co-option to pacify opposition while retaining core power structures intact. In doing so, it exposed the contradictions of Nimeiri's governance: attempts to consolidate authority through constitutional control were continuously challenged by competing visions for the nation.

The reconciliation promised reforms including the release of political detainees, the rehabilitation of exiled leaders, and a restructuring of the SSU to allow for broader participation.³⁵² While this

³⁵⁰ Sidgi Awad Mohanmdali Kaballo, 'The Political Economy Of Crisis In The Sudan 1973-1985', the University of Leeds, (pp.132-133).

³⁵¹ "Right-wing Reactionaries Blamed for Abortive Coup in Sudan." September 9, 1975. *SWB*, September 11, 1975: A4/1.

³⁵² Mohammad Beshir Hamid, 'Confrontation and Reconciliation within an African Context: The Case of Sudan', *Third World Quarterly* 5, no. 2 (1983): 320–29, (p.325).

restructuring was not outlined in constitutional amendments, Nimeiri insisted that the changes were part of his constitutional duty. For instance, in a national broadcast, after meeting al-Mahdi in Port Sudan, Nimeiri stressed that his move stemmed from his duty which, as specified in the permanent constitution, was to preserve national unity and safeguard the people's achievements.³⁵³ Yet, these overtures were tactical rather than transformative, and this was reflected in Nimeiri's own rhetoric. In a 1977 broadcast, in the midst of the negotiations, he declared 'The revolution was capable of deterring whoever tried to betray... It extended an honest hand devoid of evil to all those who preferred participation to division.'³⁵⁴ Here, the 'revolution' is invoked not as a popular force or institutional embodiment like the SSU, but as an autonomous actor – one that could punish disloyalty and grant forgiveness. This abstraction allowed Nimeiri to present reconciliation as a magnanimous act of strength, masking its exclusionary function. The quote also projects unity, but its conditional language – 'those who preferred participation' – signalled that inclusion was contingent on submission to the regime's terms. Within the context of the agreement, this is an example of the regime reasserting its power as moral superiority, not as concession.

Even as Nimeiri extended this so-called 'honest hand,' the reconciliation process did not signal a restoration of inclusive governance but rather a strategic consolidation of power. It marked a turning point in the regime's configuration of constitutional order – where the 1973 constitution became an instrument for absorbing some political adversaries while excluding others under the guise of national unity. The restructuring of the SSU promised in the reconciliation was framed as constitutional reform, but in practice, it set the stage for a more ideologically exclusive order. Reconciliation thus functioned as a gateway to deeper constitutional transformation – not through formal overhaul, but through reinterpretation. As Nimeiri declared, 'The principles of the revolution are not static; they evolve to meet the needs of the nation.'³⁵⁵ This statement exemplified how the regime claimed constitutional flexibility while asserting ideological control, enabling the state to cast legal foundations in alignment with emerging Islamist alliances.

Alongside the reconciliation effort, the late 1970s witnessed the gradual incorporation of the Muslim Brotherhood into Nimeiri's political orbit.³⁵⁶ Although initially marginalised by the May

³⁵³ "President Numayri's Monthly Talk: His Meeting with Sadiq al-Mahdi." *Sudan News Agency*, July 19, 1977. *SWB*, July 21, 1977: A/1-A/2.

³⁵⁴ "Numayri's 15th August Address to Sudanese People (ME/5591/A/6)." *MENA*, August 15, 1977. *SWB*, August 18, 1977: A/1-A/2.

³⁵⁵ "Release of political detainees in Sudan." *Omdurman Home Service*, July 21, 1977. *SWB*, July 23, 1977: A/6.

³⁵⁶ The term Muslim Brotherhood is utilised here to refer to Islamist political actors, including those who would later become part of Turabi's National Islamic Front (NIF) in the 1980s.

Revolution, the Brotherhood re-emerged in the post-reconciliation period as a strategic ally – offering ideological support and organisational capacity in exchange for political rehabilitation. This shift was not entirely political but constitutional – the incorporation of the Brotherhood into the crux of Sudanese politics signalled an impending redefinition of Sudan's national order. As such, the tensions and reconciliations that occurred in the late 1970s became the entry point to a broader constitutional realignment in which the Muslim Brotherhood would become central to the regime's evolving claim to legitimacy.

This ideological turn was not merely rhetorical – it became embedded in the institutions and legal structures through which the regime exercised power. The establishment of the Faisal Islamic Bank in 1977 marked a key moment in the Islamisation of state institutions, signalling a shift not just in economic policy but in the constitutional imagination of the state itself. In a national broadcast, Nimeiri framed this development as 'a step toward economic justice rooted in our national identity.'³⁵⁷ The language of national identity here functioned as a justification for embedding religious norms into the state's economic practice, transforming the constitutional framework to reflect the regime's evolving priorities. Islamic banking institutions, backed by the state, became vehicles of economic and political power, disproportionately benefiting Islamist actors.³⁵⁸

By 1978, this alliance was explicitly codified in political discourse. In an address during an SSU conference, Nimeiri asserted that the integration of Islamic principles into governance was necessary for 'moral and political unity.'³⁵⁹ This signalled a constitutional pivot, framing Islamisation not just as a moral objective but as a structural necessity for political order. The late 1970s thus exposed the fragility of the constitutional settlement and how easily its guarantees could be subordinated to ideological imperatives. From the ratification of the 1973 constitution to the aftermath of the 1977 National Reconciliation, what emerged was a constitutional order that reconfigured the rhetoric of decolonisation in service of authoritarian rule. This would become more pronounced in the years that followed, as Nimeiri deepened his alliance with the Muslim Brotherhood – culminating in the codification of Islamic law and a redefinition of the legal order itself. The constitution thus became a vehicle not only for consolidating authoritarian rule but for remaking the moral and political foundations of the Sudanese state.

³⁵⁷ "Release of political detainees in Sudan." *Omdurman Home Service*, July 21, 1977. *SWB*, July 23, 1977: A/6.

³⁵⁸ Verhoeven, 'Surviving Revolution and Democratisation,' (p.419).

³⁵⁹ "Numayri's 15th August Address to Sudanese People (ME/5591/A/6)." *MENA*, August 15, 1977. *SWB*, August 18, 1977: A/1-A/2.

Subordinating the Constitution: Political Survival and Ideological Shifts, 1978-1983

The constitutional developments under Jaafar al-Nimeiri's regime between 1978-1983 epitomise the interplay of political survival strategies and ideological shifts. Emerging from a period of political instability in 1969, the regime sought to address deep-seated issues of economic stagnation, regional inequalities, and a fragmented national identity. Nimeiri's tenure coincided with a tumultuous global period marked by Cold War geopolitics, rising oil prices, and increasing pressure from international financial institutions, all of which shaped the regime's domestic policies. The early years of Nimeiri's rule were characterised by socialist ideals and ambitious development projects, including the 'breadbasket' strategy, which aimed to transform Sudan into a regional agricultural powerhouse.³⁶⁰ However, by the late 1970s, the economy had faltered due to mismanagement, external debt, and the collapse of key sectors such as cotton production.³⁶¹ The regime's turn to the International Monetary Fund (IMF) in 1978 for financial assistance led to the implementation of structural adjustment programmes, which imposed austerity measures such as subsidy cuts and currency devaluation – exacerbating social and economic unrest.³⁶²

In parallel, the regime, which had consolidated itself under one-party rule as the SSU, had made enemies amongst the political opposition and civil society. Following the 1971 coup attempt by the SCP, the SSU instilled harsh repressive measures on the communists, who were initially one of their strongest allies. This event and its aftermath marked a definitive break between the regime and leftist factions.³⁶³ Furthermore, civil society organisations, particularly trade unions, became frequent targets of the regime's crackdown. Nimeiri's hostility towards independent organisations culminated in his use of decree powers to dissolve unions and criminalise strikes, reflecting his broader efforts to suppress dissent and maintain authoritarian control. This approach was rooted in the regime's perception of unions as potential threats to its authority, particularly after increasing labour unrest in the late 1970s.³⁶⁴ Against this backdrop of economic uncertainties and political turmoil, Nimeiri's constitutional amendments emerged as tools for both political consolidation and ideological realignment.

³⁶⁰ Richard Brown, 'On the Rationale and Effects of the IMF Stabilisation Programme in Sudan under Nimeiri: 1978 to the April 1985 Popular Uprising', *Geoforum*, The Debt Crisis, 19, no. 1 (1 January 1988): 71–91, [https://doi.org/10.1016/S0016-7185\(88\)80006-X](https://doi.org/10.1016/S0016-7185(88)80006-X), p.72.

³⁶¹ P. M. Holt and M. W. Daly, *A History of the Sudan: From the Coming of Islam to the Present Day*, 6th ed (Harlow, England ; New York: Longman/Pearson, 2011), p.138.

³⁶² Brown, 'On the Rationale and Effects of the IMF Stabilisation Programme in Sudan under Nimeiri'. 71.

³⁶³ Holt and Daly, *A History of the Sudan*, p.142.

³⁶⁴ Manṣūr Khālīd, *The Government They Deserve: The Role of the Elite in Sudan's Political Evolution* (London ; New York: Kegan Paul International, 1990), p.211.

Initially framed as part of the regime's Sudanisation project – anchored in constitutional commitments to economic development, national unity, and decentralisation – Nimeiri's reforms claimed to dismantle colonial legacies. Yet, these reforms continued to rely on inherited colonial structures, deepening the contradictions of post-colonial state-building. Between 1978 and 1980, ideological drift set in, as the regime shifted between socialist rhetoric, national unity appeals, and an increasing embrace of Islamist politics. More sharply than in previous years, constitution-making became a tool of political survival and a battleground for competing ideologies. Amid these tensions and changes, Nimeiri also turned against the SSU, accusing it of obstructing the revolution. This rupture signalled a decisive break with the regime's earlier constitutional model and underscored the erosion of its founding vision. Ultimately, these shifts laid bare the fragility of the regime's constitutional project and the extent to which the constitution had become subordinated to political expediency.

From Constitutional Promise to Authoritarian Consolidation: Nimeiri's Rhetoric and Governance in 1977

Within the context of faltering alliances and socio-economic instability, Nimeiri and the regime held onto the narratives that had underpinned the constitution-making process of the early 1970s. However, these narratives were increasingly contradictory and were used as a tactical way to respond to various internal and external threats. Nimeiri's rhetoric in 1977 focused on economic development, decentralisation and unity, while portraying these changes as a dismantling of colonial legacies. In his speech marking Sudan's 21st Independence Day, Nimeiri underscored the regime's anti-colonial struggles across Africa and the Arab world:

We have continued from the time the revolution was sparked off to side with the militants everywhere, with the Arab nation in its courageous struggle for liberation of the land, and with our African continent in its great struggle against colonialism and racist domination in all its forms. The revolution has been a test of the firmness of our principles.³⁶⁵

By invoking both Arab and African solidarity, Nimeiri not only referenced the opening article of the 1973 Constitution, which refers to Sudan as being part of both 'Arab and African entities,' but he sought to project Sudan as a leader in dismantling colonial legacies, leveraging this narrative to justify his regime's actions.³⁶⁶ The speech aligned Sudan with broader liberation movements and reinforced the regime's self-perception as the vanguard of anti-imperialism, masking the authoritarian nature of its rule. However, his rhetoric was riddled with

³⁶⁵ "Numayri's Sudan Independence Anniversary Speech." Omdurman Home Service, January 1, 1977. *SWB*, January 4, 1977: A/2–A/3.

³⁶⁶ Constitution of the Democratic Republic of the Sudan, 1973 (Khartoum: Ministry of Legal Affairs, 1973), Art. 1.

contradictions. As Fanon cautioned, such gestures often mask the reproduction of colonial logics under a nationalist guise.³⁶⁷ In claiming the mantle of anti-imperialism, Nimeiri cloaked an authoritarian project in the language of liberation – mobilising constitutional cultural symbolism while entrenching centralised, exclusionary rule. This paradox is evident in his address to the Second National Congress in January 1977, where he warned against external and internal threats, stating:

We have been attacked by agents of every colour and ideology, agents allied to the oppressors and the threats drawn from every group. They brought the weak-minded, mustered the naïve and gathered the mercenaries to reverse the wheel of history and to transform Sudan into a dismembered body, a lifeless entity, and a lowly subordinate.³⁶⁸

This speech underscores the regime's attempt to justify authoritarianism as a necessary defence against destabilising forces, effectively conflating opposition with external threats. By framing dissent as part of a broader neo-colonial conspiracy, Nimeiri positioned his regime as the guardian of Sudan's sovereignty. The reliance on such defensive rhetoric reveals the fragility of his regime, which increasingly leaned on coercion and surveillance to suppress dissent in the late 1970s.³⁶⁹

Finally, Nimeiri's speeches frequently employed grandiose language to portray tutelary Sudanisation as a miraculous achievement. As portrayed in Article 4 of the constitution, the SSU 'shall enhance the values of democracy, socialism, and national unity and shall represent the authority of the alliance of the working forces of the people.'³⁷⁰ This article encapsulates the regime's ideological self-image of a one-party system claiming to channel popular will through an alliance of workers, farmers, intellectuals and soldiers. However, in practice, the SSU reduced its socialist promises to rhetorical devices to mask authoritarian rule. For instance, in his May Day address in Atbara, a city known for its strong workers' movement, he claimed:

Sudan represented a magnitude and bulk which no one contemplating domination of the African continent and the Arab nation could ignore. Sudan, moreover, having made itself the model of national unity, in spite of conflicts, was a thorn in the side of those trying to disrupt the African and Arab entities.³⁷¹

³⁶⁷ Frantz Fanon and Richard Philcox, *The Wretched of the Earth: Frantz Fanon ; Translated from the French by Richard Philcox ; Introductions by Jean-Paul Sartre and Homi K. Bhabha* (New York: Grove Press, 2004), p.119..

³⁶⁸ "Numayri's report to SSU Second National Congress." Omdurman Home Service, January 25, 1977. SWB, January 28, 1977: A/6–A/8.

³⁶⁹ Khālid, *The Government They Deserve*, p.211.

³⁷⁰ Constitution of the Democratic Republic of the Sudan, 1973 (Khartoum: Ministry of Legal Affairs, 1973), Art. 4.

³⁷¹ "Numayri's speeches at May Day celebrations." *SWB*, May 4, 1977: B/3.

Delivered during a period of economic mismanagement and growing public discontent, this rhetoric sought to rally nationalist sentiment and distract from domestic failures. By positioning Sudan as a bastion of unity and resistance against imperialist designs, Nimeiri aimed to fortify his legitimacy. Yet, the incongruity between his claims of national unity and the reality of a fragmented and disillusioned populace exposed the limitations of his vision. Khalid argues that Nimeiri saw himself as synonymous with the state, equating his will with that of the Sudanese people.³⁷² This belief underpinned his use of grand proclamations to assert control over the narrative of unity and progress, even as his grip on power was slipping.

Furthermore, Nimeiri's repeated invocation of the regime as a revolutionary force and as a moral and ideological anchor highlights his reliance on symbolism to obscure policy failures. This view was underlined in the first few sentences of the constitution which states: 'We the people of the Sudan, in support of our victories in the twenty-fifth of May 1969 Revolution... in continuation of our struggle against imperialism, subordination, and backwardness.... Have firmly determined to lay the foundations of a new, democratic, socialist society.'³⁷³ These sentiments were reflected in the late 1970s as well. For example, during the Second National Congress, Nimeiri linked Sudan's challenges to the broader struggles of liberation movements, stating: 'The revolution in Sudan has never been isolated from the broader Arab and African revolutions. Our victories are shared, and so too are our struggles against the remnants of colonialism and imperialist conspiracies.'³⁷⁴ While such declarations resonated with post-colonial aspirations that the regime had attempted to assert as part of its political vision, they also revealed the regime's inability to substantively address the disparities and grievances that underpinned Sudan's political and social fragmentation. Also, by centralising power and embedding himself within the symbolic narrative of national unity and revolution, he positioned opposition as inherently counter-revolutionary.

The evidence from 1977 suggests that while the constitution remained a reference point for rhetorical appeals to democratic ideals, Nimeiri's actions—ranging from the co-optation of opposition forces to the suppression of dissent—subverted its foundational principles. The constitution's role as a legal and moral anchor can thus be questioned, leaving it a tool for

³⁷² Khālid, *The Government They Deserve*, p.146.

³⁷³ Constitution of the Democratic Republic of the Sudan, 1973 (Khartoum: Ministry of Legal Affairs, 1973), Preamble.

³⁷⁴ "Numayri's report to SSU Second National Congress." Omdurman Home Service, January 25, 1977. *SWB*, January 28, 1977: A/6–A/8.

legitimising a regime increasingly defined by centralisation, coercion, and symbolic gestures rather than substantive reform.

Strengthening Presidential Powers and Transforming the Constitutional Landscape (1978-1979)

One of the most significant constitutional changes during Nimeiri's rule occurred in March 1979, when a further amendment formally expanded the President's authority to rule by decree.³⁷⁵ This amendment enabled the President to bypass the SSU and the National People's Assembly, granting him sweeping legislative powers. As Fadlalla and Babiker highlight, this change undermined Sudan's constitutional framework by placing unchecked legislative authority in the hands of the executive.³⁷⁶ The culminative impact of this amendment was the effective merger of legislative and executive authority within the presidency, side-lining the National People's Assembly and entrenching authoritarian rule. Although framed rhetorically as efforts toward 'decentralisation,' the changes centralised power within the executive, creating a more controlled and subordinate state apparatus.

The rationale behind this consolidation of power was framed as revolutionary by the regime, consistent with its broader narrative, as Nimeiri sought to present these measures as necessary to protect the achievements of the May Revolution. During a March 1979 address to the SSU Central Committee, Nimeiri declared: 'Some people had hoped to turn the SSU into a vehicle for a power struggle between the revolutionary forces and the old party forces... the revolution's institutions will remain the venue of alliance, solidarity, and unity.' The critics Nimeiri is ostensibly referring to included former political allies, those responsible for previous coup attempts, disillusioned SSU members, and various facets of opposition amongst civil society. One example of a group that voiced strong opposition towards Nimeiri's policies and spoke out against the regime was the SCP, as evidenced in a 1978 internal party circular. The SCP spoke out against the 'manifestations of the political and economic crises' plaguing Sudan, declaring:

The crisis of petroleum materials and the high government advantage paralyzed the beginning of preparation for the new agricultural season... The impact of the escalation of the crisis on the masses has become clear and evident in the street, and the masses are no longer quiescent and submissive... they are looking for better policies and livelihoods.³⁷⁷

³⁷⁵ International Commission of Jurists. *Return to Democracy: A Survey of the Transitional Government in the Sudan and Its Legal Problems*. Geneva: International Commission of Jurists, 1986, (p.67).

³⁷⁶ Oette and Babiker, *Constitution-Making and Human Rights in the Sudans*.

³⁷⁷ Oette and Babiker, *Constitution-Making and Human Rights in the Sudans*, pp.52-53.

This statement reveals growing frustration with Nimeiri's economic policies and underscores how economic discontent fuelled broader resistance to his authoritarian measures. Beyond the SCP, opposition also came from student activists. For instance, a year before the passing of the amendment, student unions had denounced the Sudanese regime which had 'distorted the principles of the revolution which had echoed the ambitions of the Sudanese people.'³⁷⁸ The students' statement captured a growing disillusionment with Nimeiri's use of revolutionary rhetoric to justify authoritarian control. While Nimeiri framed his authority as the embodiment of the 'revolution', opposition parties like the SCP asserted themselves as the true voice of the 'masses.' This contest represents a deep ideological rupture over who had the right to speak for popular sovereignty, and under what terms.

Lastly, Nimeiri's approach to constitutional reforms specifically isolated and villainised the SSU, in an effort to further centralise his control. His approach to this was tactical, and he initially invoked the anti-colonial and revolutionary rhetoric that had underpinned the 1973 constitution. In an address to the Cabinet and SSU leaders on 4 August 1979, he claimed: 'I rejected the principle of concentrating power in the hands of one individual or a group of individuals, because I believed and still do, in the role of institutions that can last after any individual is gone.'³⁷⁹ Nimeiri's speech went on to highlight his growing disillusionment with the SSU which he criticised for its failure to address the people's suffering. He declared:

How can we explain the political organization's failure to cope with the causes of the people's suffering, particularly in the field of supply? How can we explain the lack of proper channelling of distribution and consumption of supplies?³⁸⁰

This public indictment of the SSU signalled Nimeiri's shift from a strategy of institutional reliance to one of centralised control, as he framed the SSU's inefficacy as justification for his direct intervention. Nimeiri's critique extended to the SSU's perceived failures to manage essential public goods, expose black marketeers, and protect against 'infiltration by elements hostile to the revolution.'³⁸¹ By portraying himself as the only actor capable of rectifying these issues, Nimeiri legitimised his authoritarian measures. As a result, his promises of decentralisation and empowerment of local governance were rendered hollow, and his claims to

³⁷⁸ "Sudanese students' statement attacking Numayri." SWB, May 25, 1977: A/2.

³⁷⁹ "Numayri's 4th August address to the cabinet and SSU leaders." SUNA, August 6, 1979. SWB, August 9, 1979: A/1-A/3.

³⁸⁰ "Numayri's 4th August address to the cabinet and SSU leaders." SUNA, August 6, 1979. SWB, August 9, 1979: A/1-A/3.

³⁸¹ "Numayri's 4th August address to the cabinet and SSU leaders." SUNA, August 6, 1979. SWB, August 9, 1979: A/1-A/3.

be a champion of anti-colonial liberation were increasingly met with scepticism from the Sudanese population. As Niblock argues, Nimeiri's emphasis on centralising power and sidelining democratic institutions had long-term consequences for Sudan's constitutional evolution.³⁸² It established a pattern in which constitutional amendments served as tools for entrenching autocratic rule rather than promoting democratic accountability.

Increased Judicial Control (1980)

The legal transformations that the regime underwent from the 1980s played a critical role in consolidating executive control over key state institutions. Chief among these transformations was the 1980 constitutional decree that placed the judiciary under direct presidential authority. This shift unfolded against the backdrop of the increasingly fragile Southern Sudan Autonomous Region, established by the 1972 Addis Ababa Agreement. By the late 1970s, tensions between Khartoum and the Southern Regional Government had intensified, driven by disputes over resource allocation, the uneven implementation of autonomy provisions, and central government encroachments of regional powers.³⁸³ In this charged political context, legal reform became a key mechanism through which the regime sought to contain dissent and reassert its authority. The 1980 constitutional amendment – enacted through Decree No.87/1980 – was officially framed as part of a broader Sudanisation project aimed at dismantling colonial-era legal structures and unifying the judiciary under national authority. However, it also served a more immediate political function: to reassert presidential control over a judiciary that might otherwise have served as an arbiter in disputes between the government and those in opposition to it.

As Abdullahi Ali Ibrahim highlights, Nimeiri presented judicial reform as revolutionary and necessary for national unity, yet its tactical outcome was the erosion of institutional checks on presidential power.³⁸⁴ By 1980 Nimeiri's regime was effectively staging a 'legislative coup d'état,' motivated by an intense political climate.³⁸⁵ In a news broadcast on Omdurman Radio, the decree read:

The President of the Republic, having studied the resolutions and recommendations of the third SSU National Congress and acting in conformity with Article 80 of the Constitution, has issued this Decree..... the constitutional and legal affairs committee will have the following tasks: a) preparing proposals to amend the Constitution to include articles relating to regional government as laid down in the resolutions and

³⁸²Niblock, *Class and Power in Sudan*, pp.286-287.

³⁸³ Niblock, *Class and Power in Sudan*, pp.287-288.

³⁸⁴Abdullah Ali Ibrahim, *Manichaean Delirium* (Brill, 2008), pp.246-248.

³⁸⁵An-Na'im, 'Constitutionalism and Islamization in the Sudan,' (p.19).

recommendations of the third national congress and (assessing) the national and technical committees on regional government; b) preparing draft laws on regional government and; c) reviewing current laws and putting forward the necessary proposals to coordinate the system of regional government.³⁸⁶

This decree illustrates how the regime mobilised legal language to present top-down interventions as participatory reform. By invoking the authority of the SSU National Congress and Article 80 of the constitution, which granted the President emergency powers without oversight, Nimeiri framed the initiative as a constitutional response to national consultation.³⁸⁷ However, the decree did not amend the constitution itself. Rather, it established a constitutional and legal affairs committee – a handpicked body mandated to propose amendments and laws concerning regional government. While the language suggested a technical exercise in legal coordination, the committee was a mechanism through which the executive could centralise and control the process of constitutional change.

The committee's tasks – drafting constitutional provisions, preparing regional governance legislation, and reviewing existing legal frameworks – were all geared toward reshaping the decentralised arrangements set out in the 1972 Addis Ababa Agreement. Yet crucially, the decree made no mention of regional consultation or participation from southern stakeholders. The process was routed entirely through the President. Ultimately, this move reflected Khartoum's growing anxiety about the autonomy experiment in the South. As tensions deepened, the regime sought to reclaim control over the terms of regional governance – not by renegotiating the political settlement, but by reengineering it through controlled legal procedures. The decree thus represented a calculated step in the regime's broader project of legalised centralisation, foreshadowing the collapse of the Addis framework and the resumption of civil war just three years later.

In addition, the instrumentalization of judicial reforms for political survival became evident with the reorganisation and expansion of the State Security Courts following the 1980 decree. Initially established in the mid-1970s following the failed coup attempts, these courts were institutionalised through constitutional amendments and emergency laws. However, in 1980, instead of functioning as ad hoc mechanisms tied to crisis response, these courts became a permanent feature of the legal landscape. Nimeiri justified their embedment as part of his broader campaign to maintain 'revolutionary discipline' and protect the gains of the May

³⁸⁶ "Formation of regional government committees in Sudan." Omdurman Home Service, February 10, 1980. SWB, February 14, 1980: A/1–A/2.

³⁸⁷ *The Constitution of the Republic of Sudan, 1973*, Art. 80.

Revolution.³⁸⁸ However, these courts systematically bypassed procedural safeguards and undermined due process, becoming a central tool for suppressing dissent. Namely, the courts were focused on expediting trials of political dissenters, trade unionists, and opposition figures under laws designed to criminalise resistance to the regime. For instance, following the railway workers' strikes in 1978, which protested unpaid wages and deteriorating economic conditions, Nimeiri utilised his powers under the amended constitutional laws to classify strikes as acts of treason.³⁸⁹ Now, striking workers were subjected to swift trials in State Security Courts, with sentences ranging from long prison terms to death. As Abdullahi Ali Ibrahim argues in his notable study on the evolution of the judiciary in Sudan, courts handed down punishments with little regard for evidentiary standards, often relying on confessions extracted under duress.³⁹⁰

The judiciary's complicity in these measures was exemplified by its silence in the face of growing political repression. This demonstrates that the foundation of judicial independence had successfully been eroded by the regime. Furthermore, the establishment of these courts was presented as a decolonisation measure to appease what the regime claimed to be popular frustrations over delays and inefficiencies in the ordinary judicial system. Nimeiri capitalised on what has been described as the 'rage for justice' positioning himself as a leader who was restoring efficiency and morality to the judiciary.³⁹¹ However, this narrative concealed the regime's authoritarian intent. The courts operated in secret, with trials often conducted in makeshift settings, and defendants denied access to legal representation.³⁹² These measures not only suppressed organised labour and political opposition but also reflected a broader strategy to centralise authority and silence any challenge to the regime. By positioning the judiciary as a tool of coercion, Nimeiri further entrenched the legacy of executive dominance over legal institutions, a dynamic that undermined constitutionalism and eroded public trust in the rule of law.

Therefore, between 1978-1980, legal and constitutional reforms were instrumentalised to consolidate executive power, suppress dissent, and recentralise control. The regime's invocation of anti-colonial and pan-African rhetoric masked an intensifying authoritarianism, while institutions like the SSU and the judiciary were either hollowed out or reconfigured to serve presidential authority. These constitutional changes, far from reflecting a genuine attempt at

³⁸⁸ "Action in Sudan against CP and Ba'th members." SUNA, May 4, 1980. *SWB*, May 7, 1980: A/8.

³⁸⁹ "President Numayri's 9th April statement in Khartoum." *SWB*, April 11, 1978: A/1. (ME/5785/A/2).

³⁹⁰ Ibrahim, *Manichaean Delirium*, pp.250-252.

³⁹¹ Ibrahim, *Manichaean Delirium*, pp.250-252.

³⁹² Ibrahim, *Manichaean Delirium*, pp.250-252.

reform, exposed the fragility of Sudan's postcolonial legal order and laid the ground work for renewed conflict, a return to civil war, and a reimagined state.

The September Laws, Constitutional Amendments, and the 1985 Uprising

The September Laws of 1983 and the constitutional amendments that followed marked a critical ideological turn in the trajectory of Nimeiri's regime. Introduced after the political decline of the SSU and amid the outbreak of the Second Civil War, these legal interventions did more than restructure the legal order – they redefined the symbolic foundations of state power.

Furthermore, these changes were often framed as a response to imperial epistemologies. Here, the terrains of religion, morality, and law became central to the exercise of sovereign power in the context of Islamist thinking. Rather than being confined to formal legal channels, constitution-making unfolded through decrees, amendments, and ideological narratives that blurred the boundaries between constitutional permanence and political contingency. The September Laws thus embodied both a consolidation of state power and the production of new exclusions – ultimately helping to catalyse the mass dissent that culminated in the 1985 uprising.

The eruption of the Second Civil War in May 1983 formed a critical backdrop to these developments. Although the 1972 Addis Ababa Agreement had ended the First Civil War by granting the South regional autonomy, its provisions were steadily undermined over the following decade. Southern grievances remained unresolved, and Khartoum increasingly reasserted control through administrative restructuring and military deployment. The discovery of oil in the South further intensified these dynamics, reinforcing extractive governance and central state interest in the region.³⁹³ Nimeiri's unilateral decision to dissolve the Southern Regional Government, divide the South into three units, and impose Islamic law nationwide was widely perceived as a betrayal of the Addis framework.³⁹⁴ In response, a mutiny led by Colonel John Garang in Bor marked the birth of the Sudan People's Liberation Army/Movement (SPLA/M), signalling not only a return to armed conflict but a rearticulation of a southern

³⁹³ "Numayri's 24th May address on the ninth anniversary of the revolution." SWB, May 26, 1978: B/3–B/4. (ME/5823/B/3).

³⁹⁴ President Nimeiri dissolved the Southern Regional Government in June 1983 for a combination of political, economic, and ideological reasons. Key among them was the desire to centralise power and bypass the federal structure established by the 1972 Addis Ababa Agreement. The discovery of oil in the South further incentivised direct control, as did his ideological turn toward Islamism. See: Johnson, *The Root Causes of Sudan's Civil Wars*.

resistance.³⁹⁵ The war that followed exposed the deep fault lines of Sudanese statehood and the failure of postcolonial elites to forge a pluralistic national project.

This intensifying crisis of national cohesion – marked by renewed war – formed a backdrop against which the regime’s embrace of Islamism acquired new urgency and meaning. The regime’s turn to Islamism in the late 1970s-early 1980s must be understood not only as a legal or religious intervention, but as a project of symbolic reordering – a reconstitution of national identity through the language of Islamic moral authority. To make sense of this, the works of Wynter and Fanon offer a vital theoretical lens. Fanon and Wynter interrogate how colonial and postcolonial regimes define the human – and by extension, the citizen – through systems of symbolic and cultural representation. Wynter in particular conceptualises law and culture as co-constitutive forces in the making of modern sovereignty. Her theory of ‘symbolic capture’ reveals how colonial and postcolonial states deploy culture (especially religion, race, and morality) to legitimise certain forms of life while excluding others.³⁹⁶ Fanon’s analysis further deepens this reading by emphasising how colonial and postcolonial regimes maintain domination not only through coercion, but by internalising their authority in the psyche and culture of the colonised. His work shows how legal violence operates through cultural and ideological means shaping how people see themselves, their histories, and their claims to sovereignty. For Fanon, the native is both hyper-visible and politically silenced – positioned as either a threat to be managed or reformed.³⁹⁷ The September Laws functioned in this vein: casting certain subjects as morally deficient or outside the nation’s Islamic core. At the same time, they provided a moral justification for the extension of emergency courts, public corporal punishment, and the reconfiguration of citizenship around religiosity and obedience. Central to this ideological project was the invocation of *hakimiyya*, or divine sovereignty – the belief that God, not man, holds ultimate legislative authority.³⁹⁸

In this light, the September Laws can be seen as part of a state project to overwrite the fragmented character of the country with a singular, Islamised identity. Yet this ontological ambition did not begin with Islamism. The earlier SSU project was itself framed as revolutionary, seeking to produce a new kind of Sudanese citizen defined by loyalty to the May Revolution and the single-party state. As such, both phases of Nimeiri’s rule represent competing but continuous

³⁹⁵ Johnson, *The Root Causes*, p.104. THIS TEXT SHOULD NOT BE IN THE FOOTNOTE

³⁹⁶ Wynter, ‘Unsettling the Coloniality of Being/Power/Truth/Freedom’.

³⁹⁷ Fanon and Philcox, *The Wretched of the Earth*.

³⁹⁸ Khatab, ‘Citizenship Rights of Non-Muslims,’ (pp.139-140).

efforts to define the contours of political belonging. In both cases, the constitution became a site through which the regime sought to remake the Sudanese subject.

The period 1983-1985 illustrates how the regime used Islamic legality not just to manage opposition but to produce a normative vision of the human and the nation. This vision, however, was inherently unstable. Its exclusions and contradictions intensified grievances and exposed the fragility of the state's ideological hold. Throughout this period, Nimeiri strategically relied on the constitutional framework, framing his actions as extensions of the 1973 constitution's principles. By presenting Islamic legal reform as a defence of national stability, he employed the constitution both as a shield for repression and a tool for political survival. This duality underscores the symbolic power of constitutionalism for the regime.

The Islamist turn and National Reconciliation

The transition to Islamist politics was neither spontaneous nor purely ideological. Rather, it emerged from a confluence of political, economic, and social factors that shaped Nimeiri's increasingly precarious rule. In the late 1970s and early 1980s, the Islamist project took multiple forms, often positioning Sharia law as the basis of governance and social order.³⁹⁹ Under Nimeiri, the Islamist project became both a mechanism to consolidate power amidst rising dissent and a tool to realign Sudan's political alliances, now that the President had isolated the SSU. This shift cannot be disentangled from the 1977 National Reconciliation efforts, which were initially presented as a political masterstroke but ultimately proved to be a double-edged sword. At its core, National Reconciliation sought to bring key opposition figures such as Sadiq al-Mahdi of the Umma Party and Dr Hassan al-Turabi of the Islamic movement, into the political fold.⁴⁰⁰ This move enabled Nimeiri to co-opt potential rivals, divide opposition forces, and create an illusion of unity under the SSU. Khalid underscores the purpose of this strategy, noting: 'The incorporation of elements of the Opposition Front had served two purposes: it enabled Nimeiri to contain Sadiq and introduced an element of conflict in the SSU itself, between the newcomers (Sadiq and the Islamists) and the old guard.'⁴⁰¹

³⁹⁹ Fluehr-Lobban, *Shari'a and Islamism in Sudan*, p.22.

⁴⁰⁰ The terminology used to describe Sudan's Islamist actors during this period is inherently ambiguous. While some refer to the Islamic Charter Front (ICF) – others use broader terms like the 'Islamic Movement' or 'Muslim Brotherhood.' Much of the confusion stems from the lack of formal recognition and the movement's own strategic fluidity. The term Islamic Movement is useful, as it functioned as the mother organisation encompassing various Islamist actors at this time. For clarity and consistency, this text refers to al-Turabi's movement as the Islamic Movement.

⁴⁰¹ Khālid, *The Government They Deserve*, p.176-177.

While National Reconciliation provided Nimeiri with a temporary reprieve, it also introduced deep fissures within the regime. The old guard within the SSU, who had been loyal to Nimeiri since the May Revolution, viewed the newcomers with suspicion and resentment.⁴⁰² By granting the movement access to state institutions and economic resources in the late 1970s, Nimeiri inadvertently empowered the group. Fluehr-Lobban highlights that the introduction of Islamic banking, specifically the Faisal Islamic Bank, provided the Islamic movement with a strong level of financial impendence.⁴⁰³ Khalid Medani also argues that by the autumn of 1980, the movement had benefitted greatly from their financial reach. Coupled with their organizational strength, the Islamic movement were able to gain a large number of seats in elections in the People's Assembly. By the early 1980s, it was 'no longer the marginal movement it was at independence.'⁴⁰⁴ In addition to their economic gains, the movement, led by al-Turabi, successfully began infiltrating the military after 1977. They developed courses on Islamic ideology for senior army officers, which were attended by future key political players, including 1989 coup leader, Omar al-Bashir.⁴⁰⁵ In addition, they undertook nation-wide recruitment campaigns, encouraging fresh graduates to join their army and their party.⁴⁰⁶ By the early 1980s, the Islamists 'had firmly integrated into Sudan's elites, establishing independent funding channels through Islamic banking and solidifying their influence in both the state and military apparatus.'⁴⁰⁷

Nimeiri's growing shift towards the Islamist elements on the basis of National Reconciliation is also evident through his growing reliance on Islamic rhetoric to mask his regime's failures in the late 1970s. During a period of heightened protests over the worsening economic situation, Nimeiri addressed the Sudanese people via Omdurman Radio to emphasise the importance of National Reconciliation, proclaiming:

Our meeting today is one [words indistinct] within the course of meetings of confrontation that I began a few days ago with the political organization. This is not a confrontation of the political action that has been chosen by our people....Rather, it is a confrontation against the negative aspects and shortcomings, for the purpose of wiping

⁴⁰²Khālid, *The Government They Deserve*, p.176-177.

⁴⁰³Fluehr-Lobban, *Shari'a and Islamism in Sudan*, p.65.

⁴⁰⁴Khalid Mustafa Medani, *Black Markets and Militants: Informal Networks in the Middle East and Africa*, 2nd ed. (Cambridge University Press, 2024), <https://doi.org/10.1017/9781009257749>, p.101.

⁴⁰⁵Gabriel Warburg, *Islam, Sectarianism and Politics in Sudan since the Mahdiyya*, 1. publ (London: Hurst, 2003), pp.188-189.

⁴⁰⁶Warburg, *Islam, Sectarianism and Politics in Sudan*, pp.188-189.

⁴⁰⁷Sergey V. Kostelyanets, 'The Rise And Fall Of Political Islam In Sudan', *Politics And Religion Journal*, 25 March 2021, 85–104, <https://doi.org/10.54561/prj1501085k>, (p.72).

them out..... [words indistinct] it is part of our traditions, values and the teachings of our noble Islamic religion.⁴⁰⁸

This quote encapsulates Nimeiri's growing reliance on Islamic rhetoric to deflect attention from the regime's failures. By invoking 'traditions, values, and the teachings of our noble Islamic religion,' Nimeiri sought to legitimise his policies and frame the growing dissent as a moral failure of Sudanese society rather than the result of his government's economic mismanagement. Moreover, this quote reveals the confrontational posture adopted by the regime during this period. Instead of addressing legitimate grievances, Nimeiri framed the protests as 'negative aspects and shortcomings' that needed to be 'wiped out.' This language aligns with his broader use of Islamisation as a tool to silence dissent and consolidate power. Fluehr-Lobban notes that as Nimeiri's economic policies faltered in the late 1970s, he increasingly framed social and economic issues in religious terms, turning to Islam to address political challenges.⁴⁰⁹ Lesch similarly argues that Nimeiri's Islamisation was a strategic move to undermine independent Islamist forces, reduce reliance on the South, and constructed a new basis for legitimacy.⁴¹⁰ National Reconciliation and Islamic movement's entry into the epicentre of Sudanese politics thus marked a major shift in Sudan's political and constitutional order. What began as a strategy to co-opt opposition forces ultimately strengthened the Islamic movement, whose rise through Islamic banking and state infiltration reshaped politics.

Key Constitutional Changes and the Role of Islamisation – The September Laws 1983

The Islamist turn under Ja'afar Nimeiri's rule was marked by a series of constitutional changes that redefined the foundations of Sudanese governance. These changes were not isolated legal adjustments but part of a broader ideological and political shift aimed at consolidating Nimeiri's power. The imposition of Sharia as the sole basis for legislation, the incorporation of *hudud* (divinely ordained limits) punishments into the penal code, and the restructuring of the judiciary to enforce Islamic laws collectively represented these transformations. These measures reflected Nimeiri's increasing reliance on Islamic legitimacy to confront rising dissent and to secure control over the political and social order. Islamisation became a means of re-inscribe state authority not only in institutional terms, but through a cultural redefinition of who counted as a legitimate citizen – anchored in an Arab-Islamic moral order.

⁴⁰⁸ "Numayri's 13th August address to the people." *SWB*, August 15, 1979: A/10. (ME/6194/A/10).

⁴⁰⁹ Fluehr-Lobban, *Shari'a and Islamism in Sudan*, p.65.

⁴¹⁰ Lesch, *The Sudan*, pp.54-56.

While the 1973 constitution's stated aims were to foster national unity and post-colonial governance, its emphasis on executive power and vague provisions laid the groundwork for the more radical transformations that would follow. Article 16, which recognised Islam as the state religion while vaguely affirming religious freedom, and Article 59, which granted sweeping powers to the president without clear checks, created space for unchecked consolidation of authority. Article 80 compounded these flaws by allowing emergency powers without defined limits or oversight.⁴¹¹ These ambiguities enabled Nimeiri to bypass judicial independence, establish exceptional courts, and impose harsh punishments with little accountability. As Fanon reminds us, colonial and postcolonial regimes often sustain their authority not simply through force, but through the assertion of legal and moral hierarchies.⁴¹² Rather than resolving constitutional tensions, Nimeiri increasingly responded through exclusion, culminating in an authoritarian legal order justified by religious legitimacy. The September Laws introduced new punitive measures based on Islamic law. They were not constitutional in a formal legal sense, as they were introduced by presidential decree rather than through a constitutional amendment process. However, their impact was profoundly constitutional in effect. The laws bypassed the legislative and judicial mechanisms outlined in the 1973 constitution, and they also contradicted key constitutional principles, such as protections for religious freedom and due process, through the establishment of a legal system rooted in Sharia. In doing so, the September Laws effectively reshaped Sudan's legal and political order through executive fiat, marking a shift from constitutional governance to presidential decrees justified by religion.

Turabi's influence was instrumental in the creation of these laws, as he was appointed Attorney General in 1981 and led the Committee to Revise Sudanese Law.⁴¹³ The committee's work went beyond legal drafting to construct a comprehensive Islamic framework that aligned with Nimeiri's strategy for political survival. Turabi's influence facilitated an ideological shift that entrenched Sharia as a central pillar of the regime, championing the Islamisation of law as 'an emancipation from cultural colonisation.'⁴¹⁴ Yet, this vision, shaped by the postcolonial desire to reclaim erased identities, ultimately reproduced the very logic it sought to overcome. Rather than dismantling colonial structures, this project replaced them with a similarly totalising vision of tutelary Sudanisation – one that justified repression against the same marginalised groups once

⁴¹¹ *The Constitution of the Republic of Sudan, 1973*, Art. 16, 59, and 80.

⁴¹² Fanon and Philcox, *The Wretched of the Earth*.

⁴¹³ W. J. Berridge, *Hasan Al-Turabi: Islamist Politics and Democracy in Sudan*, 1st ed. (Cambridge University Press, 2017), <https://doi.org/10.1017/9781316848449>, p.65.

⁴¹⁴ Berridge, *Hasan Al-Turabi*, p.35.

targeted by the colonial state.⁴¹⁵ Furthermore, this shift allowed the regime to portray the September Laws as the fulfilment of Sudan's moral and religious obligations, thereby conferring an aura of legitimacy on Nimeiri's rule.⁴¹⁶ By 1983, Nimeiri had increasingly invoked notions of a moral imperative to explain his alliances with Turabi and the like:

We shall maintain the rights of non-Muslims who will enjoy peace, protection and mercy... we will not tolerate any violation of Islam's good spirit and will not tolerate any violation on the non-Muslims' rights or any violation on their personal freedom or on the principles of justice and equity... We are determined to adhere to Islamic Shari'ah as a method of ruling Sudan to set up an example to all the peoples of the world along with the path of genuine liberation.⁴¹⁷

This rhetoric illustrates Nimeiri's attempt to reconcile the imposition of Sharia with Sudan's pluralistic religious society. It reflects the ideological underpinnings of Nimeiri's rhetoric, where he sought to portray Sharia as a means of ensuring justice and equity for all citizens. Lesch argues that this masked the discriminatory application of the September Laws.⁴¹⁸ Furthermore, this echoes the ambiguities of the 1973 constitution, which had also platformed contradictory ideals. By couching the reforms in moral and religious terms, Nimeiri sought to pre-empt opposition and present himself as a leader of an Islamic revival. This strategy allowed him to shore up support from Islamist factions during moments of political insecurity. Moreover, the invocation of 'justice and equity' served as a rhetorical device aimed at tempering resistance and framing the reforms as part of Sudan's divine mission to achieve moral and legal perfection, thereby legitimising authoritarian rule under the guise of religious piety.

Importantly, the September Laws necessitated the creation of a judicial apparatus capable of enforcing them. The Judiciary Council's Law introduced new mechanisms for controlling the judiciary and redefining its function within the state apparatus. Nimeiri's announcement of the Judiciary Council's Law in August 1983 marked the beginning of a 'comprehensive revolution of the judiciary.'⁴¹⁹ He framed these changes as a moral imperative to cleanse the judiciary of corruption and inefficiency, claiming that: 'We had to begin with the thing that helped in the rectification of other things. Thus, we began with the judiciary.'⁴²⁰ This declaration was accompanied by the dismissal of judges, with Nimeiri justifying their removal on the grounds of

⁴¹⁵ Fanon and Philcox, *The Wretched of the Earth*, p.117.

⁴¹⁶ Berridge, *Civil Uprisings*, p.55.

⁴¹⁷ "Numayri on the application of Islamic law in Sudan." SUNA, October 13, 1983. *SWB*, October 14, 1983: A/9–A/10.

⁴¹⁸ Lesch, *The Sudan*, p.55.

⁴¹⁹ "Numayri institutes judicial reforms." SUNA, August 11, 1983. *SWB*, August 17, 1983: A/2–A/3.

⁴²⁰ "Numayri institutes judicial reforms." SUNA, August 11, 1983. *SWB*, August 17, 1983: A/2–A/3.

‘inefficiency and injustice,’ portraying them as impediments to the broader project of reform.⁴²¹ Nimeiri’s framing of the Judiciary Council’s Law as a ‘comprehensive revolution’ highlights the dual purpose of these reforms: consolidating political control while cloaking authoritarian measures in the language of moral and institutional purification. From a Fanonian perspective, the regime’s portrayal of the judiciary as morally bankrupt and in need of rectification echoes colonial strategies of dehumanisation – delegitimising dissenting actors not only through institutional exclusion, but through symbolic disqualification. At the same time, the regime claimed to be dismantling a colonial hangover, even as it repurposed decolonial rhetoric to entrench a new authoritarian order. This exposes the contradictions at the heart of the tutelary Sudanisation project, which promised institutional reform while reproducing the hierarchal logics and disciplinary mechanisms of colonial rule.

Ultimately, by portraying the judiciary as corrupt and inefficient, Nimeiri created a pretext for its overhaul, allowing him to remove judges who might resist the enforcement of Sharia or question the legitimacy of the September Laws. This dismissal of judicial independence marked a critical shift, transforming the judiciary from an autonomous institution into an instrument of executive power. Furthermore, the rhetoric of ‘rectification’ served to legitimise these changes by aligning them with broader ideological goals, particularly the moral narrative of Islamisation. By invoking the judiciary as the foundation for societal reform, Nimeiri positioned himself as the architect of a moral revolution, ostensibly aimed at cleansing Sudan’s institutions of corruption. However, in practice, the restructuring enabled the swift and severe enforcement of *budud* punishments and suppressed dissent under the guise of judicial reform.⁴²² Moreover, the removal of judges not only undermined the principles of fair trial and due process but also signalled to the broader public and legal community that loyalty to the regime and its Islamist agenda was paramount. Judges who remained were compelled to align with Nimeiri’s vision or risk dismissal, further eroding the judiciary’s ability to act as a check on executive authority.⁴²³ In addition, the new Penal Code of 1983 introduced punishments based on *budud*, including amputations for theft, stoning for adultery, and public flogging for alcohol consumption. A statement from the government, released to local newspapers on September 8, 1983, announced these changes:

The statement completes a comprehensive revolution of the judiciary. Therefore, it was necessary to review the Penal Code in order to link it organically and spiritually with

⁴²¹ "Numayri institutes judicial reforms." SUNA, August 11, 1983. *SWB*, August 17, 1983: A/2–A/3.

⁴²² "Numayri institutes judicial reforms – adultery, false accusation, and alcohol consumption." SUNA, August 11, 1983. *SWB*, August 17, 1983: A/2–A/3.

⁴²³ Akolda M. Tier, 'Islamization of the Sudan Laws and Constitution: Its Allure and Its Impracticability', *Verfassung Und Recht in Übersee / Law and Politics in Africa, Asia and Latin America* 25, no. 2 (1992): 199–219, (pp.215-216).

Islamic law... According to the new Penal Code, the penalty of imprisonment for theft was replaced by amputation of the hand, in accordance with Islamic law. Long-term imprisonment for armed robbery and armed theft was replaced by death, amputation, or life imprisonment, having been 20-30 years' imprisonment. Alcohol and gambling have both been prohibited. Adultery will be penalized by stoning and lashing, in accordance with Islamic law. The punishment for bribery has been increased. Crimes of murder and related offences will be judged in accordance with the Koran.⁴²⁴

This framing signals the ideological and political motivations behind the reform, portraying it as a return to Sudan's 'authentic' values rather than an imposition of new norms. This invocation of 'spiritual' alignment further illustrates how Islamisation was framed not merely as a policy shift but as a moral imperative. The statement's list of specific punishments provides insight into the radical nature of these legal changes. The escalation of punishment for armed robbery from 20-30 years' imprisonment to 'death, amputation, or life imprisonment' highlights the severity of the penal shift. Such measures are rooted in the *hudud* provisions of Sharia, where certain offenses carry fixed penalties derived directly from Islamic texts. The prohibition of alcohol and gambling, as well as the punishment of adultery by stoning and lashing, underscores the regime's intent to impose moral discipline on the populace, a move which Fluehr-Lobban critiques as disproportionately affecting marginalised communities, especially in southern Sudan.⁴²⁵ The SPLM vehemently opposed the imposition of Sharia, arguing that it contradicted the diverse religious and cultural fabric of Sudan. In a 1984 broadcast, SPLM leaders stated: 'The Sudan is not homogeneous... It cannot be united by the use of Islam or Christianity. True unity must recognise the country's diversity.'⁴²⁶ This critique underscored the growing regional and religious divisions exacerbated by Nimeiri's policies and the inclusion of Islamists in the legal and constitutional spheres. However, these provisions symbolised Nimeiri's determination to present his rule as divinely mandated and morally superior to previous regimes.

The Constitutional Amendments

Against the backdrop of economic collapse, growing political dissent, and the increasing influence of Islamist figures within the state, Nimeiri introduced the 1984 constitutional amendments in an effort to consolidate his authority and formalise the regime's turn toward Islamisation. These reforms sought to expand the application of Sharia law, curtail judicial independence further, and redefine the presidency – effectively enabling Nimeiri to rule for life. These amendments were designed to bring legal coherence to the September Laws of 1983,

⁴²⁴ "The new Penal Code and other laws." SUNA, September 8, 1983. *SWB*, September 10, 1983: A/7.

⁴²⁵ Fluehr-Lobban, *Shari'a and Islamism in Sudan*, p.66.

⁴²⁶ "Sudanese rebels inaugurate Radio SPLA." Radio SPLA, November 2, 1984. *SWB*, November 6, 1984: A/3–A/4.

which had been issued by presidential decree. While the September Laws functioned as executive fiat, the 1984 amendments aimed to retroactively constitutionalise these changes, embedding the regime's Islamist project into the legal framework of the state. Yet these amendments provoked widespread opposition and were ultimately withdrawn, with John Garang, leader of the SPLM, condemning them as 'a direct attack on the values of religious diversity and human rights.'⁴²⁷

The relationship between the decrees and the attempted amendments reveals a more profound shift in Sudan's constitutional trajectory. In 1984, the regime was not merely suspending constitutional articles – it was redefining the very basis of constitutional authority. By invoking Islamic law as a moral imperative and emergency justification, the regime recast the constitution as a flexible instrument of ideological power rather than a check on executive authority. The 1984 amendments, though never enacted, exposed this fragility in Sudanese constitutionalism – revealing how constitutional form could be bent to serve a regime intent on preserving itself through symbolic and juridical logics of Islamisation.

These amendments emerged against the backdrop of the Islamic movement's growing influence in Sudanese life. By 1984, al-Turabi was organising mass demonstrations in support of Sharia laws, with one march in Khartoum reportedly involving nearly a million participants.⁴²⁸ While these displays of support bolstered the regime's claim to Islamic legitimacy, they also raised concerns within Nimeiri's inner circle about the movement's growing influence. Specifically, members of the SSU and the secret police began to warn the President that the movement had growing political ambitions and influence.⁴²⁹ This, along with growing disagreements between the two political figures, culminated in the arrest of al-Turabi and other movement members in early 1985 – a movement that revealed the regime's fears of losing control over the Islamist narrative.⁴³⁰ By imprisoning Turabi and his followers, Nimeiri attempted to discredit the movement, but he was also losing one of his few remaining allies.

In an effort to undermine the Islamists' legitimacy further, Nimeiri publicly denied their political presence. He stated, 'there was no Muslim Brothers' organisation operating in Sudan,' and that he did not allow any political organisation to exist and that he had not given any permission for an organisation in the name of the Muslim Brothers to exist and operate, not even in social work. He emphasised that whoever says that he is working under the Muslim Brothers'

⁴²⁷ Lesch, *The Sudan*, p.56.

⁴²⁸ Lesch, *The Sudan*, p.57.

⁴²⁹ Lesch, *The Sudan*, p.57.

⁴³⁰ "Sudanese Front on opposition to Numayri." Tripoli Home Service, August 8, 1984. *SWB*, August 10, 1984: A/8.

organisation would feel the penalty of the law.⁴³¹ This statement illustrated Nimeiri's attempt to distance himself from the Islamic movement, to diminish their influence, and obscure his role in their earlier rise. While denying their existence, his rhetoric aimed to placate secular and international observers, who were increasingly wary of the growing Islamist influence within Sudan. Yet, by granting figures like Turabi access to state resources in the late 1970s, Nimeiri had already facilitated the group's entrenchment within Sudanese politics.⁴³² This contradictory approach—alternately empowering and discrediting Islamist actors—highlighted the precarious balancing act of navigating political alliances. Ultimately, this strategy not only alienated key allies but also eroded the regime's stability as Islamist factions and secular opponents alike began to challenge his leadership. As such, the regime turned to constitutional amendments to solidify its rule.

To understand how these amendments came to fruition, it is important to analyse how the vagueness of the 1973 constitution facilitated their introduction. While the constitution formally recognised regional and cultural diversity, in practice, it was largely subordinated to the demands of the central government in Khartoum. Therefore, while it ostensibly emphasised institutional governance, participatory frameworks and protections for regional and cultural diversity, these principles were, in practice, frequently undermined by the regime's centralisation of power under Nimeiri, which dominated decision-making processes and maintained tight control over the country's political and economic structures. Moreover, the regime's reliance on a highly centralised bureaucratic apparatus and its selective application of constitutional principles to favour certain groups over others further exposed the contradictions inherent in the 1973 framework. The regime's actions reflected a pragmatic, if cynical, use of constitutional ideals to legitimise its grip on power while systematically eroding the mechanisms that could have facilitated genuine inclusivity and regional autonomy. Thus, while the 1984 amendments marked a clear and significant redefinition of leadership in religious terms, they should not be seen as a complete departure from a previously inclusive and decentralised system. Rather, they represented the culmination of a longer trajectory in which Nimeiri's regime had strengthened its grip on tutelary Sudanisation, steadily centralising power, and often at the expense of the very principles the 1973 Constitution purported to uphold.

⁴³¹ "Numayri denies existence of Muslim Brothers' organisation in Sudan." Omdurman Home Service, October 9, 1984. *SWB*, October 12, 1984: A/8–A/9.

⁴³² Fluehr-Lobban, *Shari'a and Islamism in Sudan*, p.65.

The amendments sought to enshrine Sharia law more firmly as the foundation of governance, centralise power within the presidency, and redefine constitutional protections. Nimeiri's rhetoric surrounding these amendments often framed them as necessary to safeguard Sudan's unity and moral fabric. Addressing the People's Assembly on 6 June 1984, Nimeiri declared: "The amended Sudanese Constitution must be a beacon to the world, expressing the supremacy of rights, justice, security, and popular participation. It must adapt human and minorities' rights in a way that aligns with the declaration: "There is no God but God.""⁴³³ Nimeiri's framing of 'rights and justice' through a religious lens marked a reorientation of Sudan's constitutional discourse. While the 1973 Constitution had made gestures toward protecting religious freedom and diversity, its vague provisions ultimately left ample room for executive overreach. The invocation of 'popular participation' stood in stark contrast to the concentration of power these amendments sought to institutionalise. Therefore, these legal reforms that were justified in the name of authenticity or moral renewal concealed a more insidious form of domination.

The declaration of a state of emergency in April 1984 was the cornerstone of these reforms. It provided the legal and political pretext for the proposed amendments, which sought to formalise the exceptional powers granted under emergency rule and embed them within a new Islamised constitutional framework. Emergency courts were established to expedite justice, often bypassing established legal procedures and operating with little regard for due process.⁴³⁴ According to a broadcast on Omdurman Radio: "The President of the Republic, Ja'far Muhammad Nimeiri, declared a state of emergency in all parts of the Democratic Republic of Sudan effective from April 29, suspending several constitutional articles and banning gatherings, processions, and demonstrations. Responsibility for maintaining law and order was placed on the armed forces, with soldiers given expansive authority."⁴³⁵ This proclamation was justified by claims that 'enemies at home and abroad are intensifying their offensive against us,' with Nimeiri alleging that such measures were necessary to counter the 'corruption rife in the country' and the actions of state employees who had 'quit their jobs and raised constitutional problems by challenging Islamic Shari'ah.'⁴³⁶ This framing illustrates how Nimeiri strategically recast political dissent and socio-economic unrest as constitutional crises, using the language of legal and moral threat to justify authoritarian interventions. By positioning resistance to Sharia as a challenge to the constitutional order itself, he transformed political opposition into a problem of

⁴³³ "Numayri announces guidelines for amending Sudan's constitution." SUNA, June 6, 1984. SWB, June 8, 1984: A/6-A/7.

⁴³⁴ Warburg, *Islam, Sectarianism and Politics in Sudan*, p. 157.

⁴³⁵ "The state of emergency in Sudan." May 1, 1984. *SWB*, May 1, 1984: i.

⁴³⁶ "The state of emergency in Sudan." May 1, 1984. *SWB*, May 1, 1984: i.

constitutional defiance – thereby legitimising repression as a defence of legal and religious integrity. These acts of repression often took place in the form of emergency courts, a defining feature of this period, which focused on implementing Sharia-based punishments. Nimeiri defended these measures, stating:

The emergency law and the courts which were pursuing their current work were in accordance with Islam. Human rights were guaranteed to those who respected society and its values; there were no rights for criminals who created havoc.⁴³⁷

Public amputations and floggings were justified as measures to uphold justice, with Nimeiri expressing astonishment at criticisms of these policies.⁴³⁸ However, the application of these punishments disproportionately affected marginalised communities, further alienating segments of the population and eroding public trust. In addition, this sweeping declaration allowed the regime to suppress dissent, bypass judicial oversight, and enforce its Islamist policies.

Another key feature of the legal and constitutional changes that occurred in 1984 was the proposal to formalise Nimeiri's presidency for life. This shift was closely tied to his self-declared role as an Imam, aligning his leadership with Islamic principles. During a speech in Kassala, Nimeiri argued, 'Nothing prevents the President of the Republic from becoming an Imam for the Muslims. Leadership in Islam is a sacred duty and responsibility.'⁴³⁹ This assertion can be examined as an attempt to elevate his personal authority while conflating political leadership with religious legitimacy to strengthen his position.⁴⁴⁰ This move exemplified the regime's deepening fusion of political power and religious symbolism, blurring the line between state authority and spiritual leadership. By framing lifelong rule as divinely sanctioned, Nimeiri not only insulated himself from political accountability but also redefined opposition as a challenge to sacred order.

Emphasising Unity Amidst Division

In the midst of attempting to pass the controversial constitutional amendments, Nimeiri consistently emphasised national unity as a central theme in his rhetoric, even as his policies deepened societal fractures. This emphasis on unity served as a justification for his increasingly autocratic rule, as he had isolated key allies over the previous decades and concentrated power within his inner circle, recognising the growing discontent and attempting to reframe his

⁴³⁷ "Remarks by President Numayri: Sudan's Islamic course and security." Omdurman Home Service, May 29, 1984. *SWB*, June 1, 1984: A/9–A/10.

⁴³⁸ "Remarks by President Numayri: Sudan's Islamic course and security." Omdurman Home Service, May 29, 1984. *SWB*, June 1, 1984: A/9–A/10.

⁴³⁹ "Numayri on being an Imam." Omdurman Radio, July 24, 1984. *SWB*, July 24, 1984: i.

⁴⁴⁰ Warburg, *Islam, Sectarianism and Politics in Sudan*, p.157.

consolidation of authority as a necessity for preserving national cohesion. In a National Unity Day address, he applauded the armed forces for their role in 'protecting the nation's unity' and reiterated the importance of preserving Sudan's sovereignty.⁴⁴¹

Nimeiri's rhetoric on unity was also deeply intertwined with the promises of the 1973 constitution, a document that he often referenced as the foundation for Sudan's national identity and governance. Nimeiri frequently invoked the constitution to justify his policies, framing them as necessary extensions of its principles. For example, in his Unity Day address, he stated: 'The principles of autonomy and people's authority will remain intact, reflecting the masses' will and values without coercion.'⁴⁴² This rhetoric tied the regime's actions, including emergency measures and constitutional amendments, to the constitution's broader goals of national cohesion and self-determination. Similarly, in a speech at Friendship Hall, Nimeiri declared, 'We shall spare no effort to preserve the homeland's unity, stability, security, and safety,'⁴⁴³ By framing his actions as extensions of its principles, he sought to legitimise his consolidation of power under the guise of preserving national unity and stability. However, this approach deepened societal fractures and eroded public trust in the government's ability to uphold the inclusive vision that the 1973 constitution had initially promised.

Furthermore, Nimeiri sought to counter international criticism of his policies by framing them within a unified and anti-imperialist narrative. In a January 1984 broadcast, he attributed opposition to Sharia law to a 'distorted picture deeply rooted in Western minds' and argued that such resistance mirrored broader attempts to undermine Sudan's sovereignty.⁴⁴⁴ By positioning Islamic law as a moral and national imperative, he portrayed its implementation not simply as domestic reform but as an act of defiance against imperial epistemologies. This rhetorical move echoes Wynter's argument that postcolonial elites often adopt dominant global narratives – particularly those rooted in secular liberalism or Western humanism – only to invert them in the name of cultural authenticity, thereby reinforcing exclusionary forms of sovereignty.⁴⁴⁵ In this framing, Nimeiri used Islam not just as legal tools but as a means to redefine who belonged to the nation by locating political legitimacy in religious conformity.

⁴⁴¹ "National Unity Day in Sudan." SUNA, February 29, 1984. *SWB*, March 3, 1984: A/3.

⁴⁴² "National Unity Day in Sudan." SUNA, February 29, 1984. *SWB*, March 3, 1984: A/3.

⁴⁴³ "Sudanese President's National Day speech: amnesty for rebels." *SWB*, March 3, 1984: ME/7584/A/1.

⁴⁴⁴ 'The Campaign Abroad against Application in Sudan of Islamic Law.' *Omdurman Home Service*, January 11, 1984.

⁴⁴⁵ Wynter, 'Unsettling the Coloniality of Being/Power/Truth/Freedom,' (pp.237-257)..

The popular uprising of 1985 was not merely a spontaneous response to economic hardship and political repression but a culmination of deep-seated grievances against the authoritarian practices of Nimeiri's regime. The regime's legitimacy had steadily eroded as its constitutional promises diverged sharply from the lived realities of the Sudanese people. Initially framed as part of a broader post-colonial project aimed to restore national unity and accelerate economic and social development, Nimeiri's constitutional reforms gradually revealed themselves as tools of political survival, reliant on exclusionary politics and coercion. The regime's attempts to position itself as the vanguard of anti-colonial liberation and revolutionary action were undermined by growing socio-economic decline, the September Laws, and constitutional amendments. By embedding Sharia law into the legal system and centralising power under the guise of national unity, the regime alienated key constituencies and exacerbated regional, religious, and class-based fractures. The 1985 uprising, therefore, reflected more than popular dissatisfaction with authoritarian rule; it represented a broader rejection of a constitutional order. This section explores the socio-political and constitutional context leading to the uprising, the regime's response to growing public unrest, and the alternative and varied constitutional visions articulated by different groups of Sudanese people.

The 1985 popular uprising was driven by a convergence of socio-economic, political, and cultural grievances that had been intensifying over years of authoritarian rule under Jaafar Nimeiri. By 1984–1985, Sudan was grappling with severe economic collapse, evidenced by urban unrest and widespread famine, which signified the regime's failure to address mounting crises.⁴⁴⁶ The economic downturn was partly shaped by global trends, such as oil price hikes in the 1970s and declining demand for Sudanese exports. However, the regime's own policies, characterised by inefficiency and corruption, further exacerbated the situation. Oversized development projects drained resources, while essential infrastructure and public services were neglected.⁴⁴⁷ In early 1985, Nimeiri's announcement of steep price increases for fuel, bread, and sugar pushed public frustration to a breaking point, triggering protests and unrest.⁴⁴⁸ The crisis was particularly acute in regions outside Khartoum, which had endured years of economic neglect and instability. Prolonged droughts in the early 1980s led to devastating famines in the western, eastern, and southern regions, where declining living standards had already weakened the resilience of local

⁴⁴⁶ P. M. Holt and M. W. Daly, *A History of the Sudan: From the Coming of Islam to the Present Day*, 6th ed (Harlow, England ; New York: Longman/Pearson, 2011), p.140.

⁴⁴⁷ W. J. Berridge, *Civil Uprisings*, p.42.

⁴⁴⁸ W. J. Berridge, *Civil Uprisings*, p.43.

communities.⁴⁴⁹ The government's failure to adequately respond to the famine exacerbated public outrage, as thousands died from starvation and many more fled to urban centres like Khartoum in search of relief.⁴⁵⁰

Nimeiri attempted to counter public dissatisfaction by framing his Presidency as a necessary safeguard for national unity and revolutionary ideals. In a broadcast on March 30, 1985, Nimeiri argued that: 'The disturbances that took place in Khartoum clearly indicate that the fault lies with those who want to work outside the popular consensus and outside the heritage of the masses... embodied in the laws brought to us by the Holy Islamic Shari'ah.'⁴⁵¹ Here, Nimeiri's invocation of Sharia law as the embodiment of 'the heritage of the masses' fused religious legitimacy with the language of popular will – suggesting that Islamic law was not only divinely mandated but also organically rooted in Sudanese collective identity. By doing so, he attempted to present Sharia as both a constitutional foundation and a reflection of mass consensus, thereby legitimising his policies while casting position as both un-Islamic and anti-national. This rhetorical move, however, functioned as a form of exclusion: it discredited dissent not through argument but through moral delegitimization, alienating non-Muslim constituencies. The regime's repeated emphasis on unity and revolutionary principles – such as Nimeiri's frequent praise of the SSU as the 'protector of the revolution' – only further revealed the disjuncture between official rhetoric and authoritarian practice.⁴⁵²

Furthermore, the regime increasingly relied on coercion and violence to contain dissent – exposing the hollow core of its constitutional claims. Security forces routinely deployed violence against protestors, firing on peaceful demonstrators, using tear gas, and carrying out mass arrests. On 3 April 1985, during a protest involving doctors, lawyers, and students in Khartoum, the State Security Organisation arrested dozens of perceived 'leaders and instigators,' underscoring the regime's readiness to suppress constitutional rights to freedom of expression, as outlined in Article 48 of the 1973 constitution.⁴⁵³ As Fanon warned, postcolonial regimes often co-opt the language of liberation while replicating colonial modes of repression – framing state violence as necessary to preserve order, even as it erodes the very foundations of political legitimacy.⁴⁵⁴ Yet

⁴⁴⁹ Niblock, *Class and Power in Sudan* (State University of New York Press, 1987). p. 289.

⁴⁵⁰ Berridge, *Civil Uprisings in Modern Sudan*, pp.42-43.

⁴⁵¹ "Numayri condemns conspiracy, praises army's alertness." Omdurman Home Service, March 30, 1985. *SWB*, April 1, 1985: A/11–A/12.

⁴⁵² "Numayri address to Sudanese party leadership." SUNA, March 23, 1985. *SWB*, March 26, 1985: A/1–A/4.

⁴⁵³ "Khartoum protest march dispersed by security forces." April 4, 1985. *SWB*, April 4, 1985: i.

⁴⁵⁴ Fanon and Philcox, *The Wretched of the Earth*, pp.152-153.

this violence was not uncontested. In an act of internal dissent, a group of police officers refused to carry out orders to fire on protestors, declaring:

The police force... had unintentionally partaken in the persecution of the Sudanese people by being an obedient and willing tool in the hands of the dictator Numayri and his aides... We hereby declare that from now onwards we, the police officers, will spare no efforts to ensure that any orders from the regime's authorities calling for the use of force against demonstrators are not complied with.⁴⁵⁵

Their statement explicitly condemned the regime's misuse of the police to persecute citizens and signalled a broader institutional breakdown. By declaring that they had 'unintentionally partaken in the persecution of the Sudanese people' and vowing to 'spare no efforts' to reject future orders to use force against demonstrators, the officers invoked the regime's own constitutional language of service, justice, and national duty. Their reference to the 'Sudanese people' as the true constituency of the police reframed their role in terms of protecting citizens rather than defending the presidency – echoing the 1973 constitution's stated aim of serving the people and upholding national unity, while exposing the regime's betrayal of those very principles.

Nimeiri's attempt to legitimise his rule amidst growing dissent starkly contrasted with the calls from the Sudanese populace for inclusivity and justice. Across trade unions, professional associations, and student groups, references to constitutional issues related to pluralism, decentralisation, and human rights coalesced into a collective imagining of a Sudan that could transcend the exclusionary practices of the May regime. The 'Charter for the Allied Forces of National Salvation,' a key document born out of this period, encapsulated these demands and laid out a framework for Sudan's political future. Drafted late in the evening of 5 April 1985 by six professional unions in coordination with the Umma Party, the DUP, and the SCP, the charter declared what was, in many ways, a temporary compromise between factions that would later find themselves at odds during the transitional period:

1. Responding to the call of the people as demonstrated in the 3 April demonstration to get rid of the May Regime;
2. Establishing a three-year transitional government, which has the following tasks:
 - a. arranging political life in the country in accordance with the 1956 transitional constitution modified for 1964 in keeping with the aims set out in this charter and preserving the reputation of the modern forces in the constitutional institutions via democratic organizations;⁴⁵⁶

⁴⁵⁵"Radio SPLA reports police refusal to use force against demonstrators." Radio SPLA, April 3, 1985. *SWB*, April 5, 1985: A/10–A/11.

⁴⁵⁶ The 1964 interim constitution slightly amended the 1956 transitional constitution to expand the 1964 uprising's demands of freedoms of expression, association, assembly, and guarantees of fundamental human rights. The amended constitution also renewed a commitment to multi-party democracy and strengthened references to the

- b. preserving citizens' basic freedoms in terms of freedom of movement, faith, organization in accordance with international documents concerning human rights;
- c. dealing with the problem in the south on the basis of regional self-rule on a democratic basis in accordance with established principles;
- d. liberating the country from economic subjection to global imperialism, building a strong social and economic base, dealing with the economic crisis, mobilizing economic resources and fighting famine and desertification;
- e. having a non-aligned foreign policy, adhering firmly to Arab and African belongings, and pursuing a policy of having good relationships with neighbouring states;
- f. confirming the principle of democratic governance;
- g. making the civil service neutral, and getting rid of the May institutions and dispensing with the parasitic May Regime class;
- h. ensuring that the country be ruled in the transitional period by a constitution established by a democratically chosen body and that the country resolve the intellectual and political issues by democratic means.⁴⁵⁷

The charter represented a moment of collective political aspiration. It captured an immediate consensus among professional unions and major political parties around the urgent need to end authoritarian rule and lay the groundwork for a new constitutional order. Like the statement by the mutinying police, this charter invoked 'the people' as the source of political legitimacy, articulated demands for political accountability, civil liberties, economic justice, and a resolution to the southern conflict through regional self-rule. In doing so, it reflected an alternative Sudanisation philosophy – a broad rejection of the regime's authoritarianism and the desire for a new political settlement rooted in rights and social responsibility. At the same time, the charter's formulation revealed key ambiguities and unresolved tensions. While it confirmed the principle of democratic governance, it is notable that the charter did not elaborate on what this would look like in institutional terms – a reflection of tensions between the professional unions and political parties, particularly over questions of sectoral representation, as had also occurred during the 1964 revolution. In this sense, the charter represented a provisional compromise among diverse actors who would later disagree on the very structures they sought to establish.

Furthermore, rather than laying out a detailed constitutional blueprint, the charter aimed to articulate a common minimum programme for transition. Its emphasis on civil and political rights – including freedom of movement, faith, and organisation – offered a clear repudiation of the Nimeiri's regime repressive constitutional order. However, while these rights were explicitly

independence of the judiciary. See more: Badri, 'A Critical Analysis of the Evolution of the Constitutions in Sudan,' (pp.5-7).

⁴⁵⁷"Charter for the Allied Forces of National Salvation," 5 April 1985, National Democratic Alliance Collection, IISH.

referenced, the document stopped short of articulating a full vision of pluralism or specifying how Sudan's competing ideological tendencies would be reconciled. Furthermore, the charter also demonstrated a sharp awareness of the structural causes of economic hardship and popular discontent. Provisions addressing economic subjugation, famine, and desertification reflected a broader critique of the regime's prioritisation of elite-driven development projects over basic human needs. The call to dismantle the institutions and clientelist networks of the May regime, alongside demands for a neutral civil service, revealed a recognition that legal reform would be insufficient without parallel institutional transformation. In its language and structure, the charter reflected the historical and political contingencies of its moment: a transitional pact shaped by urgency, mass pressure, and unresolved tensions among its authors. Though grounded in the language of renewal, it ultimately left open the deeper constitutional questions it sought to defer – particularly around representation and the balance of ideological forces in a post-Nimeiri Sudan.

Beyond the professional associations and political parties that authored the charter, student movements and trade unions were also key drivers of the uprising, articulating clear critiques of Nimeiri's constitutional practices. For instance, representatives from the Engineers' Unions, which, compared to the Doctors' and Lawyers' Unions – headed by Awad al-Karim Muhammad Ahmed, a more secular and leftist figure compared to the leadership of the Doctors' and Lawyers' Unions – led a rallying cry: 'Oh you who waged a decisive battle against the terrorist May regime for the sake of liberation... The union insists on defending democratic freedoms, basic rights, juridical independence, and the rule of law, all of which ultimately means ending dictatorial rule.'⁴⁵⁸ These words reflect the union's dual commitment to overthrowing the regime and ensuring that the future governance of Sudan would be rooted in constitutional protections and democratic principles. This collective vision was further bolstered by the involvement of professional associations, whose critiques of the regime went beyond resistance to its immediate policies, highlighting the erosion of constitutional guarantees such as judicial independence and freedom of expression.

A memorandum from the University of Khartoum Lecturers Union emphasised these demands, asserting that 'the rule of law and an independent judiciary that provides protection to citizens and is impartial' were essential for a free and healthy society. Furthermore, they highlighted that

⁴⁵⁸ "Diverse Trade Unions Documents, [1969–1985]," January 1985, British Library, EAP218/7/1.

‘constitutional rights and freedoms need to be protected.’⁴⁵⁹ This emphasis on constitutional guarantees, particularly judicial independence and fundamental freedoms, underscores the centrality of constitutionalism in this union’s critique of Nimeiri’s regime. The professional associations recognised that the erosion of these protections was not merely a symptom of authoritarian governance but a deliberate strategy to consolidate power and suppress dissent. Another outspoken group was the Sudanese Women’s Union, who linked the broader fight against tyranny to gender equity and representation. In their April 1985 statement, they declared: ‘We insist on forming a national popular government in which the majority is for the trade union gathering and in which women are represented.’⁴⁶⁰ This was not merely a demand for regime change but a distinct call for a new constitutional order that enshrined inclusive governance and recognised women’s political agency. The phrase ‘the majority is for the trade union gathering’ articulated a very particular vision of democracy – rooted in sectoral representation and the primacy of organised labour, rather than traditional party structures. Such a formulation suggested an alternative constitutional imagination in which these unions would play a bigger role in shaping post-authoritarian governance.

By April 1985, Nimeiri’s isolation was complete, with even the military, a longstanding pillar of his regime, withdrawing its support. On April 6, General Siwar al-Dahab, a regime loyalist who turned against the regime after upwards pressure from middle-ranking officers, announced the removal of Nimeiri and his administration, stating: ‘In order to reduce bloodshed and ensure the country’s independence and unity, the armed forces have decided unanimously to stand by the people... and respond to their demands by taking over power and transferring it to the people after a specified transitional period.’⁴⁶¹ This statement marked a decisive rejection of Nimeiri’s constitutional claims, implicitly affirming the principle of popular sovereignty. Al-Dahab’s framing of the military’s intervention as a response to the will of the people directly contrasted with Nimeiri’s repeated invocation of constitutional authority. The military also implicitly recognised themselves as the protectors of popular sovereignty – ironically drawing on the same revolutionary legitimacy Nimeiri had long claimed to monopolise and represent.

The transitional period that followed set the stage for the re-emergence of Islamist influence in Sudanese politics. Following Nimeiri’s fall, the Muslim Brotherhood, significantly weakened by

⁴⁵⁹ "A Memorandum from the University of Khartoum Lecturers Union," January 1985, Sudan 1985 Civil Uprising Collection, IISH.

⁴⁶⁰ "Sudanese Women’s Union Statement in Support of the Uprising," April 1985, Sudan 1985 Civil Uprising Collection, IISH.

⁴⁶¹ "Demonstrations in support of take-over." SUNA, April 6, 1985. *SWB*, April 8, 1985: A/5.

earlier crackdowns, swiftly re-established its influence during the period of political liberalisation. After the April 1985 popular uprising, a Transitional Military Council led by Al-Dahab, and then the Umma Party's Sadiq al-Mahdi, assumed power, pledging to oversee a one-year transition to civilian rule. As the transitional period unfolded, the Islamic Charter Front rebranded itself as the National Islamic Front (NIF), signalling its resurgence into the political scene.⁴⁶² That same year, the Transitional Military Council suspended the 1973 Constitution and introduced the 1985 interim constitution, which affirmed basic rights and democratic principles, but left Islam laws intact and unreformed.⁴⁶³ By 1986, the NIF became a key player in Sadiq al-Mahdi's coalition government, with Hassan al-Turabi rising to prominent positions, including Deputy Prime Minister and Minister of Foreign Affairs by 1988.⁴⁶⁴ During this time, the growing influence of Islamic fundamentalism coincided with the inability of traditional political parties to manage dissent effectively, leading to new challenges for constitutional governance and exposing the fragility of transitional order. Efforts to revise controversial laws, particularly those linked to Islamic penal codes, stalled, and the apparent unity expressed in 1985 proved illusory, as fundamental rights were increasingly restricted, and the judiciary's independence was further eroded.⁴⁶⁵ These developments marked the beginning of a new phase in Sudan's political history, as the dynamics of power shifted and the challenges of creating an inclusive constitutional framework persisted.

⁴⁶² V. Kostelyanets, 'The Rise and Fall of Political islam in Sudan,' (pp.92-93).

⁴⁶³ Badri, 'A Critical Analysis of the Evolution of Constitutions in Sudan,' (p.8).

⁴⁶⁴ V. Kostelyanets, 'The Rise and Fall of Political islam in Sudan,' (p.93).

⁴⁶⁵ Abdullahi Ahmed An-Na'im, 'Constitutionalism and Islamization in the Sudan', *Africa Today* 36, no. 3/4 (1989): 11–28, (p.27).

CHAPTER 4: THE LEGALISATION OF AUTHORITARIANISM – CONSTITUTIONAL DECREES, ISLAMIST GOVERNANCE, AND THE 1998 CONSTITUTION UNDER OMAR AL-BASHIR

On 18 February 1989, a confidential dispatch from the British Embassy in Sudan sounded the alarm: a coup was in the making. Sent to the Foreign Office, the report detailed growing suspicions that Sadiq al-Mahdi's fragile transitional government was on borrowed time.

There is increasing evidence, some of it from military intelligence themselves...that a series of meetings have taken place recently in Khartoum attended by a group of officers of colonel rank who are actively engaged in making plans for a military takeover. There are one or two generals involved. No names are yet available...⁴⁶⁶

While the precise trigger for the coup remained uncertain, one contact assured British diplomats that he could provide at least a day's notice before the takeover and that a slogan had begun to emerge amongst the officers: 'No peace, no democracy.'⁴⁶⁷ By early 1989, Sadiq Al-Mahdi's transitional government was deeply unstable, struggling to balance the competing demands of political parties, the military, and Islamist factions. The country was mired in economic crisis, burdened by debt and a collapsing currency, while the ongoing civil war in the south drained resources and further polarised Sudanese politics. Within Khartoum, frustration with the government's indecisiveness grew, particularly among the NIF-backed cell in the military, who resented al-Mahdi's reluctance to implement an Islamist agenda or decisively prosecute the war. In this climate of uncertainty, conspiracies flourished, and military officers, emboldened by the Muslim Brotherhood, saw an opportunity to reshape the political order.

The early warning from the British Embassy proved prescient. On 30 June 1989, a group of officers, led by Brigadier Omar al-Bashir, staged a coup and seized power, marking the beginning of three decades of authoritarian rule. Through a series of unscheduled announcements, interspersed with martial music, Omdurman Radio broadcasted several messages from the coup conspirators, the Revolutionary Command Council for National Salvation (RCCNS), between 09:07-10:35 GMT. The announcements praised the armed forces and their role as protectors of the nation, and described their actions as a 'salvation for this country, in which conditions had deteriorated.'⁴⁶⁸ They underlined that it was necessary for them to 'confront the remnants of reaction and mercenariness' and that 'the armed forces will not protect a corrupt regime unable

⁴⁶⁶ 'Internal Political Situation in Sudan, January 1 – December 31, 1989,' FCO 93/5795, UKNA.

⁴⁶⁷ 'Internal Political Situation in Sudan, January 1 – December 31, 1989,' FCO 93/5795, UKNA.

⁴⁶⁸ "Sudanese armed forces seize power: Revolutionary Command Council set up." Egyptian Agency, June 30, 1989. *SWB*, July 1, 1989: i.

to provide the minimum standard of living for the Sudanese people.⁴⁶⁹ Al-Bashir notably described some early political ideologies: "The revolution has a pan-Arabist orientation, not to the left nor to the right; non-partisan and non-factionalist; non-May [explicitly distancing his movement from that of Nimeiri's], non-tribalist and non-racial."⁴⁷⁰ In doing so, he defined the RCC as much by what it was not as by what it was, leaving its ideological character deliberately ambiguous.

From the moment of the 1989 coup, the Bashir regime embarked on a calculated constitutional project. While the RCC initially presented itself as a neutral actor promising national unity and reform, its earliest actions told a different story: it suspended the 1985 transitional constitution, froze all constitutional discussion, and began ruling by decree. These constitutional decrees were not simply tools of emergency governance, but a strategy used to consolidate power and remake the Sudanese state. Over the next decade, the regime would embed itself politically, economically, and militarily through these decrees, culminating in the 1998 constitution. This chapter investigates that trajectory, arguing that the decision to rule by decree was a deliberate act of tutelary Sudanisation, which allowed the regime to restructure key institutions – the judiciary, civil service, education system, economy, and the military – on its own terms, while avoiding the constraints of earlier constitution-making efforts. By the time the 1998 constitution was introduced, the regime had already reshaped the state in its image and ensured complete control over the constitutional process.

Importantly, tutelary Sudanisation under the Bashir regime cannot be reduced to a mere vehicle for authoritarianism or institutionalisation of Islamic governance – though both were key elements. A familiar argument is that Islam was the real driver of the regime's constitutional decisions and was the sole reason a constitution was developed.⁴⁷¹ However, the reality is more nuanced than this. The officers and ideologues behind the regime believed in a new constitutional vision, one that fused Islamist concepts such as *shura* with state-led developmentalism and a reimagining of Sudanese sovereignty. Their project was rooted in a belief in the transformative power of the constitution as a tool of nation-building. Furthermore, this vision was framed around key constitutional debates – sovereignty, the relationship between

⁴⁶⁹ "Sudanese armed forces seize power: Revolutionary Command Council set up." Egyptian Agency, June 30, 1989. *SWB*, July 1, 1989: i.

⁴⁷⁰ "Sudanese armed forces seize power: Revolutionary Command Council set up." Egyptian Agency, June 30, 1989. *SWB*, July 1, 1989: i.

⁴⁷¹ Richard Cockett, *Sudan: The Failure and Division of an African State*, 2d ed (New Haven (Conn.): Yale university press, 2016), p.104.

religion and the state, and the appeal of federalism – which the regime used to craft a distinct version of tutelary Sudanisation during its first nine years in power. In this sense, the early Bashir years should be understood not as a pause in constitutional development, but as a moment of intensive constitutional transformation which laid the foundation for a new legal order by harnessing the power of decrees before institutionalising that order in the 1998 constitution.

The period between 1989 and 1993 was primarily concerned with the early evolution of the military regime, its rule via constitutional decree, and its reliance on emergency governance as *modus operandi*. Emergency rule in this context refers to the regime's suspension of legal and constitutional norms under the pretext of national stability, allowing the RCC to consolidate power without oversight. This governance model enabled the regime to dismantle existing political structures, suppress opposition, and justify authoritarian measures as necessary for state security. As Carl Schmitt famously asserted, the 'sovereign is he who decides on the exception' – a concept embodied by the RCC's reliance on decrees and emergency powers during this period.⁴⁷² This was not unprecedented – both the Abboud and Nimeiri regimes had similarly relied on emergency rule, suggesting that the state of exception is not an aberration in Sudan's constitutional history but a recurring and foundational logic of military governance.⁴⁷³

Weheliye's critique of this state of exception offers a crucial lens for interpreting this period. Rather than reading the Bashir regime solely through a European legal paradigm, his framework urges us to centre the histories of racialisation, colonialism, and slavery that have long shaped Sudan's political order and its deployment of exception.⁴⁷⁴ The suspension of legal protections did not affect all lives equally: Southern communities, marginalised populations in the East and West, and minorities bore the brunt of militarised repression. Emergency governance thus functioned not merely as a legal tool, but as a project of state-making rooted in marginalisation tactics, regional exclusion, and embodied violence. The 1989-1993 period exemplifies how the regime bypassed constitutional constraints not only to entrench power, but to reproduce and reconfigure colonial and postcolonial patterns of domination through the mechanisms of constitutional decrees.

⁴⁷² Carl Schmitt, George Schwab, and Tracy B. Strong, *Political Theology: Four Chapters on the Concept of Sovereignty* (Chicago: University of Chicago Press, 2010), p.44.

⁴⁷³ Weheliye 2004; Mbemebe 2003.

⁴⁷⁴ Weheliye, *Habeas Viscus*.

The Revolutionary Command Council, 1989-1993

In March 1989, Sudanese military leaders assured Prime Minister Sadiq al-Mahdi of their commitment to democracy, with a report from the British Embassy to the Foreign Office noting that al-Mahdi had received guarantees through the Sovereignty Council that the armed forces would ‘respect democracy and the constitution.’⁴⁷⁵ However, the military leaders who had given these assurances were overthrown three months later, along with the regime. When the RCC seized power on 30 June, it framed its takeover as a necessary intervention to correct political dysfunction – the same strategy used by the Abboud and Nimeiri regime’s to justify military interventions and suspend constitutional processes. The failures of the 1985–1989 government—its inability to dismantle Nimeiri’s Islamic legal system, its economic mismanagement, and its failure to end the war—had already created an environment ripe for military intervention.

Following Nimeiri’s overthrow in 1985, Sudan’s transitional government struggled to undo the legal and political structures entrenched by the regime. While many northern politicians criticised the May regime’s Islamic legal framework, they were reluctant to fully dismantle it, fearing political backlash. As Lesch notes, despite opposition to Nimeiri’s policies, Muslim political elites remained committed to the principle of an Islamic state and were unable to forge a national consensus that included all Sudanese people.⁴⁷⁶ Meanwhile, the civil war persisted, placing immense pressure on the government. The war not only drained Sudan’s human and material resources but also contributed to a deteriorating economic situation plagued by rampant inflation and debt.⁴⁷⁷ By 1989, the economy was in freefall—growth had stalled, inflation was spiralling, and Sudan’s debt burden had become unmanageable.⁴⁷⁸ The black market controlled much of the foreign exchange, while newly discovered oil reserves remained inaccessible due to the war. Following the coup, the new regime moved swiftly to deregulate prices, purge opposition figures from government, and eliminate subsidies for essential goods, leading to a sharp rise in the cost of living. Within a year, the price of basic commodities like sugar and bread had doubled. The state’s economic institutions were also restructured, with food reserves and financial resources

⁴⁷⁵ “Internal Political Situation in Sudan, January 1 – December 31, 1989,” FCO 93/5795, UKNA.

⁴⁷⁶ Ann Mosely Lesch, *The Sudan: Contested National Identities*, Indiana Series in Middle East Studies (Bloomington : Oxford, UK: Indiana University Press ; J. Currey, 1998), p.58.

⁴⁷⁷ Collins and Burr, *Revolutionary Sudan*, p.1.

⁴⁷⁸ Harry Verhoeven, *Water, Civilisation and Power in Sudan: The Political Economy of Military-Islamist State Building*, 1st ed. (Cambridge University Press, 2015), <https://doi.org/10.1017/CBO9781107447769>, p.101.

placed under the control of Islamist-aligned banks and business elites, consolidating power in the hands of NIF-affiliated networks.⁴⁷⁹

In parallel with these economic challenges, a major turning point came in November 1988, when the DUP and the SPLM signed the Sudanese Peace Initiative, proposing a freeze on the September Laws—the Islamic legal code introduced under Nimeiri. The NIF, viewing this as a direct threat to its constitutional agenda, denounced the agreement and were excluded from the new cabinet that followed.⁴⁸⁰ After months of hesitation, Sadiq al-Mahdi finally introduced draft legislation on 19 June 1989 to suspend the laws, setting the stage for their enactment by parliament on 1 July. Meanwhile, Hassan al-Turabi's NIF refused to participate in Sadiq al-Mahdi's proposed cabinet and instead doubled down on their commitment to preserving Sudan's Islamic laws while advocating for their expansion.⁴⁸¹ This growing intransigence from Islamist factions further undermined the possibility of political consensus. At the same time, al-Mahdi had scheduled a trip to Addis Ababa on 4 July to finalise arrangements with John Garang for an October constitutional conference that would formalise these legal changes.⁴⁸² The momentum toward a peace agreement—which would have required the repeal of Sharia law—became the immediate trigger for the 30 June coup, as it posed a direct challenge to the NIF's ideological project.⁴⁸³ The delay between 10 April and 29 June provided the NIF and its military allies, led by Brigadier Omar al-Bashir, the crucial window to plan and execute the coup before al-Mahdi could present the legislation to parliament. Against this backdrop, the RCCNS framed its takeover as a necessary corrective to political dysfunction, but its true purpose was to pre-empt peace negotiations and safeguard the Islamist constitutional project. The failures of the 1985–1989 government, from its inability to dismantle Nimeiri's Islamic legal system to its economic mismanagement and prolonged war, provided the justification for military rule. Yet, despite its claims to national salvation, the RCCNS's emergence was marked by an outward ambiguity regarding its ideological orientation and political ambitions. This ambiguity, however, was not the result of uncertainty, but a deliberate tactic: the RCCNS wanted to fundamentally reorder the Sudanese state, but chose to conceal its agenda in order to avoid immediate resistance and buy time to consolidate control.

⁴⁷⁹ Verhoeven, *Water, Civilisation and Power in Sudan*, p.101.

⁴⁸⁰ Collins and Burr, *Revolutionary Sudan*, pp.1-2.

⁴⁸¹ Carolyn Fluehr-Lobban, *Shari'a and Islamism in Sudan: Conflict, Law and Social Transformation*, International Library of African Studies 30 (London ; New York: I.B. Tauris ; Distributed in the U.S. and Canada exclusively by Palgrave Macmillan, 2012), p.82.

⁴⁸² Collins and Burr, *Revolutionary Sudan*, pp.1-2.

⁴⁸³ Sergey V. Kostelyanets, 'The Rise And Fall Of Political Islam In Sudan', *Politics And Religion Journal*, 25 March 2021, 85–104, <https://doi.org/10.54561/prj1501085k>, p.94.

The officers who seized power on 30 June 1989 were largely unfamiliar to the Sudanese public. The RCCNS was composed of military officers, consisting of six brigadiers, six colonels, two lieutenant colonels, and a major. Many Sudanese initially viewed them as career soldiers rather than ideological actors.⁴⁸⁴ The most senior figure among them, Omar al-Bashir, was a relatively unknown officer outside military circles. Born in 1945 in Hoshe Bannaga, a rural town northeast of Khartoum, he came from a working-class Ja'aliyyin Muslim Arab family that, despite limited financial means, was able to support his education. After secondary school, he entered the Sudanese military academy, marking the beginning of a long career in the armed forces.⁴⁸⁵ Yet, even among the leadership of the NIF, Bashir was not a well-known figure and was selected by his fellow cadres to lead the new regime only in the final days before the coup, underscoring the last-minute nature of his appointment.⁴⁸⁶ The relative obscurity of the RCCNS members contributed to widespread uncertainty about the direction the new government would take. In the days following the coup, the RCCNS avoided articulating a clear ideological stance, but Bashir publicly committed to ending the civil war and even proposed a referendum on the future of Islamic law, acknowledging that its imposition had been a central point of contention.⁴⁸⁷

Yet, despite its claims of national salvation, Burr and Collins have argued that the RCCNS's ideological orientation and long-term political objectives remained unclear, adding to the uncertainty surrounding the new regime.⁴⁸⁸ This ambiguity, however, was not incidental. The efficiency of the coup was not merely a reflection of military discipline but rather the product of long-term planning and strategic positioning by Islamist actors within the armed forces. As early as the late 1970s, the movement had cultivated an Islamist faction within the military, positioning itself to seize power from within.⁴⁸⁹ In fact, the RCCNS's very name was chosen to obscure the NIF's involvement, presenting the new rulers as a neutral military junta rather than an ideologically driven force.⁴⁹⁰ While Omar al-Bashir became the face of the new regime, Cockett argues that Turabi was its true architect, claiming that Bashir and other forces had sworn allegiance to him in order to secure the Islamic state project.⁴⁹¹ Others, like Berridge, suggest a

⁴⁸⁴ Collins and Burr, *Revolutionary Sudan*, p.2.

⁴⁸⁵ Collins and Burr, *Revolutionary Sudan*, p.3.

⁴⁸⁶ W. J. Berridge, *Hasan Al-Turabi: Islamist Politics and Democracy in Sudan*, 1st ed. (Cambridge University Press, 2017), <https://doi.org/10.1017/9781316848449>, p.84.

⁴⁸⁷ Fluehr-Lobban, *Shari'a and Islamism in Sudan*, 82-85.

⁴⁸⁸ Robert O. Collins and J. Millard Burr, *Revolutionary Sudan: Hasan Al-Turabi and the Islamist State, 1989-2000*, 1st ed., vol. 90 (Boston: BRILL, 2003), pp. 10-16..

⁴⁸⁹ Berridge, *Hasan Al-Turabi*, p.82.

⁴⁹⁰ Berridge, *Hasan Al-Turabi*, p.82.

⁴⁹¹ Cockett, *Sudan*, pp.101-102..

more nuanced dynamic: while the NIF provided the ideological framework and long-term strategy, army officers also acted with considerable independence.⁴⁹² Former NIF members themselves often claim that the coup was authorised democratically by a vote in the organisation's *shura* council.⁴⁹³ Whether orchestrated by a single figure or an institutional consensus, what emerges clearly is that the actors involved shared a coherent strategic vision – one rooted in reshaping the Sudanese state through a tightly controlled process of constitutional and ideological transformation. So, while the RCCNS initially sought to project itself as a neutral governing body, its deliberate concealment of Islamist affiliations allowed it to consolidate power before revealing its true political agenda. Crucially, from the outset, the regime's ambitions were not limited to seizing power – they aimed at remaking the Sudanese state through a tightly controlled process of constitution-making.

Early Constitutional Decrees

Shortly after taking power, the RCCNS issued its first constitutional decree, officially dissolving the Constituent Assembly, the Head of State Council, and the Council of Ministers. This decree suspended the interim constitution and established the RCCNS as the country's highest legislative and executive authority, granting it the power to issue decrees, enact laws, and oversee military and security matters.⁴⁹⁴ Later that day, additional decrees were announced, banning political parties, dissolving trade unions, dismantling local and regional administrations, and imposing a state of emergency. All demonstrations and political opposition were outlawed, along with 'unauthorised' strikes and meetings of a political nature.⁴⁹⁵ With these declarations, the RCCNS dismantled existing political structures, criminalised dissent, and placed all decision-making power in the hands of the military. The second constitutional decree, issued that same day, formally declared a nationwide state of emergency.⁴⁹⁶ Under this emergency framework, the military and national security forces were granted broad powers, including the authority to detain individuals without trial, confiscate property, and suppress political activities.⁴⁹⁷ These sweeping measures provided the legal foundation for the new regime, demonstrating that its consolidation

⁴⁹² Berridge, *Hasan Al-Turabi*, p.82.

⁴⁹³ Berridge, *Hasan Al-Turabi*, p.82.

⁴⁹⁴ "Sudanese armed forces seize power: Revolutionary Command Council set up." Egyptian Agency, June 30, 1989. SWB, July 1, 1989: i.

⁴⁹⁵ "Sudanese armed forces seize power: Revolutionary Command Council set up." Egyptian Agency, June 30, 1989. SWB, July 1, 1989: i.

⁴⁹⁶ Salam and De Waal, *The Phoenix State*, p.17.

⁴⁹⁷ Nada Mustafa Ali, *Gender, Race, and Sudan's Exile Politics: Do We All Belong to This Country?* (Lanham, Maryland: Lexington Books, 2015), p.48.

of power was being created on a platform of a new constitutional legitimacy, that had the ability to suspend legal protections and govern through force. The immediate suspension of constitutional order following the coup reflects what Schmitt describes as the essence of sovereignty: the ability to decide on the state of exception.⁴⁹⁸ The 1989 coup fits this framework precisely, as the new regime justified its takeover as necessary to stabilise the country while simultaneously dismantling all existing legal constraints on its authority.

The first decrees issued in 1989 were not a temporary response to instability but rather the institutionalisation of constitutional rule by decree, in which the state could fundamentally reshape Sudan's political landscape. By dissolving all political parties, trade unions and local administrations, and imposing a nationwide state of emergency, the regime ensured that no organised opposition could legally challenge its rule. In October 1989, in a meeting with Kenyan professor Ali Mazrui, Bashir explicitly ruled out any return to party politics: "The establishment of the political parties at the moment is out of the question."⁴⁹⁹ When asked about detained politicians, Bashir justified their arrests by stating that "investigation committees have been established and if a detainee is found guilty he will be presented before the court, but if there is nothing to accuse him of, he will be released, unless if he acted against the revolution."⁵⁰⁰ The ambiguous phrasing underlines that anyone deemed a threat to the regime could be indefinitely detained without due process. Furthermore, the regime's emphasis on accusations of betraying the revolution – a tactic used by earlier military regimes that also claimed revolutionary legitimacy – illustrates its attempt to manufacture authority through coercion rather than consensus, despite limited acceptance of such claims among politicians and the wider public.⁵⁰¹

The repression of opposition forces escalated further in the following months. At a public rally in Khartoum on 2 December 1989, Bashir delivered a speech in which he vowed to purge the state: "I vow here before you to purge our ranks [of] the renegades, the hirelings, enemies of this people and enemies of this nation, enemies of the armed forces, the agents..."⁵⁰² In this formulation, the enemies of the nation were also framed as enemies of the military itself, positioning the armed forces as not only protectors of national sovereignty but also

⁴⁹⁸ Schmitt, Schwab, and Strong, *Political Theology*, p.5.

⁴⁹⁹ "Bashir says re-establishment of political parties is out of the question." Republic of Sudan Radio, October 17, 1989. *SWB*, October 20, 1989: A/5.

⁵⁰⁰ "Bashir says re-establishment of political parties is out of the question." Republic of Sudan Radio, October 17, 1989. *SWB*, October 20, 1989: A/5.

⁵⁰¹ Verhoeven, *Water, Civilisation and Power in Sudan*, p.101.

⁵⁰² "Sudan: Bashir vows to purge 'traitors and renegades', warns of communist infiltration." Republic of Sudan Radio, December 3, 1989. *SWB*, December 5, 1989: A/7–A/8.

embodiments of it. He framed this purge as part of a national unification effort, declaring that 'the internal front has become united with our simple citizens, with the youth and decent students, with the workers and the intellectuals.'⁵⁰³ By defining loyalty to the revolution as the basis for citizenship, Bashir effectively criminalised political opposition, treating dissent as a betrayal of national unity.

The consequences of this crackdown were severe. The RCCNS's emergency decrees were enforced through special courts that handed down extreme punishments to those accused of defying the new order. One of the most striking examples came in December 1989, when a doctor was sentenced to death for leading a strike. Bashir dismissed any possibility of leniency, stating that 'the special courts and the revolution security courts are carrying [out] their tasks as planned and that the revolution is aiming to realize justice among citizens.'⁵⁰⁴ The regime's use of emergency courts to enforce capital punishment against political dissidents underscored its commitment to ruling through fear and coercion. The absence of a constitutional framework allowed the regime to justify such measures as necessary for preserving the revolution, eliminating any legal recourse for those targeted by the state. With emergency decrees replacing constitutional protections, the RCCNS wielded unchecked power, making the judicial system an extension of its repressive apparatus. In such a system, legality was no longer determined by an impartial legal code but by the arbitrary decisions of the ruling military elite. Although these decrees were framed as constitutional, they also operated outside any constraining legal structure—revealing a form of constitution-making untethered from checks and balances. The regime presented these measures as law, but they were in fact tools of domination, allowing the state to claim legality while evading accountability.

Despite the regime's efforts to portray these measures as necessary for national stability, opposition voices quickly mobilized against the new government. The SCP, one of the political parties banned by the RCCNS and forced underground, immediately condemned the coup. In a leaflet issued on 2 July 1989, the SCP rejected the RCCNS's claim that democracy had failed, arguing instead that the coup had 'not only destroyed democracy, but also trampled on [a] rich heritage of struggle travelled by thousands of our people from different political orientations

⁵⁰³ "Sudan: Bashir vows to purge 'traitors and renegades', warns of communist infiltration." Republic of Sudan Radio, December 3, 1989. *SWB*, December 5, 1989: A/7–A/8.

⁵⁰⁴ "Doctor sentenced to death for leading strike; Bashir rules out appeals against death sentences." Republic of Sudan Radio, December 10, 1989. *SWB*, December 12, 1989: A/8.

with blood, sweat, and the most precious and valuable sacrifices.⁵⁰⁵ The leaflet also pointed out that, far from being ineffective, democratic institutions had been actively working toward peace. It emphasised that ‘through democracy and with the weapon of democracy, the people yearn to strike, demonstrate, criticise and express themselves,’ and that discussions for a constitutional conference had already been scheduled for 18 September 1989.⁵⁰⁶ This document reflects the growing frustration among the opposition groups and how the constitutional decrees deliberately dismantled democratic mechanisms, political participation, freedom of expression, and ended constitutional negotiations.

In response to this escalating repression, a broad coalition of opposition forces came together in October 1989 to form the National Democratic Alliance (NDA). For the first time, Sudan’s traditional political parties, trade unions, rebel movements, and military defectors joined under one umbrella to challenge the RCCNS’s authority. The NDA’s membership included the Democratic Unionist Party, the Umma Party, the Sudanese Communist Party, the Sudan African Congress, the Sudan Peoples’ Liberation Movement and the Sudan Peoples’ Liberation Army, the Legitimate Command of the Armed Forces, the Trade Unions Alliance, and a group of prominent national figures. Signed on 21 October 1989, the NDA charter described the coup as an attempt to ‘do away with democracy, undermine the peace process and disrupt the transitional platform generated by political developments in December 1988.’⁵⁰⁷ It was among the earliest political documents to explicitly name the NIF as the force behind the coup, referring to it as ‘an isolated fascist-like party representing the interests of parasitic capitalism and advocating for an obscurantist religious state opposed to the people’s gains and the spirit of the times.’⁵⁰⁸ Despite the involvement of parties like the DUP and Umma, this Marxist-inflected language underscored the ideological diversity within the alliance and its shared opposition to the Islamist regime.

Crucially, the NDA placed constitution-making at the centre of its political programme. The charter called for ‘the convening of a constitutional conference with the participation of all component parts of the National Democratic Alliance, including the Sudan People’s Liberation

⁵⁰⁵ Leaflet Concerning the Military Coup d’Etat: Liittahid jamāhīr sha ‘bunā fī jabha wāsi‘a min ajl al-dīmuqrāṭiyya wa isti‘ādat al-ḥurriyya al-naqābiyya wa ḥurriyyat al-tanzīm, wa waqf al-ḥarb wa tarsīkh al-salām (2 July 1989), Hizb al-Shuyū‘ī al-Sūdānī Collection, (IISH).

⁵⁰⁶ Leaflet Concerning the Military Coup d’Etat: Liittahid jamāhīr sha ‘bunā fī jabha wāsi‘a min ajl al-dīmuqrāṭiyya wa isti‘ādat al-ḥurriyya al-naqābiyya wa ḥurriyyat al-tanzīm, wa waqf al-ḥarb wa tarsīkh al-salām (2 July 1989), Hizb al-Shuyū‘ī al-Sūdānī Collection, (IISH).

⁵⁰⁷ ‘The National Democratic Alliance (NDA) Charter, signed in Khartoum on 21 October 1989,’ National Democratic Alliance Collection, (IISH).

⁵⁰⁸ ‘The National Democratic Alliance (NDA) Charter, signed in Khartoum on 21 October 1989,’ National Democratic Alliance Collection, (IISH).

Movement, for lasting and just peace.’⁵⁰⁹ This demand reflected the NDA’s assertion that sustainable peace could only be achievement through a constitutional settlement. In doing so, it advanced an alternative constitutional vision – grounded in broad political participation and power-sharing – in direct contrast to the RCCNS’s. At the same time, the NDA’s leadership was dominated by traditional political elites with long-standing influence in Sudan’s power structures. Figures from the Umma Party and DUP brought with them networks and ties to powerful religious and economic constituencies, which enabled the NDA to challenge the regime’s legitimacy despite ongoing repression. Yet, as the following sections will demonstrate, this also meant that the NDA asserted an idea of constitution-making that was shaped by elite-driven negotiations and institutional restoration.

The Early Ideological Foundations of the Inqaz Regime

Shortly after the 1989 coup, the RCC proclaimed itself the *Inqaz* (Salvation) regime. While debates continued over who had orchestrated the takeover, it soon became clear that the concept of salvation was deeply linked to the regime’s Islamist vision. The term *inqaz* carried revolutionary connotations, framing the military takeover not as a seizure of power, but as a redemptive act to rescue the nation from political chaos. Further, the idea of *inqaz* drew from Islamist rhetoric, aligning the regime with broader Islamic revivalist discourse, which framed governance as both a moral obligation and a religious duty. The NIF seized upon this framing, presenting itself as the moral authority of Sudan and using Islamic principles to justify its policies, state control, and repression. Understanding the Islamist influences within the *Inqaz* regime is crucial to examining how the constitutional decrees of 1989–1993 served as a legal framework to re-write the constitutional landscape, using religion as both a justification for authoritarian rule and a tool for social control.

Islamism, more broadly understood, is not merely the aspiration to implement Islamic law but a modern political project that seeks to (re)constitute state and society through the lens of Islamic principles.⁵¹⁰ It is often presented as a response to the failures of secular nationalism, the disillusionment of postcolonial independence, and the perceived moral and institutional decay of the state. While instilled in Sudan during the latter half of Nimeiri’s rule, this project gained momentum under the *Inqaz*, which spearheaded an ambitious programme of Islamisation across

⁵⁰⁹ ‘The National Democratic Alliance (NDA) Charter, signed in Khartoum on 21 October 1989,’ National Democratic Alliance Collection, International Institute of Social History (IISH).

⁵¹⁰ Fluehr-Lobban, *Shari’a and Islamism in Sudan*, 81–84.

political, legal, economic and social domains. While the 1989 coup is frequently described by scholars such as Lobban as the beginning of the ideological revolution, others argue that the regime's actions were less about theological renewal and more about political consolidation.⁵¹¹ Hale, for instance, contends that the NIF engaged in tactical rather than transformative Islamisation, using Islamic rhetoric to legitimise authoritarian rule while operating firmly within the logic of existing power structures.⁵¹² This is evident in the regime's economic policies, which embraced Islamic banking and financial instruments not to redistribute wealth or promote social justice – as seen in other Islamist movements like Egypt's Muslim Brotherhood or Hezbollah in Lebanon – but to establish a conservative, elite-oriented economic order. Islamic finance served less as a vehicle for equity and more as a moral veneer for neoliberal reforms, including price liberalisation and privatisation.⁵¹³

These goals were not merely rhetorical; they were systematically implemented through the constitutional decrees that suspended democratic institutions and replaced them with policies that reflected the NIF's Islamist agenda. For instance, through the constitutional decrees, which were steered by the shadowy Committee of Forty, an advisory body of influential Islamist figures, the regime issued a 'comprehensive call to Islam' or *Al-Dawa Al-Shamla*, which sought to reshape all aspects of Sudanese society.⁵¹⁴ Mosque construction, educational reform, and even food distribution were incorporated into this religious-political mission. Humanitarian operations, for instance, were aligned with counterinsurgency efforts, blurring the line between spiritual guidance and state surveillance. *Al Dawa Al-Shamla*'s initiatives contrasts with Hale's argument that the NIF's actions were tactical, and not transformative, as the cornerstone of the campaign was to completely reshape Sudanese society.⁵¹⁵ Through this integration of religious instruction and political control, the regime presented Islam not just as a moral framework, but as the sole legitimate foundation for governance.⁵¹⁶ As such, tutelary Sudanisation under the regime was about more than political control – it was about reshaping the very fabric of society.

Furthermore, as the regime's Islamist agenda became more overt, so did its rhetorical framing of power and sovereignty. Bashir increasingly depicted Sudan as engaged in a civilisational struggle

⁵¹¹ Fluehr-Lobban, *Shari'a and Islamism in Sudan*, 81-84.

⁵¹² Sondra Hale, *Gender Politics in Sudan: Islamism, Socialism, and the State* (Boulder, Colorado: Westview Press, a division of HarperCollinsPublishers, 1997), p.203.

⁵¹³ Verhoeven, *Water, Civilisation and Power in Sudan*, p.89.

⁵¹⁴ V. Kostelyanets, 'The Rise And Fall Of Political Islam In Sudan', (p.94).

⁵¹⁵ Hale, *Gender Politics in Sudan*, p.203.

⁵¹⁶ V. Kostelyanets, 'The Rise And Fall Of Political Islam In Sudan', (p.94).

between Islam and its enemies. For instance, in an interview with *Al-Hadath* newspaper, Bashir responded to criticisms expressed by the West towards Sudan's embrace of Islamic governance: 'The American plan is to isolate all Muslim states and regions and divert them from the Islamic path.'⁵¹⁷ He also emphasised, on several occasions, that the political actions of the regime reflected the Islamic path and the will of the people. In a rally in front of the Friendship Hall in Khartoum, he stated: 'We are planning for the political structure to be a true expression of the will of the people, and that takes us on the Islamic path.'⁵¹⁸ Such statements deliberately conflated popular sovereignty with Islamist governance, allowing the regime to present its authoritarian project as both divinely sanctioned and popularly endorsed.

In this context, the *Inqaz* regime's ideological foundations should not be regarded as mere rhetorical flourishes but as a central factor to its constitutional strategy. By fusing Islamist discourse with authoritarian mechanisms, the regime sought to reconfigure the state's legal and political order around the principle of *hākimiyya* – the notion of God's ultimate authority over all human legislation.⁵¹⁹ Yet rather than grounding sovereignty in coherent Islamic jurisprudence, the regime governed through the suspension of legal norms, enabling the executive to define the exception. Divine sovereignty, in this formulation, became a discursive tool to obscure the reality of unchecked executive power. The language of Islam was thus instrumentalised to hollow out constitutionalism, transforming the state into an apparatus for authoritarian rule cloaked in the legitimacy of religion and the illusion of popular will.

Transforming the Security Apparatus

From its earliest days in power, the RCCNS pursued a project of constitution-making that relied not on legal deliberation, but on the transformation of Sudan's security apparatus. The overhaul of the security sector – through militarisation, surveillance, and ideological control – was not merely a strategy of repression but a means by which a new political order was constituted. By the early 1990s, this security infrastructure had become the de facto constitution of the regime. The creation of paramilitary forces, the expansion of intelligence networks, and the use of ghost houses were not peripheral to the state's structure but central to defining its authority, boundaries, and legitimacy. Framing its campaigns as *jihad*, the regime fused religious justification

⁵¹⁷ "Bashir says Western interference in Sudan 'designed to damage Islam'." SUNA News Agency, September 9, 1993. *SWB*, September 13, 1993: MED/24.

⁵¹⁸ "Sudan: Bashir's revolution anniversary address." Republic of Sudan Radio, June 29, 1991. *SWB*, July 2, 1991: A/13–A/14.

⁵¹⁹ Khatib, 'Citizenship Rights of Non-Muslims,' (pp.139-140).

with political violence, embedding loyalty, obedience, and fear as the organising principles of governance. In place of participatory constitution-making, the RCCNS constructed a coercive architecture of rule, where law was not enacted through consensus but imposed through force.

In September 1989, Bashir underscored the central role of the military in stabilising Sudan. Speaking to officer corps during a publicly broadcasted inspection of military installations, he outlined the government's security priorities: 'We have worked to stabilise the situation in the country, especially in the South. Action has been taken to halt the attempts being made by outlaws in the Nuba Mountains.'⁵²⁰ While the regime had inherited a myriad of domestic conflicts from the transitional government, they did not hesitate to underscore their determination to militarily repress insurgencies. In the same speech, Bashir highlighted the containment of tribal clashes in Darfur, which he blamed on 'banned parties,' a clear reference to the opposition groups the regime had outlawed.⁵²¹ Like Abboud and Nimeiri, Bashir's comment illustrates how the rhetoric of security and stability was utilised to justify authoritarian measures, particularly in regions where resistance to the status quo was strong.

The comprehensive overhaul of the security sector was a key mechanism for ensuring direct loyalty to the regime. Rather than maintaining a singular chain of command, the regime ensured that different security branches reported directly to Bashir and the RCCNS, rather than to each other. This successfully prevented any individual faction from amassing enough power to launch a counter-coup.⁵²² The Ministry of Interior played a critical role in overseeing this transformation, particularly under Colonel Faisal Ali Abu Salih, who was appointed Interior Minister just days after the coup. A committed Islamist, Abu Salih quickly moved to reorganise Sudan's intelligence services by creating a new security agency, *Al-Amn al-Dakhili* (Internal Security-Security of the Revolution, IS-SOR), which was composed exclusively of NIF loyalists. This effectively replaced Sudan's existing intelligence structures with a new security body that was directly aligned with the regime's ideological goals.⁵²³

⁵²⁰ "Bashir inspects military installations near Khartoum." Republic of Sudan Radio, September 25, 1989. SWB, September 27, 1989: A/6.

⁵²¹ "Bashir inspects military installations near Khartoum." Republic of Sudan Radio, September 25, 1989. SWB, September 27, 1989: A/6.

⁵²² Andrew S. Natsios, *Sudan, South Sudan, and Darfur: What Everyone Needs to Know*® (Oxford, UNITED STATES: Oxford University Press, Incorporated, 2012), <http://ebookcentral.proquest.com/lib/durham/detail.action?docID=886569>, p.11.

⁵²³ Collins and Burr, *Revolutionary Sudan*, p.12.

The IS-SOR became infamous for its brutality. It operated beyond legal oversight, using extrajudicial means to crush dissent. Ghost houses—clandestine detention centres—became notorious for their ruthless interrogation, torture, and extrajudicial killings. Survivors' testimonies detail the systematic violence used against detainees. A trade union member and ghost house survivor from the early 1990s detailed his treatment in an autobiography published anonymously in London after he fled from the regime:

From our reception, we were thrown into a cell and they attacked us with thick whips and water hoses, beating and kicking us until we felt it in all parts of our bodies. They would continue for a long time with shameful insults, gloating about their victory and their 'revolution.'⁵²⁴

Bashir's regime officially denied these allegations. In an interview published in *Al Qummat al-Musallaha*, a government-owned newspaper, Bashir dismissed accusations of torture as baseless: 'Allegations that we are torturing political detainees are rumours spread by elements which harbour animosity towards us.'⁵²⁵ However, widespread reports from political detainees, human rights organisations, and opposition figures consistently contradicted these claims. The physical violence and psychological terror inflicted on detainees were not simply acts of state brutality but deliberate mechanisms of control aimed at silencing opposition, spreading fear, and consolidating the regime's power. The regime's public denial of torture functioned as a strategic contradiction: on one hand, the ghost houses were known sites of terror, meant to deter opposition through their very existence; on the other hand, the regime insisted that they did not exist, ensuring that no formal accountability could be imposed. This dual strategy reinforced the RCCNS's sovereign authority—as the state was able to define what was legal, what was exceptional, and what could be ignored entirely. The regime's reliance on extrajudicial security measures also reveals the extent to which the constitutional decrees created a legal vacuum. By dissolving existing political institutions, suspending the transitional constitution, and criminalising opposition, the RCCNS not only eliminated democratic governance but also was able to embark on an implicit project of constitution-making without restraint.

Beyond direct repression, the regime purged state institutions to consolidate control. The NIF used the coup to implement its ideology without constraints, dismissing civil servants, academics

⁵²⁴ "Notorious Houses in Sudan, [2000]", British Library, EAP218/3/1.

⁵²⁵ "Bashir denies alleged torture of detainees." Republic of Sudan Radio, February 15, 1990. *SWB*, February 17, 1990: A/5.

and professionals who were not aligned with its vision.⁵²⁶ The foreign service was also restructured, with experienced diplomats removed and replaced with unqualified NIF cadres. As the NDA opposition radio (transmitting from abroad) reported: 'The NIF regime has embarked on the dismissal and retiring of about 100 diplomats, as it has appointed about 50 inexperienced NIF cadres to diplomatic positions between ambassadorial and second secretary level.'⁵²⁷ The removal of experienced personnel and their replacement with party loyalists ensured that Sudan's government institutions became an extension of the NIF's ideological project. Furthermore, the appointment of ideologically aligned but inexperienced individuals meant that Sudan's foreign policy was no longer dictated by diplomatic priorities but by the needs of the regime's Islamist project. This had serious international consequences, as Sudan's engagement with Western powers deteriorated, and the country instead strengthened its relationships with Islamist movements across the region.⁵²⁸

This purge extended to the armed forces, where officers who did not align with the regime's Islamist ideology were forced into early retirement. Ironically, the very institution that had enabled NIF's rise to power through a military coup was now treated with suspicion.

The NIF viewed the military not as a neutral institution, but as a potential threat that had to be brought under ideological control. Those who remained were either absorbed into the party's patronage networks or promoted based on ideology rather than competence.⁵²⁹ Many officers were pensioned off with generous financial rewards, allowing them to set up businesses that were deeply tied to the NIF's economic networks. Others who remained within the military were brought into crony capitalist networks, where their personal financial security became dependent on the survival of the regime.⁵³⁰ This dual strategy—removing potential threats and rewarding those who remained—ensured that the military was no longer an independent force but an extension of the regime's power structure.

Armed with this view, the RCCNS expanded its security infrastructure. Notably, the creation of the Popular Defence Forces (PDF), months after the regime took power, was formalised through Constitutional Decree No. 3, which legally sanctioned the force as a paramilitary organisation, operating not alongside but independently from the SAF. PDF recruitment was

⁵²⁶ Lesch, *The Sudan*, p.61.

⁵²⁷ "Opposition radio says inexperienced NIF cadres being appointed as diplomats." *SWB*, May 6, 1991: A/16.

⁵²⁸ Berridge, *Hasan Al-Turabi*, p.77.

⁵²⁹ Lesch, *The Sudan*, p.61.

⁵³⁰ Elke Grawert and Zeinab Abul-Magd, eds., *Businessmen in Arms: How the Military and Other Armed Groups Profit in the MENA Region* (Lanham, Maryland: Rowman & Littlefield Education, 2016), p.142.

directly tied to the religious framing of jihad. Members of the PDF were recruited from a range of backgrounds—students, civil servants, tribal fighters, and Islamist militants—with religious rhetoric being the primary motivation for their participation.⁵³¹ By embedding military recruitment within Sudan’s Islamic governance framework, the regime ensured that the PDF was not just an auxiliary military force but an ideological militia, loyal not to the state but to the NIF’s vision of Islamic rule. The framing of jihad within the regime’s governance model also had international implications. By presenting the war in Sudan as part of a larger struggle for Islam, the regime sought to position itself as a leader in the Islamic world, drawing inspiration from Hassan al-Turabi’s vision of Sudan as a model Islamic state.⁵³² This led to Sudan’s increasing isolation from Western governments, which condemned the regime’s religious militarisation but also allowed the regime to forge alliances with Islamist movements across the region. Additionally, the state’s use of *jihad* as a legal and ideological tool had significant social consequences. The war effort reshaped Sudanese society, as government institutions—particularly education, media, and religious organisations—became part of the broader mobilisation strategy. Islamic organisations, often with state backing, provided education, healthcare, and food aid in conflict areas, reinforcing the idea that state resources were being distributed in accordance to Islamic principles.⁵³³

The education system was another critical site of ideological transformation under the RCCNS. Universities, which had historically been centres of political activism and independent thought, were brought under direct state control. The University of Khartoum, a historic hub of student resistance, was particularly targeted, as the regime sought to dismantle independent student unions and suppress opposition voices in higher education. Unions were banned, and student welfare programmes, such as free accommodation and meals, were discontinued. This move had a dual purpose: it limited university access for students from lower-income backgrounds while also increasing dependency on state-affiliated institutions for those who remained enrolled.⁵³⁴ An intelligence report from the British Embassy in Khartoum confirmed the extent of these changes. The report noted that: ‘KU students have been well looked after in the shape of free accommodation and meals. This year both have been largely withdrawn in an effort simultaneously to cut costs and double student numbers.’⁵³⁵ The withdrawal of these essential

⁵³¹ Collins and Burr, *Revolutionary Sudan*, p.15-16.

⁵³² Verhoeven, *Water, Civilisation and Power in Sudan*, p.99.

⁵³³ Verhoeven, *Water, Civilisation and Power in Sudan*, p.112.

⁵³⁴ Cockett, *Sudan*, p.104.

⁵³⁵ “Internal Situation in Sudan: Khartoum University Students Protesting Against Bashir, September 1991,” FCO 93/6598, UKNA.

services not only placed economic pressure on students but also functioned as a means of social control, ensuring that only those aligned with the regime or from wealthy backgrounds could continue their education.

Student protests against these policies were met with repression, with university authorities closing campuses indefinitely to prevent mobilisation. The British Embassy report describes how, following student unrest, ‘the KU authorities have closed the university for an indefinite period.’⁵³⁶ This move reflects the broader pattern of governance under the RCCNS, in which, rather than negotiating with opposition forces, the regime simply shut down institutions that challenged its authority. In addition, the regime established new institutions that aligned with its ideological agenda. The government heavily invested in expanding Islamic universities, such as Omdurman Islamic University, ensuring that the next generation of professionals was educated within an explicitly Islamist framework.⁵³⁷ These institutions were not merely centres of learning but also served as vehicles for indoctrination, where students were taught within the ideological parameters of the NIF. By controlling education in this manner, the regime ensured that future civil servants, academics, and professionals were loyal to its vision of an Islamic state, thereby embedding its ideology into the very fabric of Sudanese society. This constituted a new form of tutelary Sudanisation under the regime – one in which the state used education to cultivate a class of ideologically aligned elites who would reproduce its constitutional order through institutional conformity.

Furthermore, the RCCNS’s security policies were not limited to purging state institutions. They were also responsible for shaping the regime’s military campaigns, particularly in the South and the Nuba Mountains. The regime framed its military operations as *jihad*, presenting the war against the SPLM/A not as a political or territorial conflict but as a religious duty. This framing allowed the state to justify large-scale violence, the mobilisation of paramilitary forces, and the use of state resources for war under the guise of defending Islam. The concept of *jihad*—which in Islamic tradition can mean both a personal struggle for faith and a military struggle to defend Islam—was weaponised by the regime to equate opposition with heresy, transforming a political war into a theological battle. The direct linkage between *jihad* and governance was made explicit in a speech by Bashir at a conference attended by members of the RCCMS:

⁵³⁶ “Internal Situation in Sudan: Khartoum University Students Protesting Against Bashir, September 1991,” FCO 93/6598, UKNA.

⁵³⁷ Collins and Burr, *Revolutionary Sudan*, p.15.

We will also engage the revolution's jihad and its commitment to solving many problems which the former regimes failed to solve. These problems include national unity, peace, and Islamic shariah, social reform, economic reform and the [word indistinct] process of defending the homeland.⁵³⁸

This statement reveals the multi-layered purpose of *jihad* under the *Inqaz* regime. First, it justified the war as a religious duty, framing opposition forces as enemies of both Sudan and Islam. Second, it positioned *jihad* as a solution to national unity, implying that religious war could eliminate internal divisions and create a more Islamic state. Finally, it linked *jihad* to broader governance issues, including economic and social reform, reinforcing the idea that Islamic law and military conquest were inseparable from Sudan's political future. This religious justification was further formalised through a *fatwa* issued in April 1992 by six-pro government religious leaders, which legitimised *jihad* against the SPLA in the Nuba Mountains and South Kordofan, calling for the liberation of these areas from *kufar* (infidel) rebels.⁵³⁹ This marked a significant escalation, as it was one of the first official religious decrees framing the civil war as a holy war rather than a national conflict. The state did not just use rhetoric; it imposed material obligations on Sudanese citizens by introducing a new tax titled 'financing the *jihad*,' which directly funded military operations.⁵⁴⁰ Beyond taxation, Sudanese state media actively promoted *jihadist* rhetoric. In a state radio broadcast from 1993, Bashir proclaimed: 'Our war in the South is a *jihad*. It is not about politics or negotiation; it is about defending the Islamic nation. Those who stand in our way are enemies of God.'⁵⁴¹ This statement demonstrates the rigid theological framework through which the RCCNS viewed the war. By defining the SPLM/A as an enemy of God rather than a political adversary, it granted itself continued justification for violence.

The RCCNS's transformation of Sudan's security apparatus was not simply a method of enforcing its rule – it was a central component of its constitution-making project. By invoking emergency powers and issuing constitutional decrees, the regime redefined the structure and logic of the state through militarisation, repression, and ideological control. This was not constitution-making in the traditional sense of drafting foundational texts through deliberation, but rather through the construction of tutelary Sudanisation under a coercive political order. The creation of the PDF, the expansion of intelligence agencies, and the use of ghost houses to eliminate dissent all functioned as tools to rewrite the political landscape from outside the formal

⁵³⁸ "Sudan: Bashir addresses opening session of Transitional National Assembly." National Unity Radio, February 24, 1992. SWB, February 27, 1992: A/12–A/15.

⁵³⁹ Fluehr-Lobban, *Shari'a and Islamism in Sudan*, p.82.

⁵⁴⁰ Fluehr-Lobban, *Shari'a and Islamism in Sudan*, p.83. .

⁵⁴¹ "Sudan: Bashir declares 'general mobilisation' of government institutions." National Unity Radio, March 4, 1992. SWB, March 6, 1992: A/12–A/13.

constitutional process. Framing military campaigns as *jihad* allowed the regime to fuse religious authority with legal exceptionalism, embedding a vision of sovereignty rooted in force. In this way, the security state itself became the regime's constitution – defining citizenship through obedience, silencing alternative imaginaries, and ensuring that emergency rule was not a temporary measure but a permanent mode of governance.

Federalism and the Early Inqaz Regime: Constitutional Chess

Constitutional Decree No. 4, issued on 1 July 1991, was a key instrument in the RCCNS's attempt to restructure Sudan's governance system under the guise of federalism. While the decree ostensibly replaced the 1972 regional framework with a more devolved federal structure, in practice it served as a vehicle for authoritarian consolidation. Under the guise of decentralisation, the regime retained a highly centralised decision-making apparatus in Khartoum while fragmenting opposition and reshaping local governance. This federalist model must be understood not as a response to demands for regional autonomy but as a calculated mechanism of control that contributed to tutelary Sudanisation – enacted under emergency rule and legitimised through constitutional decree. The reconfiguration of administrative bodies, the replacement of local leadership, and the centralisation of state functions reinforced the regime's unchecked authority under the veneer of legal transformation.

The 1989 National Dialogue Conference was instrumental to this strategy. Convened between September and October 1989 – barely three months after the coup – the conference appeared to invite broad participation, including representatives from the regions and the SPLM/A. Yet this gesture of inclusion masked a deeper logic. Rather than initiating genuine deliberation, the conference functioned as a distraction, buying time for the new regime to entrench itself and refashion state institutions before opposition forces could regroup or comprehend the scale of constitutional change underway. The recommendations it produced – particularly the endorsement of federalism grounded in Sharia and *urf* (customary law) – provided a legalistic cover for the regime's restructuring agenda.⁵⁴² Bashir's public embrace of the conference outcomes, promising federalism would be implemented 'according to a detailed programme,' reinforced the illusion of participatory governance.⁵⁴³

⁵⁴² Fluehr-Lobban, *Shari'a and Islamism in Sudan*, p.86.

⁵⁴³ "Sudanese leader accepts peace conference's recommendation of federal system." Republic of Sudan Radio, October 23, 1989. *SWB*, October 25, 1989: i.

However, the SPLM/A remained unconvinced. In December 1989, talks between the SPLM/A and the RCC collapsed in Nairobi, with the government delegation blaming the SPLM/A for focusing on 'procedural issues such as the abrogation of the Islamic laws, the state of emergency and the military pacts' rather than contributing ideas for peace.⁵⁴⁴ The SPLM/A, for its part, saw the RCCNS's unwillingness to freeze Sharia law as a fundamental obstacle to negotiations. Responding to an American journalist's question about whether the regime would consider suspending Sharia, Colonel Muhammad al-Amin Khalifah, a key RCCNS member, stated: 'This is a domestic legal issue... we believe that this issue could be handled by the constitutional conference and we see that it is not something which would prevent an immediate peace.'⁵⁴⁵ Not only is this call for a constitutional conference riddled with irony given that the RCCNS effectively aborted the originally planned constitutional conference through their coup, this quote also exemplifies the regime's use of constitutional procedures as instruments of delay. By relegating core conflicts to a future constitutional conference, the regime avoided immediate compromise while continuing to entrench its power.

These discussions eventually led to the creation of a federal system in February 1991, dividing the country into nine states. As Lesch notes, real power remained concentrated in Khartoum, with Bashir retaining authority to appoint all state governors and ensuring that federal laws superseded regional legislation.⁵⁴⁶ This example of asymmetry of power under federalism aligns with Mamdani's critique of postcolonial decentralisation. Mamdani argues that colonial-era federalism, which took the form of indirect rule, was often a tool for dividing opposition rather than empowering local governance, reinforcing ethnic and regional fragmentation to prevent unified resistance to state power.⁵⁴⁷ The RCCNS's federalist project followed this pattern. By appointing loyalists to regional leadership positions, the regime weakened national opposition movements and made it harder for groups like the NDA to coordinate resistance. The fragmentation of opposition forces through administrative restructuring ensured that the emergency state and constitutional decrees remained unchallenged. The 1992 FCO report on Sudan further highlights how federalism was used to reinforce centralised power rather than redistribute it:

⁵⁴⁴ "Sudan: Government representative comments on breakdown of talks with SPLA in Nairobi." Republic of Sudan Radio, December 6, 1989. SWB, December 8, 1989: A/4–A/5.

⁵⁴⁵ "Sudan: Government representative comments on breakdown of talks with SPLA in Nairobi." Republic of Sudan Radio, December 6, 1989. SWB, December 8, 1989: A/4–A/5.

⁵⁴⁶ Lesch, Ann Mosely, 'The Destruction of Civil Society in the Sudan', in *Civil Society in the Middle East, Volume 2*, vol. 2 (Brill, 2021), 153–89, <https://brill.com/edcollbook/title/1678>, p.166.

⁵⁴⁷ Mamdani, *Citizen and Subject*, pp.22-25.

The usual powers retained by the centre under most federal systems—international relations, foreign trade, defence and security, immigration, etc.—are to be exercised from Khartoum, as are the highly sensitive areas for the South of higher education and justice. The federal system cannot be put into effect in the South while the civil war continues. In the North, little has changed so far in practice, partly because there is no money to fund decentralised responsibilities.⁵⁴⁸

This statement underscores how the formalisation of federalism in 1991 did not alter the regime's core power structures. Instead, it allowed the RCCNS to claim administrative reforms while ensuring that all critical state functions remained under central control. In this sense, federalism functioned as an extension of the state of exception, enabling the RCCNS to claim legitimacy while exercising absolute authority over the state. The connection between federalism and Islamic governance became particularly clear when Bashir explicitly linked the two in a radio broadcast: 'Now that the revolution aims at implementing a federal system, it has become imperative to implement quickly the Islamic Sharia in compliance with Allah's clear and patent ordinance and in compliance with the popular will.'⁵⁴⁹ Here, federalism, Sharia, and the popular will are collapsed into a single ideological register, allowing the regime to present its governance model not as a political compromise but as a divinely sanctioned, popularly endorsed necessity. This conflation blurred the distinction between religious obligation, state structure, and democratic legitimacy, enabling the regime to recast authoritarian restructuring as a sacred duty and popular demand.

The Sudan Democratic Gazette, a publication founded by Bona Malwal – a prominent South Sudanese journalist and politician – and produced in the UK, provided a counterargument to the regime's federalist policies, asserting that they were designed to entrench Islamist rule rather than genuinely decentralise governance. The Gazette criticised the ideological underpinnings of the regime's tutelary Sudanisation project, highlighting the long-standing belief that 'black Africa exists in a religious and cultural vacuum which is simply waiting to be filled by Islam and Arabic culture.'⁵⁵⁰ This racialised logic, the publication argued, was deeply rooted in the Sudanese fundamentalist movement and mirrored colonial narratives used to justify domination and forced cultural assimilation. The Gazette also challenged the regime's historical framing of

⁵⁴⁸ "FCO Discussion on Sudan," Africa Working Group, May 1992, FCO 31/6911, European Political Cooperation: Africa Working Group, UKNA.

⁵⁴⁹ "Bashir says Shari'ah law must be implemented quickly." Republic of Sudan Radio, January 2, 1991. SWB, January 4, 1991: A/9.

⁵⁵⁰ Issues of the *Sudan Democratic Gazette*, published in the UK by Southerners, September 1991, STEEL/B/5/1/114, LSE Archives.

religious identity, particularly the notion that Christianity in the South was solely a colonial imposition. It noted that:

Although there was never an actual policy for the prevention of the dissemination of Islam in the South during the condominium, the spread of Islam was always going to be more difficult considering its association with the slave trade.⁵⁵¹

By drawing attention to these legacies, the Gazette positioned the RCCNS's federal restructuring not as an innovative governance reform, but as a continuation of colonial strategies – deploying the language of decentralisation to consolidate ideological and territorial control. While the Gazette did not frame these developments explicitly in terms of constitution-making, its critiques were aimed at the very mechanisms – constitutional decrees, ideological legislation, and institutional restructuring – through which the regime reconfigured the Sudanese state. By calling out the regime's use of Islamisation, racial hierarchies, and historical distortions, the Gazette indirectly highlighted how constitutional instruments are being utilised to legitimise and extend authoritarian governance. In this sense, the Gazette's interventions speak to the political work done by legal reforms – not as neutral state-building tools, but as instruments for excluding alternative visions of Sudanese identity and sovereignty. However, while deeply critical of the regime, the Gazette also reflected a particular elite, diasporic personality. Produced in exile and shaped by intellectuals and politicians embedded in Southern nationalist and anti-Islamist circles, their analysis privileges this political-legal critique over grassroots perspectives. Nevertheless, it offers a valuable window into alternative Sudanisation and how segments of the Southern Sudanese elite understood the constitutional reordering of the state.

In the end, the RCCNS's federalist restructuring was less about decentralisation and more about consolidating authoritarian rule under the guise of reform. By governing through constitutional decrees, the regime restructured the state without democratic consultation, using legal instruments to centralise authority while weakening opposition forces. Rather than empowering local governance, federalism became a constitutional façade for entrenching the regime's ideological agenda, particularly through the elevation of Sharia law as the foundation of state authority.

⁵⁵¹ Issues of the *Sudan Democratic Gazette*, published in the UK by Southerners, September 1991, STEEL/B/5/1/114, LSE.

The introduction of the 1991 penal code was a defining moment in the regime's efforts to consolidate power through legal and ideological means. By formally codifying *hudud* punishments, including amputations, stoning, and floggings, the regime entrenched Sharia within Sudan's criminal and civil legal systems.⁵⁵² The penal code, largely based on a draft written by Hassan al-Turabi in 1988, was enacted with minimal public debate, reflecting the regime's broader strategy of ruling by decree, rather than through participatory constitutional governance.⁵⁵³ This approach was significant not only because of its legal content, but because of what it revealed about the regime's ideology. For Turabi, the Islamist system equated the rule of Sharia with democracy.⁵⁵⁴ Since Muslims are, in theory, bound to follow divine law, the implementation of Sharia was cast as an expression of the popular will. However, by ruling through decree rather than consultation, both Turabi and Bashir were able to hijack the thorny political and theological questions about who actually has the authority to define and interpret Sharia. In practice, this allowed the regime to impose a singular, centralised vision of Islamic law while foreclosing the pluralism and debates that democratic governance would otherwise require. More than just legal reform, the penal code was part of a broader constitutional project in which the regime used law-making by decree to pre-empt meaningful constitutional deliberation. By embedding its interpretation of Sharia into foundational legal codes before a formal constitution was in place, the regime ensured that any subsequent constitutional process would simply ratify what had already been unilaterally enacted. In this sense the penal code was not separate from constitution-making – it was constitution-making by other means.

The 1991 penal code was the regime's first major legislative act, fulfilling one of the core objectives of its Islamist project while entrenching its ability to govern unilaterally.⁵⁵⁵ The codification of Islamic law was not just a religious project but a legal restructuring aimed at normalising the use of executive orders as the primary mechanism of governance. This method of governance aligns with Abdel Salam and de Waal's argument that the regime systematically used emergency powers to consolidate control, particularly through legislative acts that reinforced the unchecked authority of security forces and executive leadership.⁵⁵⁶ Similarly, Cockett argues that Bashir and the RCCNS saw the Islamist agenda as a means of consolidating

⁵⁵² Fluehr-Lobban, *Shari'a and Islamism in Sudan*, p.84.

⁵⁵³ Berridge, *Hasan Al-Turabi*, p.245.

⁵⁵⁴ Berridge, *Hasan Al-Turabi*, p.245.

⁵⁵⁵ Fluehr-Lobban, *Shari'a and Islamism in Sudan*, p.84.

⁵⁵⁶ Salam and De Waal, *The Phoenix State*, p.17.

absolute power, rather than a genuine ideological commitment, reinforcing the use of constitutional decrees as a mechanism for political control rather than religious governance.⁵⁵⁷ However, these readings risk overlooking the regime's deep ideological investment in Islamisation as a mode of constitution-making – a commitment made evident in how the penal code was publicly justified in the language of divine obligation and revolutionary fulfilment, despite widespread opposition. The regime's efforts to embed Sharia into Sudan's foundational legal framework cannot be dismissed as purely opportunistic, as it was part of a calculated attempt to reshape the state's constitutional order around an Islamist vision of law, legitimacy, and authority.

The regime justified the implementation of the new Islamic legal order as a response to widespread public demand. On 4 January 1991, state media reported pro-Sharia demonstrations in Khartoum, claiming that 'the masses of the capital today came out in large numbers to take part in massive demonstrations to support and express allegiance to Lt-Gen Umar Hasan Ahmad al-Bashir, the revolution's leader, for his brave decision announcing the application of the provisions of Islamic law in the country.'⁵⁵⁸ This narrative presented the RCCNS's imposition of Sharia as a grassroots demand rather than a top-down policy. The framing of these demonstrations as spontaneous and popular obscured the regime's control over public mobilisation and the broader political context in which dissent had already been silenced. By invoking mass support, the RCCNS sought to legitimise its legal transformations while portraying opposition to Sharia as opposition to the will of the people. The use of such rhetoric aligns with the findings of Verhoeven, who highlights how the regime's ideological project sought to create a 'new Sudanese man' through radical social engineering, where Islamic law, language, and economic policies were reshaped to serve the state's interests rather than reflect genuine religious sentiment.⁵⁵⁹ More than a propaganda strategy, this mobilisation discourse reveals the extent to which the regime sought to embed its legal reforms within a narrative of popular sovereignty and revolutionary fulfilment – effectively performing constitution-making through spectacle and decree. In this sense, the demonstrations functioned as a form of political theatre in the name of tutelary Sudanisation, staging public consent to Sharia in order to reinforce the regime's claim to speak for the nation's moral and legal order.

⁵⁵⁷ Cockett, *Sudan*, p.101.

⁵⁵⁸ "Khartoum demonstrations express support for Shari'ah." Republic of Sudan Radio, January 4, 1991. *SWB*, January 7, 1991: A/22.

⁵⁵⁹ Verhoeven, *Water, Civilisation and Power in Sudan*, p.110.

Despite its nationwide imposition, Sharia was not extended to the South due to the ongoing civil war and resistance from Southern groups. The regime strategically postponed its enforcement in the region, recognising that immediate implementation would exacerbate armed resistance from the SPLA and other factions. Nevertheless, the RCCNS maintained a rhetorical commitment to the eventual application of Sharia across Sudan. State media framed this selective implementation as a reflection of the regime's pragmatic approach rather than a concession to opposition. A telegram cited by Republic of Sudan Radio in early 1991 highlighted an apparent endorsement from a southern Sudanese organisation, stating:

His Excellency received a telegram from the [words indistinct] organization of southern Sudan expressing support for the national salvation revolution's response to the demands of the ummah by announcing the application of the Shari'ah, a matter which confirmed the depth and genuineness of the revolution.⁵⁶⁰

However, this statement was part of a broader strategy that sought to obscure deep-seated southern resistance to Sharia, reinforcing the regime's narrative that Islamic law was both a religious obligation and a unifying national project. John Garang, leader of the SPLM/A, condemned the brutality of the regime and its institutionalisation of Sharia laws in 1991, in a statement issued to his followers:

Right from the date of their takeover, the Junta have detained without trial, tortured innocent people and killed some without recourse to proper judicial procedures. The Junta do hide their brutality and lack of respect for life....What Bashir is saying is that the Sudanese citizens who do not subscribe to the ideals of the Muslim fundamentalists do not deserve to live and that the NIF fanatics are authorised to resort even to lynch law; the rule of mob.⁵⁶¹

Garang's statement highlights the stark contrast between the RCCNS's narrative of Islamic governance and the lived realities of those who opposed the regime. While Bashir framed the penal code as a fulfilment of Sudan's Islamic identity, Garang argues that its implementation functioned as a mechanism of state violence and exclusion. His condemnation of the regime's executions, mass detentions, and extrajudicial killings illustrates how Sharia law, as codified by the regime, was not simply a religious framework but an instrument of political coercion. By equating dissent with apostasy and political opposition with treason, the regime legitimised violent repression under the guise of upholding Islamic law. Later that same month, Bashir addressed a rally where he further defended the application of Islamic law, asserting that:

⁵⁶⁰ "Khartoum demonstrations express support for Shari'ah." Republic of Sudan Radio, January 4, 1991. SWB, January 7, 1991: A/22.

⁵⁶¹ 'Statement to the Sudanese People on the Current Situation,' John Garang, 1991, National Democratic Alliance Collection, IISH.

Islamic Sharia has been lost in the labyrinths [words indistinct] and the masses have asked for it during my tour of the regions... The delay [words indistinct] was aimed at making government institutions part of the proper implementation [of the Islamic Sharia] so that the experience of implementing Islamic Sharia could be free of any defect and be an example to be emulated by the Islamic countries.⁵⁶²

Here, Bashir's rhetoric reveals an effort to legitimise the penal code as both an Islamic necessity and a national imperative. By positioning Sharia as something long-desired by the people but lost due to past political mismanagement, the RCCNS sought to depict itself as the saviour of Islamic governance. This justification parallels Burr and Collins' observation that Turabi and the Islamist leadership promoted an evolutionary approach to government, where the absence of Western legislative structures was framed as a sign of Islamic superiority, positioning Sharia as self-sufficient and above the need for conventional law-making.⁵⁶³ However, in practice, the 1991 Penal Code drew heavily on its colonial predecessor—and, to some extent, on French civil law—often grafting Sharia penalties onto a legal foundation that remained structurally Western.⁵⁶⁴ Without the scrutiny of a representative constitutional process, the regime could present the penal code as a coherent expression of Islamic authenticity while concealing hybrid legal foundations.

Importantly, the legal changes introduced in 1991 were not only about criminal law but extended to banking, finance, and family law, marking a radical shift from past legal traditions. The codification of Sharia-based banking laws, in particular, aligned with the regime's broader vision of an Islamic economy, which sought to insulate Sudan from Western financial institutions and integrate Islamic finance into the national economy. However, despite Bashir's claims that the economy was thriving under Islamic governance, Sudan continued to suffer from widespread economic instability. On 11 January 1993, Bashir delivered a speech before Parliament, boasting that 'the [annual growth rate of] GNP had risen to 11.3% and it was hoped that it would rise to 15%, which is the highest in the world.' He added that 'the country's grain and livestock exports have doubled, while large increases had been achieved in the cement, textile, gas and sugar industries.'⁵⁶⁵ While this speech projected an image of economic strength, the reality was far more precarious. Lobban argues that the codification of Islamic financial law was part of a

⁵⁶²"Sudan: Bashir addresses rally on Shari'ah." Republic of Sudan Radio, January 19, 1991. SWB, January 22, 1991: A/21.

⁵⁶³ Collins and Burr, *Revolutionary Sudan*, p.21.

⁵⁶⁴ Berridge, *Hasan Al-Turabi*, pp.148 and 122.

⁵⁶⁵"Lt-Gen Bashir addresses parliament on economic development." Republic of Sudan Radio, January 11, 1993. SWB, January 13, 1993: A/15.

broadest Islamist economic vision, which prioritised Islamic banking while maintaining a laissez-faire economic policy that largely benefited the ruling elite.⁵⁶⁶ Furthermore, as Verhoeven highlights, the regime's focus on Arabisation and Islamisation in education and economic policies was aimed at reshaping Sudanese society to produce a generation of ideologically loyal citizens, reinforcing the political function of Sharia rather than its purely religious significance.⁵⁶⁷

By July 1991, Bashir also moved to reinforce the narrative of judicial independence, claiming on nationwide radio that 'the judiciary and its ancillaries have never been under the influence of any of the successive governments since independence,' emphasising that previous governments had not been able to control the judiciary enough, and that his regime intended to. Furthermore, he noted that: 'The revolution had erupted because of the deterioration of justice and had come to rectify the course of the law.'⁵⁶⁸ However, this assertion was contradicted by the widespread purging of judges who opposed the regime's legal transformations, ensuring that the judiciary functioned as an extension of the regime rather than as an independent legal institution.⁵⁶⁹ The dismissal of judges and legal professionals who resisted the government's codification of Sharia further entrenched the regime's ability to govern by decree, as judicial oversight was actively weakened to prevent challenges to the regime's legal framework. The judiciary's independence was further undermined by the 1991 Penal Code itself, which institutionalised a rigid interpretation of Sharia law, removing any possibility for judicial discretion in cases involving hudud punishments.⁵⁷⁰ These legal transformations demonstrate how the RCCNS strategically manipulated legal structures to cement its authority, using the rhetoric of judicial reform to justify a broader campaign of legal centralisation and repression.

The 1991 Penal Code marked a key moment in the regime's project of constitution-making by decree, embedding Sharia as the foundation of Sudan's legal system without public deliberation or political consent. This was part of their early tutelary Sudanisation project, which framed the penal code as a popular and anti-colonial imperative. However, the code was ultimately responsible for reinforcing authoritarian rule and insulating the regime's ideological vision from democratic challenge. Its selective application – postponed in the South amid resistance – underscored its function as a political instrument rather than a universal legal order. As part of a

⁵⁶⁶ Fluehr-Lobban, *Shari'a and Islamism in Sudan*, p.85.

⁵⁶⁷ Verhoeven, *Water, Civilisation and Power in Sudan*, p.110.

⁵⁶⁸ "Bashir stresses independence of judiciary." Republic of Sudan Radio, July 4, 1991. *SWB*, July 8, 1991: A/18–A/19.

⁵⁶⁹ Fluehr-Lobban, *Shari'a and Islamism in Sudan*, p.86.

⁵⁷⁰ Fluehr-Lobban, *Shari'a and Islamism in Sudan*, p.85.

broader strategy that included judicial purges and the erosion of legal oversight, the penal code exemplified how law became a tool of authoritarian state-building rather than justice or reform.

Bashir's ascent to the presidency

By the early 1990s, Bashir's military-Islamist government had successfully dismantled Sudan's previous political order, eliminating opposition parties, consolidating power through constitutional decrees, and suppressing dissent under the pretext of maintaining stability. His regime presented itself as a corrective force, claiming to break from the past failures of both military juntas. In an internal document, British diplomats praised the *Inqaz* regime, noting that:

The Bashir regime has made substantial formal progress with its design for a new political structure for Sudan. The declared purpose is to get away from the failures (undoubted) of the past when military regimes alternated with periods of 'incompetent democracy dominated by the sectarian Muslim parties.' The guiding Principle is that of 'Shura' or consultation and consensus seeking.⁵⁷¹

This narrative notably overlooked the extent to which Bashir's power was being consolidated through authoritarian mechanisms, as constitutional decrees continued to serve as the regime's primary tool for governance. While the document echoed the regime's claims of political restructuring, it failed to recognise how *shura*—far from being a genuine consultation process—was deployed to legitimise the dismantling of democratic institutions. For Turabi, *shura*, as an ideology, embodied principles of consultation, and was a response to Islamic states being run on a monarchical basis, as they had been before colonialism. As such, *shura* was a way to justify that Islam was compatible with democracy, by claiming Islam was a source of democracy.⁵⁷²

Bashir himself used *shura* as a central theme in his rhetoric, framing it as a vehicle for mass political participation while simultaneously eliminating any form of independent governance. In a 1992 press conference, he declared 'a general mobilization in all government institutions in order to establish the new political system by holding conferences of democratic groups.'⁵⁷³ This so-called 'mobilisation course' was presented as the fulfilment of the revolution's promise to 'hand over power totally to the people.'⁵⁷⁴ Bashir's speech further framed the mobilisation as part of a

⁵⁷¹ "FCO Discussion on Sudan," Africa Working Group, May 1992, FCO 31/6911, European Political Cooperation: Africa Working Group, UKNA.

⁵⁷² Berridge, *Hasan Al-Turabi*, p.245.

⁵⁷³ "Sudan: Bashir declares 'general mobilisation' of government institutions." National Unity Radio, March 4, 1992. *SWB*, March 6, 1992: A/12–A/13.

⁵⁷⁴ "Sudan: Bashir declares 'general mobilisation' of government institutions." National Unity Radio, March 4, 1992. *SWB*, March 6, 1992: A/12–A/13.

broader cultural and ideological transformation, stating that Sudan was entering 'a new stage characterised by being firmly rooted and arrived at through popular conference using consultative methods.' He described the process as a rejection of the 'partisan and factional strife of the past' while simultaneously outlawing political parties and concentrating power under his direct authority.

By positioning the state's restructuring as an alternative to Western democratic models, Bashir sought to justify the RCCNS's governance as an authentically Islamic form of rule, one that 'would also aim at supporting democratic dialogue, activating society's resources and opening the way for initiatives.' This rhetoric allowed the regime to mask its authoritarianism behind the language of collective participation, a strategy that echoed broader Islamist justifications for political centralisation. This strategy was also deeply intertwined with the regime's broader ideological agenda, particularly the integration of Islam into all aspects of governance. Bashir explicitly linked the restructuring of the state to religious imperatives, stating that Sudan's political transformation would be 'totally integrating religion and the state' and 'exercise the power of the Islamic option to establish a new state based on science and faith.'⁵⁷⁵ By merging the Islamist project with the state's legal and administrative structures, Bashir ensured that opposition to his rule could be framed as opposition to Islam itself.

This ideological consolidation set the stage for the final shift in Sudan's governance structure in 1993, when Bashir formally dissolved the RCCNS and declared himself President. This move marked the culmination of the regime's centralisation of power, as Bashir assumed the titles of head of state, head of government, and supreme commander of the armed forces. The transition from collective military rule to a presidential system further entrenched authoritarian control, dismantling any remaining pretence of collegial governance within the RCCNS and introducing a new iteration of tutelary Sudanisation under the regime's evolving political order. By this point, the regime had eliminated political opposition, marginalised secular institutions, and entrenched NIF loyalists across state structures, allowing Bashir to consolidate his leadership without significant internal resistance. This shift, which was framed as a voluntary decision by RCCNS members, was formalised through Constitutional Decree No. 7 of 1993. A state media broadcast announced:

⁵⁷⁵"Sudan: Bashir declares 'general mobilisation' of government institutions." National Unity Radio, March 4, 1992. *SWB*, March 6, 1992: A/12–A/13.

During the meeting, the seventh constitutional decree of the year 1993 was proclaimed. Lt-Gen Umar Hasan Ahmad al-Bashir was charged with assuming the position of the president of the republic. This was done after all the members of the RCC for National Salvation had resolved to dissolve the council voluntarily with effect from today.... All the council members approved the decision at a meeting at which a number of members spoke, stressing their support for Bashir's leadership.⁵⁷⁶

This narrative reinforced the image of a smooth transition, portraying the dissolution as an act of collective consensus rather than an engineered power grab. Bashir's official swearing-in ceremony on the same day underscored the religious and legal framework that the regime sought to legitimise. In a televised broadcast, he declared:

In the name of God, the Merciful the Compassionate. Thanks be to God Almighty; prayers and peace be upon his prophet. I, Gen Umar Hasan Ahmad al-Bashir, swear to God Almighty that I will assume the responsibility of the presidency of the republic earnestly and faithfully, I will obey God Almighty and be committed to constitutional decrees and laws. I will take advice and the consensus of the Sudanese people's public opinion into account. God is witness to what I have just stated.⁵⁷⁷

The invocation of divine authority, or *hakimiyya*, first through God's command, then through constitutional decrees, and finally via appeals to 'public opinion' – alongside the regime's reliance on decrees over a formal constitutional framework, reinforced Bashir's claim to rule not merely as a political leader but as a guardian of Sudan's Islamic order. The shift from the RCCNS to a presidential system reflected the regime's growing confidence. The regime sought to frame this move as the culmination of the revolution's success, with Bashir stating:

The decision by the former RCC to dissolve itself voluntarily confirmed that the heroes of the salvation [revolution] were not power-seekers but came only to rescue the nation from the deteriorating circumstances thrust on it during the era of the factional parties.⁵⁷⁸

This rhetoric sought to erase any notion that the coup had merely replaced one form of authoritarian rule with another. Instead, it framed Bashir's presidency as a necessary evolution, completing the transition from a chaotic political past to a stable, Islamic governance model. Bashir's new governing structure solidified his absolute authority. To reinforce this legitimacy, he appointed two vice presidents, a cabinet, and a council of ministers, creating the appearance of institutional governance while ensuring absolute loyalty to his leadership.⁵⁷⁹ The absence of a permanent constitution meant that all executive decisions were framed as legal mandates,

⁵⁷⁶ "Revolution Command Council dissolved; Bashir to become president." Republic of Sudan Radio, October 16, 1993. *SWB*, October 18, 1993: MED/1.

⁵⁷⁷ "Bashir is sworn in as president of Sudan." Sudan TV, October 16, 1993. *SWB*, October 18, 1993: MED/3.

⁵⁷⁸ "Bashir's address in Central State: the revolution has achieved its aims." Republic of Sudan Radio, October 21, 1993. *SWB*, October 23, 1993: MED/13.

⁵⁷⁹ Collins and Burr, *Revolutionary Sudan*, p.19.

allowing Bashir to rule without meaningful institutional checks. Moreover, Bashir continued to use anti-colonial rhetoric to justify his approach to governance. His speeches positioned the dissolution of the RCCNS and the establishment of a presidential system as a rejection of Sudan's colonial and postcolonial history of 'incompetent democracy.' A few months before he began his Presidency, in a speech marking the fourth anniversary of the revolution, Bashir declared:

Our critics are old colonialists: Brother citizens, the model adopted by Sudan in the last four years has made it the object of world interest and divided [the world] between those who praise and those who malign us. Those who malign us are naturally the old colonialists who cannot bear to hear the calls of freedom and emancipation. However, their exasperation and noise will not prevent the emergence of the reality and growth of our blessings.⁵⁸⁰

By framing criticism of his rule as a remnant of colonial interference, Bashir positioned himself as the leader of an emancipatory project, where tutelary Sudanisation was presented as a form of national liberation. Further reinforcing this narrative, Bashir accused opposition groups of conspiring with foreign powers to undermine the revolution, stating in a November 1993 rally:

The scattered remnants of the rejected parties and factions which gathered in a number of the world's capitals are openly conspiring with the forces of arrogance to effect foreign intervention in the country so as to overthrow the revolution.⁵⁸¹

This rhetoric allowed Bashir to dismiss opposition as unpatriotic and externally influenced, justifying further crackdowns on dissent. His calls for unity under Islamic governance—'to liberate themselves from partyism and tribalism and to unite their ranks'—further underscored the regime's rejection of pluralism in favour of an authoritarian, centralised state.⁵⁸² His speeches positioned the dissolution of the RCCNS and the establishment of a presidential system as a rejection of Sudan's colonial and postcolonial history.

Therefore, Bashir's transition to the presidency in 1993 was not merely a shift in titles but the culmination of a broader project of political consolidation through constitutional decrees, suppression of opposition, and the careful orchestration of public support. The abolition of the RCCNS allowed Bashir to rule as Sudan's singular sovereign authority, benefiting from the

⁵⁸⁰ "Bashir says opposition groups conspiring to effect foreign intervention." Radio National Unity, November 21, 1993. *SWB*, November 23, 1993: MED/14.

⁵⁸¹ "Bashir says opposition groups conspiring to effect foreign intervention." Radio National Unity, November 21, 1993. *SWB*, November 23, 1993: MED/14.

⁵⁸² "Bashir says opposition groups conspiring to effect foreign intervention." Radio National Unity, November 21, 1993. *SWB*, November 23, 1993: MED/14.

absence of institutional constraints and the legitimisation of his leadership through the language of revolution, Islam, and anti-colonialism. His presidency marked the full institutionalisation of emergency rule as a permanent governance model, where executive decrees functioned as the state's legal foundation, and political opposition was rendered obsolete. This centralisation of power set the stage for Bashir's prolonged rule, ensuring that Sudan remained firmly under his control for the decades to come.

The Constitutional Project, 1993-1998

Whereas the 1989-1993 period was defined by the regime's use of emergency rule and constitutional decrees to dismantle legal norms and consolidate power, the years between 1993 and 1998 mark the second phase of the Bashir regime's constitutional project. This phase did not abandon authoritarianism but it institutionalised it. The regime transitioned from exceptional rule to formalised constitutionalism in order to legitimise executive dominance, embed Islamist ideology, and suppress competing alternative Sudanisation philosophies. At the same time, this process was not merely cynical or instrument. It was driven by a conviction among key regime figures that Sudan was undergoing an Islamic rebirth, requiring a new constitutional order that fused *hakimyya*, moral governance, and national renewal. While the authenticity of such beliefs is difficult to conclusively establish, these beliefs, or their strategic performance, nonetheless shaped the regime's institutional architecture and legal vocabulary. This phase also marked the deepening of tutelary Sudanisation, as the state sought not only to dominant political institutions but to mould society through an ideologically driven order, framing the citizenry as subjects in need of moral and political guidance. Thus, the 1998 constitution was the culmination of a carefully staged process of authoritarian entrenchment through legal reform rooted in both ideology and strategic calculation.

Following the dissolution of the RCCNS in 1993 and the formal declaration of President Omar al-Bashir's leadership, the regime entered a new phase of authoritarian state-building. Between 1993 and 1998, the regime moved beyond the ad hoc decrees of its early years, seeking instead to institutionalise its authority through legal and constitutional mechanisms. The early years of this period (1993-1995) saw the consolidation of NIF control across the state apparatus. Specifically, from 1993 it was growing more apparent that the NIF had become the regime's ideological engine, guiding policy, appointments and state restructuring.⁵⁸³ Through a series of decrees and

⁵⁸³ John Ryle, ed., *The Sudan Handbook* (Suffolk : Rochester, NY: James Currey Ltd, 2011), p.168.

institutional reforms, the regime restructured the judiciary, expanded the military and intelligence services, and redefined the relation between the capital and the rest of the country. The PDF were deployed extensively and violently. Simultaneously, social policies were crafted to reflect and enforce Islamic moral codes, further embedding the regime's vision into everyday life. These interventions laid the groundwork for a new constitutional order that was already being implemented in practice before it was formalised on paper.

From 1995 onward, the regime began to reframe these consolidation efforts within the language of political transition and legal reform. The tightly managed elections of 1995 and 1996 were presented as signs of a return to democratic constitutionalism. At the same time, official discourse shifted towards emphasising the need for a formal constitution that could symbolise and safeguard the regime's achievements. These early constitution-making discussions were a controlled process, largely confined to NIF-aligned intellectuals and government officials, and portrayed publicly as the culmination of Sudan's Islamic civilisational mission. At the same time, these discussions were contested by opposition actors, who proposed alternative constitutional imaginings. These debates and confrontations reveal that, as under Abboud and Nimeiri, constitution-making under Bashir was never an apolitical exercise, but a site of intense ideological struggle between tutelary Sudanisation and alternative Sudanisation philosophies.

The 1998 constitution thus marked the consolidation of a project that had been underway since 1989 – it enshrined Sharia as the primary source of law, granted expansive powers to the presidency, and subordinated both the legislature and judiciary of executive will. Far from creating checks on executive power, it gave legal expression to the very authoritarian structures that had been built under emergency rule. In this sense, the period of 1993 to 1998 represents a decisive moment in the evolution of Bashir's regime: a transition from rule by exception to rule by law. It was a codification of a singular vision of tutelary Sudanisation— one that fused divine sovereignty with executive supremacy. Ultimately, the 1998 constitution stands as both a product of belief and a tool of control – an expression of a genuine ideological commitment to Islamic statehood, and a mechanism to silence competing visions of Sudan's constitutional future.

Omar al-Bashir's Ascendancy and the Centralisation of Power (1993-1994)

The years of 1993-1994 were characterised by a series of calculated policy interventions and constitutional decrees aimed at consolidating the regime's power following the formal

appointment of Omar al-Bashir as President in October 1993. Far from a transitional moment, Bashir's presidency marked a deeper entrenchment of the regime. The restructuring of state institutions and the expansive reach of the security apparatus were all part of this constitutional project. As such, the continuous efforts to centralise power should be regarded as a deliberate effort to articulate certain constitutional logics—especially the supremacy of executive authority, the fusion of religion and state, and the moral regulation of society. This vision was underpinned by a utopian Islamist imaginary that animated the regime's public discourse in the early 1990s. As Verhoeven has shown, the NIF projected an ambitious civilisational project where Sudan would lead the Muslim world towards modernisation and revival. Echoing the earlier modernist state-led development project under Abboud and Nimeiri, this included a technocratic embrace of economic growth, science and technology, and the transformation of Sudan's agricultural base.⁵⁸⁴ However, what differentiates this project from those of previous regimes, is that this one was carried out under the moral and legal framework of Sharia. This was a central part of the ideological scaffolding of the regime's early constitutional thinking, in which Islamic governance was to be harmonised with notions of modern statehood and development.

This ideological vision was operationalised through concrete state practices. Under the rubric of *Al-Dawa al-Shama*, the regime continued to transform Sudanese society by fusing development with Islamisation, a type of 'Islamic social planning'.⁵⁸⁵ While *Al-Dawa al-Shamla* projects began as early as 1992, it was from 1993 onwards that their results came to fruition. As Cockett notes, Islamic organisations—funded through *zakat* taxes—provided education, healthcare, and food aid in regions devastated by conflict and famine, particularly areas that had been politically marginalised or violently targeted by the state.⁵⁸⁶ These programmes aimed to capitalise on the social and psychological dislocation wrought by war, positioning the state—and its Islamic message—as the sole provider of order, morality, and survival. In this sense, Islamisation was not just a top-down imposition but a social project rooted in patronage, welfare provision, and moral regulation.

Concurrently, the regime accelerated its *tamkīn*, or 'empowerment,' initiatives, a strategy aimed at embedding loyalist cadres throughout the state and society. This was vital for expanding the

⁵⁸⁴ Harry Verhoeven, *Water, Civilisation and Power in Sudan: The Political Economy of Military-Islamist State Building*, 1st ed. (Cambridge University Press, 2015), <https://doi.org/10.1017/CBO9781107447769>, p.98.

⁵⁸⁵ Alexander De Waal, 'Creating Devastation and Calling It Islam: The War for the Nuba, Sudan', *Sais Review* 21, no. 2 (June 2001): 117–32, <https://doi.org/10.1353/sais.2001.0035>, (p.121).

⁵⁸⁶ Richard Cockett, *Sudan: The Failure and Division of an African State*, 2d ed (New Haven (Conn.): Yale university press, 2016), p.134.

NIF's fragile support base while balancing the demands of the military, security services, Islamic entrepreneurs, and remaining foreign investors.⁵⁸⁷ *Tamkīn* involved the deliberate placement of Islamists into strategic institutions—including the civil service, universities, and the media—and the marginalisation or removal of figures seen as ideologically suspect. In doing so, the regime sought to construct a new social order aligned with its theological and political project. This vision was clearly articulated in President Bashir's national address on 25 October 1993, when he justified the earlier years of military exceptionalism, while signalling the transition to a new phase of civilian-led Islamic governance. Speaking on national radio, Bashir stated:

At the beginning the revolution adopted a number of exceptional measures to ensure the security of the country and the people and to protect the nascent revolution. It was aware that the country, being in a state of war was experiencing [words indistinct] and hour by hour to the extent that no one was safe in his home. The curfew measures which were initiated for military security were continued for the society's security and to combat social evils. However, today we are proud and thank God that we have one of the safest capitals. For this reason I direct the relevant authorities to lift the curfew measures throughout the homeland with immediate effect.⁵⁸⁸

This speech, framed as a celebratory moment of social stabilisation, reveals several key features of the regime's logic. First, it retrospectively legitimises authoritarian measures by appealing to a state of exception—namely, war and insecurity. Second, it connects physical security with moral purification, presenting curfews not only as military necessities but as tools to 'combat social evils.' Third, and most critically, it marks a shift in tone: the regime now claims to have moved beyond emergency rule into a new phase of stable, moral governance. The lifting of the curfew is framed not as a political concession, but as the natural result of the Islamic state's successful social reordering.

Yet this narrative of stability and popular support was at odds with the realities on the ground, as observed by foreign diplomats and journalists in Khartoum. Internal documents from the British Embassy offer a critical counterpoint to the regime's self-presentation. In a confidential letter dated from late 1993, P.J. Streams, a British political officer based in Khartoum to Esq. Richard Jones at the FCO, included reflections on a regime-aligned editorial in *New Horizon* magazine. He noted: 'As is often the case though in the strange world we inhabit here, those who are doing the co-opting genuinely believe up to a point that they are responding to the popular will.'⁵⁸⁹ This

⁵⁸⁷ Cockett, *Sudan*, p.134.

⁵⁸⁸ "Bashir addresses the nation on change to republican system of government." Republic of Sudan Radio, October 25, 1993. *SWB*, October 28, 1993: MED/11–MED/14.

⁵⁸⁹ "Internal Situation in Sudan: Monthly Roundups from Post," FCO 93/7350, UKNA.

remark reveals a core paradox within the NIF regime – that its authoritarian practices were not merely manipulative but also grounded in a sincere conviction in their own moral and popular legitimacy. While such claims of belief are difficult to fully substantiate – reviving longstanding epistemological debates about the extent to which we can access the true convictions of political actors – what matters is that these beliefs or performances thereof, informed the regime’s self-justification and institutional design.

Thus, the developments of 1993–1994 must be read as part of an evolving constitutional project. Through a series of political, social, and military transformations, the regime laid the institutional and ideological groundwork for its later constitutional endeavours. These years were not simply a prelude to the 1998 constitution but were constitutive in their own right—defining key elements of the regime’s vision of law, legitimacy, and sovereignty under an Islamist state framework.

The Transitional National Assembly

Building on the ideological and institutional foundations laid after the 1989 coup, the regime sought to consolidate its grip on power by reshaping political participation through controlled mechanisms that mimicked inclusivity while entrenching executive dominance. Central to this effort was the creation of a new congress system in 1993, known as the Transitional National Assembly (TNA) which endeavoured to replace traditional party structures and sectarian influence, made up of civilian representatives. A central task of the TNA was to develop an Islamic federal system by 1997.⁵⁹⁰ Ultimately, the development of the TNA reflected the regime’s desire to define Sudan’s evolving political system as both Islamic and participatory, while ensuring that all political expression remained firmly within the bounds of NIF control.

A key component of Hassan al-Turabi’s vision was the development of a restructured populist, Islamist, political order. As such, the TNA embraced a populist ideology of decentralised governance focused on the rural poor, free education, self-sufficiency, and mass mobilisation through popular institutions such as the PDF, the Popular Police Corps, and the Popular Neighbourhood Committees. These institutions functioned not only as administrative tools but as instruments of ideological socialisation and surveillance.⁵⁹¹ They were explicitly designed to displace traditional centres of political loyalty—particularly the Ansar and Khatmiyya religious

⁵⁹⁰ Collins and Burr, *Revolutionary Sudan*, p.131.

⁵⁹¹ Harry Verhoeven, ‘Surviving Revolution and Democratisation: The Sudan Armed Forces, State Fragility and Security Competition’, *The Journal of Modern African Studies* 61, no. 3 (September 2023): 413–37, <https://doi.org/10.1017/S0022278X23000174>, (p.424).

orders—by embedding the NIF's grassroots networks into the social and political fabric of everyday life.⁵⁹² As Burr and Collins note, the TNA seemed to signal reform, transitioning the military to civilian rule. However, in practice, the TNA was dominated by NIF loyalists, thus serving as a legislative rubber stamp for executive decisions, rather than an independent body of deliberation.⁵⁹³ It played a critical role in giving the regime's political project the appearance of legality and institutional development. This strategic repackaging of authoritarianism was clearly articulated in President Bashir's nationally broadcasted address on 25 October 1993, delivered from within the chamber of the TNA itself. Bashir declared:

Islam is the guiding religion, which is embraced by the majority of the Sudanese people. Commitment to it is obligatory and resorting to it is a (?firm matter) and being guided by it is a pledge. There will be no bargaining over this matter and there will be no negligence regarding it because it is an obligatory trust and faith of (?surrender).⁵⁹⁴

This quote reveals how the regime framed Islam not merely as a moral or spiritual compass, but as a non-negotiable constitutional foundation. The phrase 'there will be no bargaining over this matter' serves as a direct repudiation of pluralism, suggesting that the role of Islam in the state is beyond political contestation. The language of 'obligatory trust' and 'faith of surrender' elevates the commitment to Islam to the level of divine obligation, positioning the regime not just as a political authority but as a guardian of religious truth and collective moral destiny. At the same time, this statement also reflects the NIF's ideological commitment to constructing an Islamic state. It was not merely using Islamic rhetoric as a tool for domination; rather, key actors within the regime, including Bashir and Turabi, believed that they were engaged in a historical and theological project to reshape Sudanese society. Bashir's speech thus functions on two levels: as a declaration of sovereign authority and as a public articulation of the regime's belief in the moral necessity of an Islamic order. This dual purpose—authoritarian and ideological—is crucial for understanding how the regime justified its actions both to the population and to itself. On the question of institutions and political transition, Bashir continued:

The question of institutions... was not part [of] a political manoeuvre. It is in conformity with what has been laid down in our strategy. The first stage between the year 1992 and the year 1994 should see political and constitutional restructuring reaching its peak in the states. The following stage will be electing the National Assembly and the president of the republic. The constitutional decrees contain a number of schedules and timetables for the dissolution of the states' national assemblies and the federal national Assembly. An election law will be issued which will define and regulate relationships between

⁵⁹² Warburg, *Islam, Sectarianism and Politics in Sudan since the Mahdiyya*. 210.

⁵⁹³ Collins and Burr, *Revolutionary Sudan*, p.131.

⁵⁹⁴ "Bashir addresses the nation on change to republican system of government." Republic of Sudan Radio, October 25, 1993. *SWB*, October 28, 1993: MED/11–MED/14.

options. It will define qualifications, the right of nomination, the right of election and the administration of the election process.⁵⁹⁵

Here, Bashir seeks to portray the regime's institutional restructuring as a strategic and legally coherent plan, not a temporary or opportunistic move. The emphasis on detailed planning—'schedules and timetables'—and legal regulation suggests a commitment to a long-term vision of Islamic governance through law. However, the highly centralised nature of these reforms, orchestrated from the top and insulated from genuine opposition, reveals their function as mechanisms of containment and tutelary Sudanisation. The regime's promise to regulate 'relationships between options' further underscores the limits of political choice: the range of acceptable political expression was to be defined and managed by the state, under the overarching framework of Islamist ideology. Perhaps most revealing is Bashir's explicit dismissal of Sudan's historical political traditions:

There is no going back to freedom. There will be no return to hateful party fanaticism and moribund sectarian politics. That is a page that has been turned over forever, God willing, in the history of this country. This does not mean that the revolution will prevent anyone from participating or hold anyone responsible for past history.

This statement makes the regime's anti-pluralist agenda unmistakably clear. The provocative declaration that 'there is no going back to freedom' reframes political freedom not as a civic right or democratic ideal, but as a historical mistake—associated with chaos, factionalism, and the failures of the pre-1989 political system. The denouncement of 'party fanaticism,' and 'moribund sectarian politics' targets the very foundations of Sudan's parliamentary traditions. By delegitimising these actors, the regime sought to erase alternative political lineages and replace them with its own revolutionary-Islamist narrative.

Crucially, this was not only a rhetorical manoeuvre to justify exclusion—it was also a sincere expression of ideological conviction. Echoing a central belief of the May regime, the NIF believed that Sudan's political salvation required a complete rupture with the past. In their view, party politics had fragmented the *umma* (Muslim community), empowered corrupt elites, and subordinated divine law to secular interests. The alternative they envisioned—a unified Islamic state governed by Sharia and led by morally righteous leaders—was cast not just as preferable, but as divinely ordained. Bashir's language in this address thus articulates a worldview in which pluralism is not only undesirable but incompatible with the religious mission of the state. At the

⁵⁹⁵ "Bashir addresses the nation on change to republican system of government." Republic of Sudan Radio, October 25, 1993. *SWB*, October 28, 1993: MED/11–MED/14.

same time, the rhetorical assurance that the ‘revolution will not prevent anyone from participating’ attempts to mask the exclusionary nature of the regime’s political order. Participation was not prohibited outright—but it was only possible within tightly controlled ideological parameters. Individuals and groups could engage in public life only if they accepted the regime’s terms: its moral code, its vision of Islamic governance, and its repudiation of the old political order. This paradox—authoritarian control couched in the language of incorporation—typified the regime’s political project during this period. It was a model of guided participation, one that merged executive centralisation with an unwavering belief in the moral and historical necessity of Islamist rule.

Militarising the State

Militarisation played a foundational role in the National Islamic Front’s efforts to consolidate power and reshape the Sudanese state between 1993 and 1994. As the regime moved away from temporary revolutionary decrees and towards the formalisation of its rule through constitutional means, it relied increasingly on coercive force to enforce ideological conformity and eliminate resistance. Military transformation during this period was therefore not peripheral to constitution-making but constitutive of it. The establishment of the PDF in the early months of the regime led to a purge and reorganisation of the armed forces, setting the stage for increased militarisation from 1993-1995. As such, the increased militarisation during this period served to enshrine the regime’s visions of executive supremacy, Islamic law, and national unity through militarised and religiously defined citizenship.

In 1993, a second wave of purges of the armed forces occurred, which dismissed nearly 40 percent of the officer corps.⁵⁹⁶ Their replacement, the PDF, was continuously framed not as a mere auxiliary militia but as the ideological vanguard of the new Islamic state. President Bashir famously described the PDF as ‘the legitimate child of the armed forces’ and ‘a school for national and spiritual education.’⁵⁹⁷ This was part of a larger *jihadist* vision in which the state’s legitimacy would rest not on pluralism or representation, but on its fulfilment of a divine mission. By 1994, military service had become compulsory for all males aged 18 to 30, including university students and civil servants. A March 1994 announcement by the Minister of Education, Professor Ibrahim Ahmad Umar, illustrates this convergence of military, ideological,

⁵⁹⁶ Warburg, *Islam, Sectarianism and Politics in Sudan since the Mahdiyya*, p.210.

⁵⁹⁷ Warburg, *Islam*, p.210.

and constitutional aims. The minister declared the commencement of military training for all new university students at PDF camps: 'All students should be keen to join the military training for the sake of contribution to the process of peace and development.'⁵⁹⁸ At first glance, the statement appears to frame military training as civic responsibility. But the underlying message is that participation in *jihad* and the broader military effort is now a condition of citizenship, a prerequisite for access to education, and a sign of loyalty to the emerging Islamic state. The regime presented this not as coercion but as contribution—folding militarism into a wider narrative of peace, modernity, and national transformation.

Resistance to these transformations—particularly from women, academics, and political activists—was met with brutal punishments, including public lashings.⁵⁹⁹ The suppression of such dissent was not only a tactical necessity; it was part of a broader project to silence competing visions of the state. In this way, militarisation helped foreclose alternative constitutional imaginaries, marginalising those who opposed the Islamisation of public life or who resisted the state's use of war as a moral tool. Bashir made this vision explicit in an October 1993 speech in which he predicted the defeat of rebellion in the Nuba Mountains:⁶⁰⁰ 'The progress in construction would not stop, particularly in the area of strengthening and equipping the armed forces... There would be no retreat from the straight path laid down by the revolution.'⁶⁰¹ The use of the term 'straight path'—*al-ṣirāṭ al-mustaqīm*—draws directly from Quranic language, reinforcing the regime's self-image as the bearer of *hākimiyya*. The identification of military strengthening with revolutionary progress, and of revolution with divine purpose, collapses any distinction between force and faith.

International condemnation of the regime's violence was similarly dismissed as part of a global conspiracy. In response to a 1993 Amnesty International report accusing the government of bombing civilians, Deputy Speaker Aldo Ajo Deng condemned the organisation as a tool of 'the American colonialist and Western conspiracy: '[Amnesty] had pawned itself as a tool in the hands of the American colonialist and Western conspiracy to impose the so-called new world

⁵⁹⁸ "All university students to receive training in the People's Defence Force." Radio National Unity, March 14, 1994. *SWB*, March 17, 1994: MED/11.

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⁶⁰⁰ In the 1990s, the Nuba Mountains was a major site of conflict in the ongoing Second Sudanese Civil War. The SPLA had established a stronghold in the region and the Sudanese government launched a counterinsurgency campaign marked by aerial bombardment, forced displacement, and scorched-earth tactics. See: Alex De Waal, 'Creating Devastation and Calling It Islam: The War for the Nuba, Sudan', *SAIS Review* 21, no. 2 (June 2001): 117–32, <https://doi.org/10.1353/sais.2001.0035>.

⁶⁰¹ "Bashir reportedly says rebellion in Nuba Mountains will cease by end of the year." Republic of Sudan Radio, October 4, 1993. *SWB*, October 6, 1993: MED/21.

order.⁶⁰² This statement exemplifies the regime's ideological framing of violence, not as human rights violations, but as necessary resistance to foreign intrusion and moral decay. By positioning its military actions as part of a broader anti-colonial and Islamic struggle, the regime sought to claim and moral legitimacy through resistance, not through consensus or legality. Internal reports from the British Embassy in Khartoum further reinforce the political function of militarism. A cable from Khartoum to London in April 1993 observed: "There was a perceived need by the government to destroy developing threats to the regime before they became too dangerous and... a parallel, desperate need to attempt to improve Sudan's image around the world."⁶⁰³ This dual strategy—coercion at home, performance abroad—was central to the regime's process of constitution-making. By silencing opposition and projecting stability, the NIF prepared the terrain for a legal order that could enshrine its ideological assumptions as constitutional norms.

Through the creation of the PDF, the deployment of jihadist rhetoric, and the coercive discipline of dissent, the regime constructed a new vision of the state in which violence, faith, and legality were mutually reinforcing. This vision—articulated through policy, war, and religious discourse—would later be formalised in the 1998 Constitution, which codified the supremacy of the executive, the centrality of Sharia, and the exclusion of political pluralism. Militarisation, in this context, was not merely a tool of authoritarian control but constitutional logic in the making.

International Condemnation and Islamist Defiance: External Pressure and the NIF's Anti-Colonial Resistance

As the regime deepened its transformation of the Sudanese state between 1993 and 1995, these domestic efforts were met with mounting international alarm. The regime's fusion of authoritarian consolidation with overt Islamist ideology, its support for transnational Islamist networks, and its increasing militarisation of domestic politics drew condemnation from Western states, particularly the United States. In response, rather than curtailing or moderating the regime's Islamic project, this international pressure became a central feature of the NIF's political discourse. The language of siege, conspiracy, and *jihad*—deployed in speeches by Bashir and other senior officials—was not only a reaction to Western criticism but a discursive tool that reinforced the regime's self-presentation as a vanguard of Islamic civilisation. This oppositional stance would shape both the ideological content and legal framing of the state, and by 1998,

⁶⁰² "Denial of Amnesty International report of bombing of civilians in the south." Radio National Unity, September 30, 1993. *SWB*, October 4, 1993: MED/22.

⁶⁰³ "Internal Situation in Sudan: Monthly Roundups from Post," FCO 93/7350, UKNA.

would be codified in a constitutional order that rejected secularism and claimed divine legitimacy in the face of global hostility.

The United States designated Sudan a state sponsor of terrorism in 1993, citing concerns over the regime's hosting of the Popular Arab and Islamic Congress (PAIC) and its alleged support for radical groups long before al-Qaeda gained international prominence.⁶⁰⁴ That same year, Sudan became the target of U.S. sanctions—marking the beginning of its prolonged pariah status. These designations, while framed by the U.S. as counter-terrorism measures, were interpreted by the NIF as ideological warfare. The regime framed its confrontation with the U.S. as a clash between Islam and a global secular order, portraying its isolation not as a failure of diplomacy but as proof of its moral and religious righteousness. This narrative was clearly articulated by President Bashir in a December 1993 address to delegates at the Conference on the Problems Facing the Islamic World. Speaking from Friendship Hall, Bashir declared: 'The Islamic nation was passing through critical circumstances and was exposed to conspiracies on the part of its enemies.'⁶⁰⁵ The conference being hosted in Sudan as well as Bashir's reference to the 'Islamic nation' is notable, as it demonstrates the regime's desire to appear as a leader within the Islamic world. Furthermore, he refuted the allegations of the Western media about the violation of human rights and practice of terrorism in Sudan, calling for the continuation of dialogue and Islamic jihad to liberate Palestine and southern Lebanon, Bosnia-Herzegovina, Somalia and all the areas that were suffering from the conspiracies of the forces of the new world order.⁶⁰⁶ In an interview that same year, Turabi echoed this framing. Insisting that Sudan's isolation was a result of Western hostility toward its Islamic model, he argued that Western powers were threatened by Sudan's effort to present an alternative form of Islamic governance that was neither monarchic nor authoritarian, but rooted in Islamic revival and institutional reform.⁶⁰⁷ The regime's pariah status, in his view, was not evidence of failure but a sign that Sudan was charting an independent, morally superior path in a hostile international order.

This reveals the extent to which the regime viewed global politics through a siege mentality, positioning Sudan not as an isolated violator of human rights but as a target of an orchestrated

⁶⁰⁴ Cockett, *Sudan*, p.125.

⁶⁰⁵ "Bashir addresses conference on problems facing Islamic world." Republic of Sudan Radio, December 2, 1993. *SWB*, December 6, 1993: MED/16–MED/17.

⁶⁰⁶ "Bashir addresses conference on problems facing Islamic world." Republic of Sudan Radio, December 2, 1993. *SWB*, December 6, 1993: MED/16–MED/17.

⁶⁰⁷ "Interview with Sudanese Leaders Al-Turabi and Al-Attabani," November 1994, University of Pennsylvania African Studies Center, https://www.africa.upenn.edu/Hornet/horn_sdn.html.

assault against Islam. Bashir explicitly names the ‘Western media’ as part of a conspiracy, and the invocation of jihad—alongside calls for continued struggle in Palestine, Lebanon, Bosnia, and Somalia—universalises Sudan’s predicament. In doing so, Bashir recontextualises Sudan’s pariah status as part of a global Islamic struggle, transforming external condemnation into validation of the regime’s path. The reference to the ‘new world order’ recasts global governance and international law as neo-imperial mechanisms, thereby framing Sudan’s Islamic programme as a legitimate resistance to Western hegemony. This framing is reinforced in a public speech from February 1994, in which Bashir states:

The attack by Western states on Sudan targeted its Islamic programme... Western allegations of human rights violations in Sudan are merely a component of the prejudiced accusations... Some Western states have sought to improve their relations with Sudan with the provision that Islamic sharia be abolished.⁶⁰⁸

Bashir frames Western engagement as contingent on the abandonment of Sharia—something the regime views not as pragmatic negotiation but as a fundamental assault on the nation’s religious identity. The phrase ‘prejudiced accusations’ serves to invalidate international legal norms and cast them as ideologically biased. Moreover, the suggestion that Sudan must ‘abolish’ Sharia to earn diplomatic acceptance positions Islamic law not as a policy choice, but as the core of the regime’s legitimacy. This interpretation would later underpin the 1998 constitution’s insistence on Sharia as the primary source of legislation, framed as a matter of national dignity and religious duty. The regime’s Justice Minister echoed this sentiment later that year, declaring: ‘The plots being hatched against Sudan were aimed at diverting it from its civilized Islamic course.’ He then called on the USA to consider its decision to include Sudan in the list of countries fostering terrorism.⁶⁰⁹

The Justice Minister’s comments present the regime’s political trajectory as a ‘civilised Islamic course’—a phrase that suggests moral and cultural superiority over its critics. By using the word ‘divert,’ the Minister implies that the international community is not only interfering, but actively trying to derail Sudan’s rightful path. This rhetorical move transforms political criticism into a form of civilisational aggression and allows the regime to frame its constitution-building not only as internal reform but as a national defence against neo-colonial subversion. In addition, this is an attempt to assert the possibility of a distinct political future at a time when Western norms of

⁶⁰⁸ "Bashir says Western pressure will not make Sudan deviate from Islamic programme." Republic of Sudan Radio, February 19, 1994. *SWB*, February 21, 1994: MED/17.

⁶⁰⁹ "Sudan's justice minister asks for his country's removal from terrorism list." Republic of Sudan Radio, August 15, 1994. *SWB*, August 17, 1994: MED/1.

governance appeared triumphant. This ideological posture is articulated in Bashir's August 1994 statement on the national radio: "There will be no retreat from implementing Islamic Sharia. The government] will not let anyone talk about secularism in Sudan... The revolution is fully prepared to withstand all the pressures and dangers which might arise in the course of its loyalty and propagation of the faith."⁶¹⁰ This quote reveals the regime's equation of faith with constitutional structure. The statement that 'there will be no retreat' suggests that Sharia is not a political option, but a sacred obligation. More striking is Bashir's insistence that 'no one' would be allowed to speak of secularism—effectively criminalising not just practice but discourse. The notion that the revolution is 'prepared to withstand' pressure casts international criticism and domestic dissent alike as trials of faith.

This posture was deeply informed by the regime's conviction that Sudan's Islamic project represented a historically necessary response to colonialism and its legacies. The NIF did not simply view international pressure as diplomacy—it interpreted it as a continuation of imperial domination, repackaged through human rights, secular governance, and global capitalism. In this framing, constructing an Islamic constitutional order was not just a religious duty, but a decolonial act. Much like Abboud and Nimeiri, the regime saw itself as reclaiming sovereignty and moral order from a postcolonial elite that had failed to deliver unity, justice, or independence. Hassan al-Turabi, the chief architect of this ideological vision, repeatedly argued that Islam provided a comprehensive, indigenous, and emancipatory framework of governance. In his writings, Turabi contended that Western liberalism was a product of specific historical conditions and could not be transplanted wholesale into Muslim societies. Specifically, he did not see the value of Western liberal constitutional theories' emphasis on checks and balances.⁶¹¹ Instead, he envisioned an Islamic state grounded in *shura* (consultation), *hakimiyya* (divine sovereignty), and moral accountability—principles that he believed offered a more just and holistic form of governance than secular constitutionalism.⁶¹² For Turabi, the Islamisation of the state was not theocratic coercion but a reclamation of cultural and epistemological authenticity.

As the regime moved into a new phase of constitutional rhetoric between 1995 and 1997, Sudan found itself increasingly isolated on the international stage. By this point, the Bashir government had not only withstood years of domestic opposition but was also facing unprecedented global

⁶¹⁰ "Bashir says there will be no retreat from implementing Shari'ah." Radio National Unity, August 15, 1994. *SWB*, August 18, 1994: MED/11.

⁶¹¹ W. J. Berridge, *Hasan Al-Turabi: Islamist Politics and Democracy in Sudan*, 1st ed. (Cambridge University Press, 2017), <https://doi.org/10.1017/9781316848449>, pp.139-140.

⁶¹² Berridge, *Hasan Al-Turabi*, pp.116-143.

condemnation. Accusations ranged from the regime's support for international jihadist networks to its alleged involvement in the attempted assassination of Egyptian President Hosni Mubarak in Addis Ababa in 1995.⁶¹³ Sudan's role in hosting prominent Islamist figures and its material support for mujahideen fighting in Bosnia, Albania, Somalia, and Chechnya had alienated it from nearly all of its Arab and African neighbours, as well as the Western international community. In February 1996, the United Nations Commission on Human Rights passed one of the strongest censure resolutions in its history, condemning the Sudanese government for a litany of abuses—including extra-judicial killings, the use of slavery, and the indefinite detention of political prisoners without due process.⁶¹⁴ Rather than signal any retreat, the regime doubled down on its narrative of Islamic authenticity and moral sovereignty. In a defiant address marking the anniversary of the 1989 coup, Bashir framed these accusations as part of a broader civilisational conspiracy:

From its inception your revolution was confronted by the rabid [words indistinct] of confrontation... the enemies of Sudan drew the swords of enmity against it and thrust their tools one after the other into battlefields in an artful conspiracy against its cultural course. Accordingly, their news agencies and forums competed in ascribing to Sudan a triple lie – that it violated human rights, practiced terrorism, and promoted fundamentalism.... But all this failed because human rights are protected by the verses of the protected book and the laws of the guiding prophet...⁶¹⁵

This passage is significant not only for its rhetorical defiance but for its ideological positioning. Bashir dismisses the international human rights framework as part of a fabricated 'triple lie' and instead anchors Sudan's moral legitimacy in divine authority—'the verses of the protected book.' In this framework, Islamic law is presented as inherently superior to international legal norms, and Sudan's commitment to Sharia becomes its defence against the charge of rights violations. Such assertions allowed the regime to justify not only its policies but its emerging constitutional vision: a legal system rooted in *hākimiyya* and immune from external critique. The regime's rejection of international accountability extended to specific incidents. In response to allegations of involvement in the attempted assassination of Mubarak, Bashir insisted to international newspapers that: '[Egypt] accused Sudan with neither proof nor the facts, because so far there is no... anything indicating that Sudan could be party to this issue.'⁶¹⁶ This denial, while unremarkable on the surface, was part of a broader pattern of regime discourse that equated

⁶¹³ Cockett, *Sudan*, p.125.

⁶¹⁴ Lobban, *Shari'a and Islamism in Sudan*, pp.219-220.

⁶¹⁵ "Bashir says Sudan will respond to any hostility in revolution anniversary speech." Republic of Sudan Radio, July 3, 1995. *SWB*, July 6, 1995: MED/16–MED/17.

⁶¹⁶ "Bashir says Sudan wrongly accused of involvement in assassination attempt." Republic of Sudan Radio, June 28, 1995. *SWB*, June 30, 1995: MED/9.

international pressure with neo-colonial interference. The emphasis on the lack of ‘facts’ and the accusation of unfounded claims reflects an effort to reposition Sudan not as an aggressor, but as a victim of geopolitical manipulation. The Foreign Ministry’s official statement following UN Resolution 1054, which called for sanctions against Sudan, reiterated this position:

The resolution came at a time when new facts and evidence clearly demonstrate that the basis on which the accusation was founded... was disordered and there were no facts, evidence nor documents to prove the presence in Sudan of suspects... [It was] aimed at isolating Sudan internationally.⁶¹⁷

The regime thus framed international scrutiny as part of a deliberate strategy to ‘quarantine’ Sudan and obstruct its Islamic trajectory. This interpretation, far from marginal to the regime’s thinking, was central to its evolving constitutional logic. The growing chorus of human rights reports—from NGOs, the UN, and foreign governments—was used not to spark reform, but to consolidate internal narratives of sovereignty, victimhood, and divine legitimacy. On the ground, however, the human rights situation deteriorated further. Widespread arrests, the expansion of ghost houses for torture and detention, and the exile of prominent activists became common.⁶¹⁸ Women in particular were subjected to increasingly rigid public morality regulations: the enforcement of Islamic dress codes, restrictions on cosmetics including traditional henna, and the public execution of alleged prostitutes in Khartoum in 1997 are all emblematic of how Sharia, underpinned by the ambiguous passages in the 1991 Criminal Procedure Code, was not only invoked rhetorically but embedded in everyday governance.⁶¹⁹ Yet in public, government officials continued to deny any wrongdoing. A July 1995 radio broadcast rejected allegations of abuses in the Nuba Mountains as a fabrication: ‘[This] was a mere fabrication to impair the unity of the Sudanese people.’⁶²⁰ Again, the emphasis is on conspiracy and external distortion. What might have otherwise been seen as legitimate concerns about state violence are reframed as threats to national unity—thereby converting criticism into justification for further repression. The implication was clear: Sudan’s revolution, and the Islamic constitutional vision it promised, could not be compromised by Western standards of legality or morality.

These responses reflect more than ideological rigidity; they reveal a regime actively reframing the meaning of law, governance, and legitimacy in response to international scrutiny. By rejecting

⁶¹⁷ "Sudanese Foreign Ministry expresses shock at UN Resolution 1054." Republic of Sudan Radio, April 27, 1996. *SWB*, April 30, 1996: MED/1.

⁶¹⁸ Fluehr-Lobban, *Shari’a and Islamism in Sudan*, p.21.

⁶¹⁹ Fluehr-Lobban, *Shari’a and Islamism in Sudan*, p.31.

⁶²⁰ "Official rejects reports of human rights violations in Jibal al-Nubah area." Republic of Sudan Radio, July 21, 1995. *SWB*, July 24, 1995: MED/24.

liberal and international legal frameworks and elevating Islamic sources of law as the only legitimate basis for human rights, the regime began to assert an alternative legal order—one that would eventually be formalised in the 1998 constitution. In this way, human rights criticism became a catalyst for constitutional consolidation, offering the regime an opportunity to anchor its authority not only in coercion but in a public, divinely authorised legal structure. Therefore, the escalated international pressure caused the regime to harden its ideological and constitutional claims. The language of law—redefined through an Islamic lens—became central to how the regime justified its governance, silenced dissent, and prepared the ground for constitutional codification. This phase of defiant legalism allowed the regime to position the coming constitution as both a national necessity and a moral shield, defending the Islamic revolution from what it portrayed as a hostile, secular, and hypocritical world order.

Elections as Constitutional Performance: The 1995-1996 Elections

The 1995-1996 elections must be understood as a strategic response to Sudan's growing international isolation and the regime's desire to advance internal consolidation. Rather than pursuing substantive reform, the regime sought to reframe its Islamic project as one rooted in popular will and constitutional legitimacy. It was in this context that the NIF orchestrated Sudan's first elections in nearly a decade – covering provincial councils, the National Assembly, and for the first time since the 1989 coup, the presidency. These elections functioned as instruments of political performance into the regime's constitutional logic. In addition, the regime's efforts to establish democratic legitimacy vis-à-vis elections also represented an attempt to gain respectability in an international arena where they were becoming increasingly ostracised.⁶²¹ Through legal rituals and staged participation, the regime enacted a vision of political order that institutionalised its Islamic authoritarianism under the guise of electoral legitimacy.

In 1995, the passing of Constitutional Decree No. 13 replaced the TNA, with a new, ostensibly elected body.⁶²² This move was carefully calibrated: the regime retained control while giving the impression of reform. Over 16,000 local *shura* (national assembly) conferences were convened to elect provincial councils, which in turn produced delegates for a national conference in Khartoum. This structure mirrored Islamic consultative traditions, but in practice operated under

⁶²¹ Justin Willis and Atta al-Batthani, "We Changed the Laws." Electoral Practice and Malpractice in Sudan since 1953', *African Affairs* 109, no. 435 (1 April 2010), <https://doi.org/10.1093/afraf/adq003>, (pp.21-22).

⁶²² Collins and Burr, *Revolutionary Sudan*, p.212.

the close supervision of the NIF. The TNA eventually ratified the Charter for the Sudanese People, which authorised direct presidential elections and established a 400-member National Assembly – a body frequently and strategically referred to as *shura* to invoke religious legitimacy.⁶²³ The ratification of this document was a significant constitutional development. Being framed as ‘for the Sudanese people’ helped legitimise the project by cloaking it with the language of popular sovereignty. The charter functioned as both a legal and symbolic artefact by affirming Bashir’s claim to rule through public mandate while consolidating NIF dominance over the political process. President Bashir made use of state media to frame these developments as a sacred civic duty. In a March 1995 broadcast marking the launch of the electoral process, he declared: ‘The government’s determination [was] to base the political experiment on the best religious and social values, and to make public duty a form of worship aimed at seeking God’s favour.’⁶²⁴ This statement is central to understanding the regime’s ideological strategy. Voting was reimagined not as a political right or democratic obligation, but as a form of devotion—a *mukhālafah* (act of obedience) that conferred religious legitimacy on the state and its leader. By recasting political participation in theological terms, the regime collapsed the boundary between faith and constitutionalism. This not only justified the tightly controlled structure of the elections, but also set the stage for a constitutional order rooted in divine sovereignty rather than popular consent.

In April 1995, Bashir reinforced this framing with a public pledge to hold presidential and parliamentary elections ‘soon,’ placing the onus on citizens to affirm the revolution’s direction.⁶²⁵ When elections finally took place in March 1996, they were accompanied by a media campaign promoting participation as a national and spiritual duty. In an interview with *Al-Hayat* newspaper, Bashir claimed:

We have noticed that the Sudanese people have rushed to enlist for the jihad in their hundreds and thousands, we have noticed the housewives’ eagerness to prepare the mujahid’s supplies, and we have noticed the martyrs’ weddings which have given in a new meaning to celebrations, whereby death is celebrated as in a marriage, with families celebrating and rejoicing... We initiated the dialogue with the parties’ leaderships... and told them: Come, let us agree on how to fulfil the Sudanese people’s aspirations for Islamic justice...⁶²⁶

⁶²³ Collins and Burr, *Revolutionary Sudan*, p.222.

⁶²⁴ "Bashir issues statement to mark beginning of election process." Republic of Sudan Radio, March 8, 1995. *SWB*, March 10, 1995: MED/17.

⁶²⁵ "President pledges presidential elections 'soon'." Republic of Sudan Radio, April 22, 1995. *SWB*, April 24, 1995: MED/15.

⁶²⁶ "Interview with London-based newspaper Al-Hayat, on 4 December – pro-government newspaper." *SWB*, December 6, 1995: MED/11.

This language not only reaffirms the regime's self-perception as divinely guided—it also recasts political opposition as betrayal. Electoral participation was not framed as a choice among competing visions, but as an affirmation of the state's Islamic mission. The exclusion of critical parties was thus presented not as repression, but as necessary for *istiḡāmah* (uprightness) in fulfilling the Islamic constitutional order. Bashir's call for unity in the face of *jihad* and his derision of parties as sowers of division reinforced the idea that only one vision of the state was religiously and historically valid.

Although the regime believed in the religious validity of its elections, the fiction of democratic legitimacy also served a strategic purpose: it enabled the NIF regime to portray the 1996 elections as a decisive step toward constitutional finality. Through carefully orchestrated procedures and ideological messaging, the elections were constructed as a display of national consensus and political maturity. This was reinforced by the regime's appropriation of *ijma* (consensus), not in its classic sense, but as a collective assent to Islamic rule. Drawing on Rousseau's idea of the 'general will,' Turabi argued that Sharia reflected the moral and political will of the *umma*, even if that consensus was not expressed through open debate.⁶²⁷ In this logic, public silence could be interpreted as a tacit approval that legitimised the regime's project as both religiously grounded and popularly endorsed. The regime used state media to project this image of public consensus and broad participation. Dr Ghazi Salah al-Din, the Secretary General of the National Convention, reporting from Northern Darfur declared a 'very high election turnout,' with 'no incidents of violence or disturbances,' and claimed the results 'reflected the people's political awareness and their desire to exercise their legitimate rights.'⁶²⁸ He also declared that the elections were 'a logical outcome of the political system adopted in the country,' reinforcing the idea that Sudan was progressing naturally towards a law-bound Islamic constitutional order.⁶²⁹

Despite this rhetoric of inclusion and enthusiasm, the elections were marked by widespread irregularities. Voter turnout barely reached 50%, and in southern Sudan, elections were cancelled altogether due to ongoing conflict.⁶³⁰ The NIF ensured that 125 members of the National Assembly were selected before voting began, while another 50 NIF candidates ran unopposed—

⁶²⁷ Berridge, *Hasan Al-Turabi*, p.128.

⁶²⁸ "Ninety per cent election turnout reported in parts of Omdurman Province." Republic of Sudan Radio, March 11, 1996. *SWB*, March 12, 1996: MED/1.

⁶²⁹ "Ninety per cent election turnout reported in parts of Omdurman Province." Republic of Sudan Radio, March 11, 1996. *SWB*, March 12, 1996: MED/1.

⁶³⁰ Warburg, *Islam*, p.213.

meaning the regime had secured nearly half the seats in advance.⁶³¹ Reports also emerged of voter list manipulation, ballot box stuffing, and the use of state resources to support Bashir's campaign.⁶³² Still, the government used inflated statistics to claim victory and assert legitimacy. A statement from the National Elections Commission announced that 'the total number of voters throughout the country was 5,525,280,' and that Bashir had received '4,181,784 votes,' amounting to 75.7% of the total.⁶³³ In this way, the 1996 elections became a performative moment in the regime's constitutional project. They were not only about sustaining power through authoritarian control, but about crafting a legal and ideological pathway that would culminate in the 1998 constitution. By embedding the language of consultation, legality, and popular mandate within a heavily managed process, the regime positioned itself as both the author and the legitimate guardian of Sudan's Islamic constitutional future. This effort reflected a deliberate attempt to fuse classical Islamic jurisprudential notions – particularly *shura* – with modern discourses of popular sovereignty, a convergence that is analytically significant. It illustrates how the regime sought to naturalise its authority by aligning divine legitimacy with the performative rituals of public consent. The appearance of public endorsement was used to sanctify the consolidation of executive power, marginalise dissent, and present constitutional codification as the fulfilment of a popular and divine mandate.

Constitutional Codification as Closure: The Early Framing of the 1998 Constitution

By the end of 1996, the NIF regime began to articulate its next phase of state-building through the language of constitution-making. Having staged national and provincial elections, the regime now positioned the newly elected National Assembly as the institutional site for drafting a permanent constitution. This move marked a culmination of the post-1989 project: transforming the revolutionary state into a constitutional order that was not only ideologically Islamic but also procedurally complete. If the early 1990s had been defined by coercive consolidation and ideological transformation then the late 1990s signalled a moment of institutional closure—one in which law, divine sovereignty, and national rebirth were to be harmonised in the form of a constitutional text.

⁶³¹ Warburg, *Islam*, p.214.

⁶³² Willis and al-Batthani, "'We Changed the Laws.'" Electoral Practice and Malpractice in Sudan since 1953' (pp.20-21).

⁶³³ "President Bashir gains 75.7 per cent of vote." Republic of Sudan Radio, March 22, 1996. *SWB*, March 25, 1996: MED/1.

Importantly, this process was not merely instrumental or cynical. While the regime clearly used constitutionalism to reinforce its power, it also deeply believed in the Islamic constitutional vision it was constructing. For figures like Turabi and Bashir, constitution-making was not a Western import to be mimicked, but a theological and historical necessity. The regime saw itself not simply as stabilising Sudan after a coup, but as fulfilling a ‘civilisational project’ (*Al-Mashrou Al-Hadari*), that would harmonise modern governance with divine law and complete the nation’s long-delayed decolonisation. This conviction was publicly expressed by Turabi shortly after the 1996 elections. Speaking at a rally in his Khartoum constituency, he announced: ‘The newly-elected National Assembly will draft a new permanent constitution of the country.’⁶³⁴ Turabi framed the Assembly—produced through tightly managed yet symbolically important elections—as the legitimate and divinely endorsed body to lead Sudan into its constitutional future. Reaffirming his own electoral mandate, he pledged to carry out his duties ‘as would please God,’ and insisted that the elections had been confirmed as free and fair by foreign observers.⁶³⁵ The underlying logic was that the regime saw itself as acting not just in political self-interest, but in spiritual and national service. Constitution-making, in this framing, was an act of *ibādah* (worship) and *shahādah* (testimony) of Sudan’s Islamic rebirth. That same year, Turabi opened a new session of the Assembly by reiterating its dual mission: legislative governance and Islamic constitutional design. He declared: ‘The Assembly would soon take part in drawing up the constitution... [and] would have the task of entrenching the basis of collective consultation, in accordance with the course accepted by the Sudanese people.’⁶³⁶

This emphasis on *shura*—Islamic consultation—revealed the ideological framework guiding the regime’s constitutional thinking. For Turabi, the Assembly was not merely an institutional form but a religious expression of collective will. Constitutional decrees and the development of institutions were created to enable the constitution to emerge through an apparent *ijma*, or consensus. The goal was not only to legalise the revolution’s gains, but to root them in an Islamic political epistemology. President Bashir took this vision further in his 1 January 1997 Independence Day speech. Framing constitution-making as a continuation of Sudan’s anti-colonial struggle, he asserted:

⁶³⁴ "New assembly to draft permanent constitution, Turabi says." Republic of Sudan Radio, March 23, 1996. *SWB*, March 25, 1996: MED/1.

⁶³⁵ "New assembly to draft permanent constitution, Turabi says." Republic of Sudan Radio, March 23, 1996. *SWB*, March 25, 1996: MED/1.

⁶³⁶ "Turabi opens new session of National Assembly." Republic of Sudan Radio, September 16, 1996. *SWB*, September 18, 1996: MED/21.

The departure of the colonialists was the first road towards freedom... The call for Islamic Sharia is nothing but an expression of independence that is in contact with our roots... It was colonial ideas that made us believe that the only way to organize public life was to divide society along party lines.⁶³⁷

This statement is significant not only for its ideological clarity but for its affective appeal. Bashir portrays the regime's Islamic constitutional project as a redemptive historical act—a way of undoing the distortions of colonial governance and reviving Sudan's authentic identity. The rejection of multiparty politics is not framed merely as a strategy for suppressing dissent, but as a necessary step toward recovering political and moral unity. 'True democracy,' he insisted, was not found in liberal procedures, but in a system that allowed people to 'rule themselves' through faith and consensus. He concluded with a pledge to subject the constitution to parliamentary debate and public referendum:

We are nearing the completion of building the political process by drawing up a constitution and putting it before the public... This should make the constitution an expression of new thinking... based on freedom, God's gift to mankind... [It will be] an expression of the dignity of man based on equality, justice and right citizenship without any form of discrimination on the basis of creed or race.⁶³⁸

The language here is expansive and inclusive, signalling that the constitution would enshrine rights such as freedom of choice, movement, and association. Yet, when viewed in the broader context of repression, ideological homogenisation, and electoral manipulation, this vision was highly circumscribed. The regime genuinely saw itself as ushering in a more just and moral order—but it equated justice with ideological conformity and consensus with submission to Islamic authority.

The 1998 Constitution: Drafting, Exclusion, and Authoritarian Codification

The 1998 constitution marked the culmination of a carefully staged tutelary Sudanisation project by the NIF regime to reshape Sudanese governance. It formalised what had already taken root in the years following the 1989 coup – the transition from rule by decree to a constitutional order that embedded executive dominance, enshrined Islamic ideology, and codified a narrow vision of citizenship. While couched in the language democratic transition, national consensus, and Islamic renewal, the constitution was the product of a centralised, exclusionary, and ideologically driven

⁶³⁷ "Bashir promises referendum on new constitution." Sudan TV, January 1, 1997. *SWB*, January 3, 1997: MED/13–MED/14.

⁶³⁸ "Bashir promises referendum on new constitution." Sudan TV, January 1, 1997. *SWB*, January 3, 1997: MED/13–MED/14.

process. It reflected the regime's ambition not merely to stabilise its hold on power but to institutionalise its vision of an Islamic state through law. That vision was as much theological as it was political, and it informed both the structure and content of the constitutional document.

Despite official claims of broad participation, the drafting process was tightly controlled. On 24 October 1997, President Bashir issued a republican decree establishing a 277-member National Committee for the constitution, composed of members from the NIF and its affiliates. It was described as an initiative aligned with the 'national, political and economic aspirations of the people.'⁶³⁹ The committee was chaired by Khalafallah Rashid, with Dafa'allah al-Radi heading the technical committee responsible for developing the working draft. Though nominally tasked with receiving suggestions from scholars and consultants, the composition and operation of the committee indicated that real power rested with regime insiders. Crucially, the process reflected the broader ideological project of the regime. While Turabi's name did not appear on formal drafting rosters, his role was widely acknowledged.⁶⁴⁰

Publicly, Turabi and Bashir portrayed the constitutional process as an inclusive and faith-driven national project. In an interview published in *Al-Khartoum* in January 1998, Turabi insisted that 'the reconciliation talks will lead to pluralism after the constitution is approved,' and that the constitution was a response to the Sudanese people's will 'towards Islam.'⁶⁴¹ He defended the regime's record by asserting that the National Salvation leaders had studied Sudanese political history and rejected party politics as hypocritical and divisive. Similarly, in a speech reported by *Al-Khartoum* in March, Turabi framed the constitution as a unifying effort: 'Unity and bringing the ranks together in one vessel is a goal sought by the Salvation Government... Whoever among the people wants to form his political party should form it.'⁶⁴² While these remarks projected openness, they were rooted in a deeper ideological vision and contradictions. Turabi saw the constitution not merely as a tool of governance, but as a moral and theological imperative – a framework through which divine sovereignty could be expressed and institutionalised in a modern state. His statements consistently linked the drafting of the constitution to notions of justice, unity, and public will, suggesting that he envisioned it as a mechanism for reconciling Islamic principles with the challenges of statecraft.

⁶³⁹ "President Bashir appoints committee on constitution." Sudan TV, October 24, 1997. *SWB*, October 27, 1997: MED/20.

⁶⁴⁰ Alexander De Waal, ed., *Islamism and Its Enemies in the Horn of Africa*, 1. publ (London: Hurst, 2004), p.88.

⁶⁴¹ Khartūm (Khartoum, Sudan: Newspaper), January 8, 1998, AMED/NES Microfilm 17060, Library of Congress.

⁶⁴² Khartūm (Khartoum, Sudan: Newspaper), March 14, 1998, AMED/NES Microfilm 17060, Library of Congress.

Speaking during the debates on the draft, Turabi declared that ‘unity and bringing the ranks together in one vessel is a goal sought by the Salvation Government,’ and that ‘people want pluralism... whoever among the people wants to form his political party should form it.’⁶⁴³ This appeal to pluralism was underpinned by Turabi’s notion of *tawali* (mutual allegiance), which he introduced as an Islamic alternative to liberal multiparty democracy.⁶⁴⁴ Although the regime had banned party politics as early as 1989, Turabi was now calling for reconciliation talks, emphasising this ideal. He declared that ‘unity and bringing the ranks together in one vessel is a goal sought by the Salvation Government,’ and that ‘people want pluralism... whoever among the people wants to form his political party should form it.’⁶⁴⁵ However, while *tawali* appeared to legalise political parties, it was framed as a form of loyalty to the Islamic order rather than a mechanism for genuine ideological competition. In practice, the use of classical terminology like *tawali* created more confusion than clarity, illustrating the limits of Turabi’s effort to reframe Islamic governance using juristic vocabulary without transparent institutional guarantees. In this sense, his engagement with constitutional law was not cynically performative, but an attempt to inscribe the Islamist movement’s ideological convictions into the legal architecture of the state.

Critics argued that the constitutional process belied this inclusive rhetoric. Ghazi Suleiman of the Democratic Alliance Forum, condemned the proposed text as a ‘legalisation of dictatorship.’⁶⁴⁶ On 12 March 1998, Suleiman argued that the government ignored objections to key presidential amendments, particularly those limiting executive authority and safeguarding rights. He stated in a newspaper article that, ‘talk of a democratic constitution becomes dust in the eyes,’ highlighting the regime’s disregard for essential protections like freedom of association and the prohibition of torture.⁶⁴⁷ His remarks underscored a broader critique: that the constitution was crafted not as a framework for inclusive governance, but as a tool to legitimise repression.

Further concerns arose when the final text drastically narrowed the scope of the initial draft. Critiques of the constitutional draft were repeatedly published in *Al-Khartoum*, which was based in Riyadh at the time due to press restrictions inside Sudan. On 15 March 1998, the newspaper that the original draft had contained 206 articles, including a provision affirming citizens’ rights to form political, cultural, and scientific organisations. In the final version, these were replaced

⁶⁴³ Khartūm (Khartoum, Sudan: Newspaper), March 14, 1998, AMED/NES Microfilm 17060, Library of Congress.

⁶⁴⁴ Berridge, *Hasan Al-Turabi*, p.106.

⁶⁴⁵ Khartūm (Khartoum, Sudan: Newspaper), March 14, 1998, AMED/NES Microfilm 17060, Library of Congress.

⁶⁴⁶ Khartūm (Khartoum, Sudan: Newspaper), March 12, 1998, AMED/NES Microfilm 17060, Library of Congress.

⁶⁴⁷ Khartūm (Khartoum, Sudan: Newspaper), March 12, 1998, AMED/NES Microfilm 17060, Library of Congress.

by a vague clause permitting organisation only ‘within the conditions specified by law.’⁶⁴⁸ This shift placed fundamental freedoms at the mercy of the state. Mohamed Alhassan Ahmed, a political commentator for the newspaper accused the drafters of ‘falsifying’ the text, arguing that the removal of liberal provisions—particularly in the absence of the Umma and DUP—risked repeating the mistakes of Nimeiri’s failed constitutional experiment. Criticism also came from within academia. Professor Mohamed Youssef Mohamed of the University of Khartoum expressed frustration with the process, stating: ‘They [Bashir and his advisors] could have left the draft as it is, and let members of the committee debate it.’⁶⁴⁹ These critiques pointed to the highly managed nature of the process and the instrumental use of legal language to mask authoritarian dissent.

President Bashir responded to these criticisms by casting the 1998 Constitution as a corrective to past failures. In remarks reported in *Al-Khartoum*, he contrasted his regime’s charter with that of Nimeiri’s, which he accused of being manipulated through ‘councils with personal orders.’ By contrast, Bashir declared, ‘perhaps Nimeiri’s constitution was born defective because it was not born through a sound popular will.’ He insisted that the new constitution would be a ‘model to be emulated in the world.’⁶⁵⁰ While such statements undoubtedly functioned as political performance, they also reflected Bashir’s belief that Sudan’s Islamic identity required a legal structure that could both consolidate power and articulate a coherent vision of national purpose.

Eventually, the draft was significantly altered by the presidency before submission to the Assembly, with liberal provisions removed and presidential powers expanded.⁶⁵¹ These revisions underscored the tension between the regime’s ideological aspirations and its need for institutional control, as well as the brewing power struggle between Bashir and Turabi. Furthermore, the revisions also underscored that the project of producing a ‘consensus’ had not quite worked, even within the constitutional infrastructure of the regime itself. Clauses that might have decentralised authority, particularly those granting autonomy to regional governors, were excluded in favour of a highly centralised state. The result was a paradoxical document that promised justice and participation, while embedding authoritarian control in the very language of constitutionalism.

⁶⁴⁸ Khartūm (Khartoum, Sudan: Newspaper), March 15, 1998, AMED/NES Microfilm 17060, Library of Congress.

⁶⁴⁹ Khartūm (Khartoum, Sudan: Newspaper), March 15, 1998, AMED/NES Microfilm 17060, Library of Congress.

⁶⁵⁰ Khartūm (Khartoum, Sudan: Newspaper), March 15, 1998, AMED/NES Microfilm 17060, Library of Congress.

⁶⁵¹ Berridge, *Hasan Al-Turabi*, p.107.

If the drafting of the 1998 constitution was characterised by exclusion and ideological gatekeeping under the idea of an Islamic constitutional evolution, its content provided the legal infrastructure to formalise executive dominance and the Islamic identity of the state. By codifying the ideological project of the NIF into law, the creators of the constitution sought to resolve decades of constitutional instability by anchoring legitimacy in divine authority and executive supremacy. It offered the appearance of institutional modernity—enumerated rights, legislative structures, and judicial bodies—while subordinating all aspects of state power to a centralised, religiously sanctioned executive. The constitution's preamble invoked a language of divine origin, declaring: '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, have made this Constitution.'⁶⁵² This theological framing anchored the legitimacy of the state not in democratic consent but in divine sovereignty, a position codified in Article 4: 'Supremacy in the State is to God... sovereignty is delegated to the people of Sudan by succession, to be practiced as worship to God.'⁶⁵³

In this sense, the 1998 constitution was the culmination of a broader ideological and institutional project that had been unfolding since 1989. Rather than viewing constitution-making as a discrete moment, the regime framed the entire decade as a coherent process of Islamic transformation. As the National Council prepared to approve the constitution, government media outlets described the text as 'a milestone in the country's history,' celebrating its vision of Sudan as 'a unitary state... in which Islam is the religion of the majority.' They emphasised that 'the [Islamic] sharia, customary law, and national consensus represent the basis of legislation in Sudan.'⁶⁵⁴ Far from being a neutral descriptor, this public framing reinforced the regime's core ideological message that Sudan's pluralism could only be sustained through the moral framework of Islamic law, and that unity required submission to a centralised vision of statehood. This rhetorical positioning framed the constitution not as a site of contestation or deliberation, but as a culmination of divine order and political revolution.

⁶⁵² The Constitution of the Republic of the Sudan, 1998. Khartoum: Government of Sudan, 1998, Preamble.

⁶⁵³ The Constitution of the Republic of the Sudan, 1998. Khartoum: Government of Sudan, 1998, Art. 4.

⁶⁵⁴ "National Council endorses draft constitution." Republic of Sudan Radio, March 28, 1998. SWB, March 30, 1998: MED/20.

The constitution also conferred expansive powers to the President, consolidating tutelary Sudanisation under Bashir's sole discretion. Article 42 lists no fewer than nine sweeping functions, from commanding the armed forces and appointing ministers, to approving legislation and supervising public morals.⁶⁵⁵ Article 43 effectively preserved the powers Bashir had held as head of the RCCNS, institutionalising the personalised rule that had defined the regime since 1989. It granted the president authority over the armed forces, control over appointments across all branches of government, and the ability to declare states of emergency. In the event of the president's absence, these powers transfer wholesale to the vice president, with no limitations. Article 138/3 further collapsed the separation of powers by allowing the president to initiate constitutional amendments and finalise legislation, effectively merging executive and legislative authority.⁶⁵⁶ This constitutional concentration of power was the formalisation of an already entrenched system of control, marking the 1998 text as the legal capstone of a decade-long authoritarian trajectory.

Article 65 formalised the regime's vision by naming Sharia, national consensus (*ijma'*), the constitution, and custom (*'urf*) as the primary sources of law. While these principles were presented as inclusive, the primacy of Islamic law remained legally unchallengeable. Article 18 instructed state officials to 'worship God in their daily lives... by observing the Holy Qur'an and the ways of the Prophet,' thereby binding public service to religious conformity.⁶⁵⁷ In practice, this enshrined an Islamic identity for the state while offering limited accommodations to religious minorities. As Article 1 cautiously noted, Sudan is a country 'wherein races and cultures coalesce and religions conciliate,' and 'Christianity and traditional religions have a large following.'⁶⁵⁸ Yet these gestures of tolerance were carefully balanced with assertions of majoritarian Islamic sovereignty. The result was not pluralism but a carefully managed hierarchy of belonging, in which constitutional legitimacy was grounded in religious orthodoxy. As Warburg notes, non-Muslims were theoretically permitted to observe their customs, but the supremacy of Islamic law remained the ultimate source of state legitimacy.⁶⁵⁹

This balancing act between Islamic dominance and nominal pluralism was evident in the provisions on political and civil rights. Article 26 guaranteed the 'right of association and organisation... without restriction save in accordance with the law,' and permitted political

⁶⁵⁵ The Constitution of the Republic of the Sudan, 1998. Khartoum: Government of Sudan, 1998. Art.42.

⁶⁵⁶ The Constitution of the Republic of the Sudan, 1998. Khartoum: Government of Sudan, 1998, Art.139/3.

⁶⁵⁷ The Constitution of the Republic of the Sudan, 1998. Khartoum: Government of Sudan, 1998, Art.18 and 65.

⁶⁵⁸ The Constitution of the Republic of the Sudan, 1998. Khartoum: Government of Sudan, 1998, Art.1.

⁶⁵⁹ Warburg, *Islam, Sectarianism and Politics in Sudan since the Mahdiyya*, p.214.

parties so long as their leadership was democratically elected and their actions did not contravene the constitution's 'fundamentals.'⁶⁶⁰ These caveats rendered political freedom conditional upon conformity with the ideological core of the state. The government-issued radio broadcasts surrounding the constitution's approval painted this as a democratic breakthrough, stating that 'the judiciary is independent,' and that citizens could 'bring cases in instances of damages incurred.'⁶⁶¹ However, Article 132 allowed the president to suspend many of these rights under a state of emergency, retaining only minimal protections such as the prohibition of torture or discrimination.⁶⁶² In effect, the constitution used the language of rights to legitimise an exclusionary framework, where legality was subordinate to ideological loyalty. Combined with Article 138/3—which enabled the president to initiate constitutional amendments and finalise legislation—the constitution blurred the line between executive and legislative authority, further consolidating power at the centre.⁶⁶³

Yet even among Islamists, the final document sparked ambivalence and debate. Writing in *Al Khartoum* in May 1998, the prominent Egyptian Islamic thinker Fahmy Huwaidi criticised the constitution for what he saw as its ideological incoherence and failure to explicitly commit to Islamic principles. He argued that 'the most ambiguous and confusing articles of the constitution were those related to freedom and political pluralism,' warning that such vagueness 'shocked those who hoped that the Islamic experience in Sudan would be an addition to the Islamic renaissance project and not a deduction from its credit.'⁶⁶⁴ This critique suggests that, despite its authoritarian scaffolding, the constitution-making process had not closed down critical debate. For Huwaidi, the absence of an unequivocal declaration that Islam was the official religion of the state represented a dangerous ambiguity. The constitution, he wrote, that 'the constitution that the people are voting on today is a non-Islamic constitution without identity.' He likened the text to an act of 'camouflage within the framework of the jurisprudence of necessity.' The invocation of 'jurisprudence of necessity' or *fiqh al-darurra*, is particularly significant. Turabi himself had employed the concept to argue that contemporary Sharia lacked fixed and universally applicable provisions capable of achieving an idealised Islamic order.⁶⁶⁵ Yet for critics like Huwaidi, such flexibility smacked of political opportunism, undermining the authenticity of the constitutional

⁶⁶⁰ The Constitution of the Republic of the Sudan, 1998. Khartoum: Government of Sudan, 1998, Art.26.

⁶⁶¹ "National Council endorses draft constitution." Republic of Sudan Radio, March 28, 1998. SWB, March 30, 1998: MED/20.

⁶⁶² The Constitution of the Republic of the Sudan, 1998. Khartoum: Government of Sudan, 1998, Art.132.

⁶⁶³ The Constitution of the Republic of the Sudan, 1998. Khartoum: Government of Sudan, 1998, Art.138/2.

⁶⁶⁴ Khartūm (Khartoum, Sudan: Newspaper), May 21, 1998, AMED/NES Microfilm 17060, Library of Congress.

⁶⁶⁵ Berridge, *Hasan Al-Turabi*, p.228.

project. In this reading, the constitution reflected not a principled Islamic polity but a regime willing to dilute its ideological message to maintain political viability. His critique illuminates a deeper tension within the Islamist project itself – between Turabi's vision of a modern Islamic constitutionalism that could integrate Sharia into institutional governance and the perception among some Islamists that this vision was compromised by strategic ambiguity and legal instruments.

Nevertheless, regime figures like Bashir portrayed the document as a spiritual and national milestone. In an August 1998 speech, he declared that Sudan was 'moving forward on its cultural course and in consolidating an ideal state,' adding that the Islamic community envisioned in the constitution would bring 'solidarity' and improved social services.⁶⁶⁶ His invocation of an 'ideal state' linked the legal text to a broader civilisational mission, in which Islamic governance was framed as both a moral imperative and a political destiny. This framing echoed Turabi's earlier insistence that the constitution marked not merely a political achievement, but the fulfilment of a divine and historical trajectory. Ultimately, the core features of the 1998 Constitution served multiple, overlapping functions. It was an instrument of legal formalisation, an ideological artefact of the Islamist movement, and a mechanism of executive consolidation. Its hybrid character – combining procedural constitutionalism with Islamic legitimacy and presidential dominance – reflected the NIF's ambition to redefine the Sudanese state. Taken together, the articles and debates surrounding the constitution reveal a state committed to developing their own version of tutelary Sudanisation.

Parallel Constitutional Visions and Manoeuvres

The development and dominance of the 1998 constitution in Sudanese political life did not mean the absence of alternative Sudanisation philosophies. Despite the repressive context of tutelary Sudanisation, parallel visions of statehood persisted, particularly among elite political actors operating from exile. Chief among these was the NDA, a coalition of northern opposition parties, southern rebel groups, and professional unions that emerged in the months succeeding the 1989 coup as a counterweight to the RCC. While the NDA was itself composed of established political elites—many of whom had previously held power—their constitutional project represented a significant divergence from the ideological framework of the regime.

⁶⁶⁶ "Bashir says Sudan moving towards 'ideal' Islamic state." Republic of Sudan Radio, August 6, 1998. *SWB*, August 8, 1998: MED/18.

Once in exile, opposition leaders began developing political structures that mirrored state institutions, holding numerous conferences in cities like Addis Ababa (1990, 1991), London (1991), Cairo (1992), Nairobi (1993), culminating in the Asmara Declaration of 1994.⁶⁶⁷ These gatherings allowed the NDA to forge consensus on foundational constitutional questions: the nature of democratic governance, the relationship between religion and state, and—crucially—the recognition of the South’s right to self-determination. They also served to deepen alliances between the SPLM/A and exiled northern parties.⁶⁶⁸ The NDA’s 1995 Asmara Declaration and subsequent interim constitutional proposals foregrounded pluralism, the separation of religion and state, and, crucially, the South’s right to self-determination. These were not merely political demands but constitutional interventions that tied Sudan’s ongoing civil war directly to its unresolved constitutional crises. As will be explored in this section, alongside the NDA’s efforts, suppressed constitutional imaginaries also surfaced through student movements and youth-led protests, offering alternatives to both the regime’s authoritarianism and the exiled opposition’s elite-driven frameworks.

This repressive environment that emerged after the 1989 coup intersected with a deepening civil war in the South, transforming the constitutional question into a central battleground of the conflict. The SPLM/A rejected the regime’s model of national unity, which proposed the retention of Islamic law as the basis of governance while offering limited exemptions for Southern states in matters such as corporal punishment. This framework was perceived by Southern leaders as a strategy of delayed assimilation rather than meaningful inclusion.⁶⁶⁹ For the SPLM/A, any negotiations under these terms would only reinforce the structural marginalisation of non-Muslims. Instead, they called for the complete suspension of Sharia law as a precondition for a constitutional conference aimed at building a secular, democratic state.⁶⁷⁰ The demand for Southern self-determination, which would later become a defining feature of the SPLM/A’s political platform, emerged in this context of failed dialogue and growing disillusionment with the prospects of a united Sudan under Islamist rule. It also reflected internal shifts, as rival Southern factions which had split from the SPLM/A began to reassert the goal of outright secession.⁶⁷¹

⁶⁶⁷ Ali, *Gender, Race, and Sudan’s Exile Politics*, p.78.

⁶⁶⁸ Ali, *Gender*, p.78.

⁶⁶⁹ Sharath Srinivasan, *When Peace Kills Politics: International Intervention and Unending Wars in the Sudans* (London: Hurst & Company, 2021), p.97.

⁶⁷⁰ Srinivasan, *When Peace Kills Politics*, p.96.

⁶⁷¹ Srinivasan, *When Peace Kills Politics*, p.96.

Thus, the SPLM/A's decision to join the NDA marked a strategic turning point. United by a shared opposition to the regime, the alliance enabled the SPLM/A to present its constitutional vision within a broader political platform and compelled it to adopt the language of democracy and civil rights as part of its official programme.⁶⁷² However, this convergence was not without contradictions. While the NDA presented itself as a champion of pluralism and democratic transformation, it was largely dominated by established political elites—many of whom had previously held power and contributed to Sudan's earlier constitutional failures. Scholars have noted the limitations of the alliance, including its failure to meaningfully engage with gender equality or grassroots mobilisation. As Nada Mustafa Ali points out, the NDA remained 'overwhelmingly male and elite-driven,' marginalising the voices of women and popular constituencies within its structures.⁶⁷³

Self-Determination and a 'New Sudan'

In the aftermath of the 1989 coup, the SPLM/A and the new Islamist regime found themselves ideologically irreconcilable. While the regime promoted a vision of an Islamic state—proposing Sharia with limited exemptions for the South and speaking of eventual assimilation—the SPLM/A refused to negotiate on those terms. For John Garang, the insistence on Islamic identity was a continuation of northern domination. He demanded the freezing and eventual repeal of Sharia laws as a precondition for a national constitutional conference that would lay the foundation for a democratic and secular vision for the state. In a 1993 speech to the NDA, Garang reiterated the SPLM/A's commitment to a united Sudan 'predicated on democracy, religious, ethnic and cultural pluralism,' affirming that 'the preferred option of the SPLM/SPLA is unity within the context of the New Sudan.'⁶⁷⁴ However, the government's refusal to budge on Sharia, coupled with growing southern frustrations, began to shift the political terrain. At the 1992 peace talks in Abuja, Garang warned that if Khartoum remained committed to the Islamist project, then the South and other marginalised regions should have the right to determine their own futures—including independence.⁶⁷⁵ This marked the beginning of a strategic recalibration.

⁶⁷² Zachariah Chierian Mampilly, *Rebel Rulers: Insurgent Governance and Civilian Life during War* (Cornell University Press, 2012), <https://doi.org/10.7591/9780801462979>, p.144.

⁶⁷³ Ali, *Gender, Race, and Sudan's Exile Politics*, p.3.

⁶⁷⁴ The National Democratic Alliance, *Nairobi Communique*, April 1993, National Democratic Alliance Collection, IISH.

⁶⁷⁵ Douglas H. Johnson, *South Sudan: A New History for a New Nation* (Athens, OH, UNITED STATES: Ohio University Press, 2016), <http://ebookcentral.proquest.com/lib/durham/detail.action?docID=4791060>. p.103.

By 1994, self-determination had emerged as a central demand of southern movements—not as a rejection of unity per se, but as a necessary safeguard against permanent subjugation.⁶⁷⁶

In this context, the Communist Party, a member of the NDA, issued a leaflet in December 1994, warning that the regime was strategically delaying the constitution in order to divide the South and consolidate control over its resources. ‘Postponing these issues to the constitutional conference,’ the SCP wrote, ‘will give the ruling National Front the opportunity to implement its strategy of separating the South... [and] Islamizing the South and imposing control over it.’⁶⁷⁷ The party called for self-determination to be used as ‘a bridge to unity,’ achievable only under a democratic system—not under the ‘dictatorship of the fascist National Front.’⁶⁷⁸ Amid these shifts, the NDA formally recognised the right to self-determination in its 1995 Asmara Declaration. This endorsement was significant not only as a gesture of Southern solidarity but as part of a broader constitutional critique – a re-imagining of tutelary Sudanisation. The NDA linked the resolution of the civil war to structural reform, demanding ‘a secular and democratic state,’ constitutional guarantees for human rights, and a clear separation between religion and politics.⁶⁷⁹ These positions were framed as preconditions for national unity. ‘The process of self-determination,’ the NDA affirmed, ‘should lead to the consolidation of unity of the Sudan,’ but only if core questions about identity, governance, and resource distribution were addressed head-on.⁶⁸⁰

Meanwhile, the regime pursued its own strategy. In 1997, it signed the Khartoum Peace Agreement with Riek Machar’s SPLM breakaway faction. The agreement promised a referendum on independence for the South but provided no timetable. This vague promise was subsequently embedded in the 1998 Constitution, which defined the South not as a distinct entity but as a set of loosely coordinated states governed by a presidentially appointed body.⁶⁸¹ This arrangement hollowed out the promise of decentralisation, keeping real authority in Khartoum’s hands. Nevertheless, regime officials promoted the agreement as a cornerstone of the new

⁶⁷⁶ Matthew LeRiche and Matthew Arnold, *South Sudan: From Revolution to Independence* (New York: Oxford University Press, 2013), p.38.

⁶⁷⁷ Leaflet of the Communist Party of Sudan in Support of Self-Determination for the South: *Li-naj’ al min taqrir al-maṣīr jīs li-l-waḥda*, December 1994, Hizb al-Shuyū’ī al-Sūdānī Collection, IISH.

⁶⁷⁸ Leaflet of the CPS in Support of Self-Determination for the South of Sudan: *Li-naj’ al min taqrir al-maṣīr jīs li-l-waḥda*, December 1994, Hizb al-Shuyū’ī al-Sūdānī Collection, IISH.

⁶⁷⁹ "Resolution on the Issue of Self-Determination," Fundamental Issues Conference, 1995, National Democratic Alliance Collection, IISH.

⁶⁸⁰ "Resolution on the Issue of Self-Determination," Fundamental Issues Conference, 1995, National Democratic Alliance Collection, IISH.

⁶⁸¹ Srinivasan, *When Peace Kills Politics*, p.101.

constitutional order. At a March 1998 cabinet meeting, officials celebrated the Khartoum Peace Agreement as 'one of the pillars of the draft constitution' and called for further negotiations with Garang's SPLM/A 'under the sponsorship of IGAD.'⁶⁸²

In the midst of these developments, the SPLM/A's evolving position on self-determination – and its uneasy alliance with northern opposition parties – highlighted how constitutional visions were being shaped by the realities of war and failure of national integration. Central to the SPLM/A's ideological posture was the concept of the 'New Sudan,' which Garang framed as a radical departure from what he termed the 'Old Sudan'—a state built on 'racism, religious fundamentalism, sectarianism, tribalism, slavery, apartheid or dictatorship.'⁶⁸³ In the SPLM's 1998 manifesto, he asserted: 'The Old Sudan has clearly taken us to a dead end, to the edge of an abyss, now represented by the NIF regime.'⁶⁸⁴ Against this backdrop, the New Sudan was envisioned as 'a socio-political mutation, a qualitative leap out of the Old Sudan,' intended as a 'necessary condition for the Sudan to survive as one country.'⁶⁸⁵ Garang's critique of Sudanese statehood was foundational: 'The post-1956 Sudanese state is essentially an artificial state, based on a political system and an institutional framework of ethnic and religious chauvinism....and after 1989 on Islamic Fundamentalism, it is a state that excludes the vast majority of its citizens.'⁶⁸⁶ The New Sudan, by contrast, would be built on Sudan's 'historical and contemporary diversity'—an inclusive vision not only of political structure but of national identity itself. 'We are confident,' the document read, 'that the various ethnic and religious groups in the Sudan can use... diversity... to forge and evolve a correct Sudanese identity... not on Dr Hassan al-Turabi's imaginations.'⁶⁸⁷ While Garang does not explicitly outline a constitutional blueprint in these statements, his framing of the New Sudan implicitly calls for the wholesale transformation of Sudan's legal and institutional foundations. His critique of the postcolonial state as structurally exclusionary underscored the need for a new constitutional order – one that can be described as an alternative Sudanisation philosophy.

⁶⁸² "New constitution presented to President Bashir." Republic of Sudan Radio, March 29, 1998. *SWB*, March 31, 1998: MED/19.

⁶⁸³ "Statements to the Sudanese People on the Current Situation, and Visions, Programme and Constitution of the SPLM", March 1998, National Democratic Alliance Collection, IISH.

⁶⁸⁴ "Statements to the Sudanese People on the Current Situation, and Visions, Programme and Constitution of the SPLM", March 1998, National Democratic Alliance Collection, IISH.

⁶⁸⁵ "Statements to the Sudanese People on the Current Situation, and Visions, Programme and Constitution of the SPLM", March 1998, National Democratic Alliance Collection, IISH.

⁶⁸⁶ "Statements to the Sudanese People on the Current Situation, and Visions, Programme and Constitution of the SPLM", March 1998, National Democratic Alliance Collection, IISH.

⁶⁸⁷ "Statements to the Sudanese People on the Current Situation, and Visions, Programme and Constitution of the SPLM", March 1998, National Democratic Alliance Collection, IISH.

This was not, however, a purely idealistic or universally accepted framework. As Johnson notes, the New Sudan was never intended as a secessionist project—at least not initially.⁶⁸⁸ Garang viewed self-determination as a process rather than an end. He ‘maintained that a united Sudan was possible but if it did not work, he recognised that there were other solutions available.’⁶⁸⁹ Still, as the conflict deepened and the government doubled down on its Islamist identity, the SPLM/A’s rhetoric increasingly accommodated secession as a legitimate outcome. The New Sudan agenda was also subject to competing interpretations. Some viewed it as a thinly veiled expression of Garang’s personal ambition, shared by a small group of northern allies.⁶⁹⁰ Others saw it as a strategic necessity – a demand for wholesale change in Khartoum as a prerequisite for any meaningful southern autonomy. A third reading interpreted it as Garang’s genuine ideological commitment—an anti-colonial, African nationalist vision of a pluralist and democratic Sudan.⁶⁹¹ Thus, the extent to which the New Sudan was constituted as a principled ideological project, as opposed to serving primarily as a rhetorical counterpoint to the regime’s Islamist hegemony, remains an open and contested question.⁶⁹²

In this sense, the idea of New Sudan should be regarded as a dynamic and evolving political vision shaped by the exigencies of war, the shifting priorities of the SPLM/A leadership, and the limitations of the broader opposition coalition. Its emphasis on diversity, secularism, and structural transformation nonetheless marked a significant challenge to the constitutional order laid out in the 1998 constitution. What this reveals is not the triumph of an alternative constitutional future, but the persistence of multiple, competing constitutional imaginaries—even in a deeply authoritarian context. The SPLM/A’s evolving vision, and the NDA’s accompanying declarations, represented elite-driven attempts to rethink the Sudanese state, yet they remained constrained by their own internal contradictions, limited grassroots participation, and strategic alliances.

The NDA’s Transitional Constitution

As facets within the SPLM/A refined their vision of the New Sudan and articulated constitutional alternatives to Islamist rule, its allies within the NDA were simultaneously crafting their own blueprint for a post-NIF political order. These efforts culminated in the drafting of an

⁶⁸⁸ Johnson, *South Sudan*, p.99.

⁶⁸⁹ Johnson, *South Sudan*, p.106.

⁶⁹⁰ Srinivasan, *When Peace Kills Politics*, pp.93-94.

⁶⁹¹ Srinivasan, *When Peace Kills Politics*, p.94.

⁶⁹² LeRiche and Arnold, *South Sudan*, p.34.

transitional constitution, discussed as early as 1993 and circulated in various iterations throughout the mid-1990s. The NDA's engagement with constitutionalism demonstrates their attempt to claim constitutional legitimacy as an alternative government-in-waiting, with the hopes that it could serve as a transitional document after the hopeful downfall of the regime. It was a project that reflected both the ambition and limits of elite opposition in exile. More than a governance proposal, this constitution functioned as a symbolic repudiation of the NIF's legal order, using the act of constitution-making itself to reject the existing regime and assert an alternative vision of Sudanese statehood.

According to the draft, the alliance itself was to serve as 'the source and expression of political, constitutional and legal legitimacy, embodying the will of the Sudanese people throughout the transitional period.'⁶⁹³ This assertion of sovereign authority marked a direct challenge to the legitimacy of the NIF regime and its constitution. It is also a striking claim, as it attempts to personify their constitution, which was written behind closed doors, as an embodiment of the will of the people. Article 5 of the NDA's draft explicitly repealed the 1998 constitution and all preceding constitutional decrees, dissolving 'all government bodies, institutions, political, military, popular, constitutional organizations and executive bodies' associated with the Salvation regime.⁶⁹⁴ This was not simply a call for reform—it was a wholesale attempt to invalidate and erase the constitutional legacy of the NIF. Furthermore, framed as a five-year transitional arrangement, the NDA's proposed constitution outlined a future Sudan governed by a decentralised system rooted in citizenship, the rule of law, and internationally recognised human rights. It pledged to 're-establish the system of government in the new Sudan – a democratic, pluralistic system... guaranteeing and respecting all human rights and fundamental freedoms as embodied in relevant international conventions.'⁶⁹⁵ Notably, the text called for the abrogation of the September Laws of 1983—the legislative backbone of Nimeiri's and later Bashir's Sharia-based state—and affirmed the separation of religion and politics.⁶⁹⁶ In direct contrast to the Islamist claim that legitimacy flowed from divine sovereignty, the NDA's draft insisted that rights and duties should be established 'on citizenship alone.'⁶⁹⁷

⁶⁹³ "Transitional Constitution of Sudan," undated, in *Laws and Economic and Administrative Arrangements of the Interim Period*, National Democratic Alliance Collection, IISH.

⁶⁹⁴ "Transitional Constitution of Sudan," undated, in *Laws and Economic and Administrative Arrangements of the Interim Period*, National Democratic Alliance Collection, IISH.

⁶⁹⁵ "Transitional Constitution of Sudan," undated, in *Laws and Economic and Administrative Arrangements of the Interim Period*, National Democratic Alliance Collection, IISH.

⁶⁹⁶ "Transitional Constitution of Sudan," undated, in *Laws and Economic and Administrative Arrangements of the Interim Period*, National Democratic Alliance Collection, IISH.

⁶⁹⁷ "Transitional Constitution of Sudan," undated, in *Laws and Economic and Administrative Arrangements of the Interim Period*, National Democratic Alliance Collection, IISH.

Crucially, the NDA's interim constitution and broader legal vision were not just about regime change – they were interventions in Sudan's long-standing constitutional crises. By insisting on pluralism, secularism, and self-determination, the NDA aligned its legal project with the very issues—identity, citizenship, federalism, and the South's political future—that the 1998 constitution had sought to resolve through authoritarian means. In this way, the NDA's constitutional efforts were less a revolutionary break than a rival model of governance shaped by the exigencies of war and the failures of the centralised state. Yet these constitutional imaginaries remained limited in their reach. Their distance from grassroots movements, particularly young activists and local resistance actors, meant that the NDA's constitutional vision, while a more pluralist endeavour than the NIF's, was still top-down in orientation. Nonetheless, the drafting of an interim constitution in the face of a repressive and heavily securitised regime was a significant act of political imagination that affirmed the persistence of constitutional thinking as a site of struggle.

Suppressed Imaginaries

While exiled elites like the NDA sought to reimagine the Sudanese state through interim constitutions and conference declarations, alternative imaginaries of political change were also emerging from within Sudan itself—particularly through the voices and actions of student activists. These visions rarely made their way into official constitutional discourse, but they nonetheless constituted powerful expressions of dissent and alternative statehood. They challenged the regime's claim to represent the will of the people and offered a form of constitutional engagement grounded in the realities of economic crisis, militarisation, and authoritarian repression. However, due to pervasive censorship and state violence, the documentary record of these protests is overwhelmingly shaped by regime-authored sources. This asymmetry not only reveals the limits of free political expression under authoritarianism but also highlights the regime's fear of popular mobilisation and the discursive tactics it used to discredit and suppress dissent.

By late 1993, Sudan was facing a worsening economic crisis, marked by fuel shortages, inflation, and currency instability. In an October 1993 radio commentary, a government official blamed the fuel crisis on external economic blockades and 'the negligence of companies in playing their role in imports,' while also admitting that 'weak reserves of foreign exchange' were

compounding the crisis.⁶⁹⁸ In the early months of 1994, protests erupted at the University of Khartoum in response to the economic crisis and declining public services. Though not documented directly through independent media, the regime's own broadcasts acknowledged that unrest was unfolding—while simultaneously casting the protests as the work of 'sabotage' and 'leftist remnants.'⁶⁹⁹ In 1995, there were further evidence of riots in Khartoum. Sudan TV reported that the Council of Ministers affirmed the right to peaceful expression but warned that the protests had been 'instigated by remnants of the leftists among students,' accusing them of undermining national development efforts.⁷⁰⁰ On the same day, the Organisation for the Youth of the Homeland, a NIF-allied youth group, released a statement condemning the 'sabotage' of 'some students,' accusing unnamed foreign interests of exploiting the protests to 'sabotage the infrastructure of the state.'⁷⁰¹ The language of treason, infiltration, and sabotage was central to how the regime framed student protests—as threats not only to stability, but to the very legitimacy of the state.

Newspapers abroad attempted to shed light on the student demonstrations of the mid-1990s. Reports from *Al-Hayat*, a London-based Arabic newspaper, described mass demonstrations in Omdurman in July 1996, where students shouted slogans directly opposing President Bashir and calling on citizens to 'revolt against' the government.⁷⁰² Specifically, the students called for the revival of student movements and politics, which had been suppressed by the regime from the onset of power, and academic reform, to allow for more pluralist learning outcomes.⁷⁰³ These demonstrations were not isolated, and continued the following month. After a student union election at Omdurman Islamic University, opposition figures claimed that pro-government Islamic candidates, anticipating defeat, withdrew from the race and resorted to violence. The university was subsequently shut down by the authorities—a move the *Voice of Sudan*, an opposition newspaper in London, interpreted as an attempt to silence the NDA-affiliated student coalition and reassert ideological control over campus politics.⁷⁰⁴ Although these events

⁶⁹⁸ "Radio commentary criticizes lack of action in the face of fuel crisis." Republic of Sudan Radio, October 5, 1993. *SWB*, October 6, 1993: MED/21–MED/22.

⁶⁹⁹ "Students' organization condemns 'sabotage' by some of their colleagues." Republic of Sudan Radio, September 13, 1995. *SWB*, September 15, 1995: MED/2.

⁷⁰⁰ "Cabinet hears report on Khartoum riots." Sudan TV, September 13, 1995. *SWB*, September 15, 1995: MED/1.

⁷⁰¹ "Students' organization condemns 'sabotage' by some of their colleagues." Republic of Sudan Radio, September 13, 1995. *SWB*, September 15, 1995: MED/2.

⁷⁰² "Omdurman students reportedly demonstrate against government." *Al-Hayat*, July 24, 1996. *SWB*, July 26, 1996: MED/16.

⁷⁰³ "Opposition radio reports students' anti-government protests." *Voice of Sudan*, July 18, 1996. *SWB*, July 20, 1996: MED/18.

⁷⁰⁴ "Opposition says Omdurman University closed after student union election." *Voice of Sudan*, *Voice of the National Democratic*, August 1, 1996. *SWB*, August 5, 1996: MED/18.

unfolded within the realm of higher education, they also illustrate the complex entanglement between elite opposition politics and student activism. The blurred lines between the NDA influence and autonomous student mobilisation complicate attempts to draw a clear distinction between elite and popular resistance, revealing how university campuses became contested sites of constitutional imaginings.

Student dissent was not only political but also grounded in everyday material grievances. In September 1996, demonstrations over bread prices and utilities broke out in Khartoum. According to the Egyptian MENA News Agency, the protests began with students at the University of Khartoum – historically Sudan’s most prestigious and politically influential university –but quickly spread into surrounding neighbourhoods. Reports cited bakery closures, electricity cuts, and water shortages. Protesters clashed with police, tear gas was deployed, and shots were reportedly fired. Two civilians were killed and an unknown number arrested.⁷⁰⁵ These student-led demonstrations were not merely spontaneous reactions to economic hardship – they were expressions of discontent that challenged the legitimacy of the regime’s constitutional and ideological order. In chanting against the regime, demanding academic reform, and calling for independent student union elections, protestors articulated a vision of political belonging rooted in material justice, inclusion, and institutional accountability. While these actors did hail from an elite university, they understood themselves to be excluded from the centres of decision-making. Their demands thus reflected a form of constitutional imagination from outside the structures of power, calling for an end to authoritarian control over education and expression.

Aftermath

The 1998 Constitution did not mark the end of Sudan’s constitutional struggles. Rather, it crystallised the ideological, political, and institutional transformations that had been unfolding since the 1989 coup. For the ruling elite—particularly figures like Hassan al-Turabi and Omar al-Bashir—the constitution was not simply a tool of repression or an empty political gesture. It was the institutional expression of a deeply held belief in Sudan’s Islamic rebirth: a foundational legal text intended to stabilise the revolution, define the moral order of the state, and project Sudan as a model for Islamic modernity. In a speech marking the tenth anniversary of the coup, Bashir declared that the constitution was ‘an achievement and a source of pride,’ and praised it for

⁷⁰⁵ "Egyptian agency gives more details of bread price demonstrations." MENA News Agency, September 1, 1996. *SWB*, September 3, 1996: MED/28–MED/29.

guaranteeing 'full freedoms... in power-sharing' while reaffirming Sudan's Islamic identity.⁷⁰⁶ For Bashir, constitutional codification was both a moment of national redemption and divine fidelity. As he told a mass rally in Juba earlier that year, the state was committed to 'guarding the faith, the homeland, and Sudan's honour from the forces of tyranny and aggression,' casting the constitution as a spiritual and sovereign bulwark against both internal rebellion and external pressure.⁷⁰⁷

The regime believed not only in the necessity of embedding Sharia within the constitutional framework, but also in the conviction that executive strength, legal order, and Islamic unity would resolve Sudan's postcolonial crisis. In Bashir's words, the constitution represented 'freedom, God's gift to mankind,' and would 'guarantee the dignity of man based on equality, justice, and right citizenship.'⁷⁰⁸ Presented both domestically and internationally as a turning point, the 1998 Constitution was framed as the culmination of Sudan's independence—a moral and institutional correction to the failures of party rule, sectarianism, and externally imposed pluralism. As Bashir proudly asserted, it succeeded where all past governments had failed: 'The drawing up of the Sudanese constitution was an achievement... previous governments had failed to draw up a constitution for the country.'⁷⁰⁹ In this framing, the constitution was not just a legal milestone—it was the sacred codification of the revolution's legacy.

Yet the constitution's claim to closure—its promise to codify national unity and Islamic legitimacy—belied the deep fractures it could not resolve. Far from settling Sudan's constitutional questions, the 1998 constitution exposed its contradictions. Even as the regime embedded divine sovereignty and executive supremacy into law, this created a core contradiction. Divine sovereignty rests on absolute, unchallengeable authority, while popular sovereignty implies participatory legitimacy. By invoking both, the regime masked authoritarian control in democratic language, creating a constitutional order that claimed public mandate while silencing real dissent. As a result of these contradictions, alternative imaginaries emerged – articulated not only by exiled elites like the NDA or liberation movements such as the SPLM/A, but also through protest and dissent inside Sudan. These competing imaginaries—some formal,

⁷⁰⁶ "Bashir addresses the nation on 10th anniversary of seizing power." Sudan TV, June 29, 1999. *SWB*, July 1, 1999: MED/15.

⁷⁰⁷ "President Bashir addresses mass rally in southern town of Juba." Republic of Sudan Radio, February 12, 1999. *SWB*, February 15, 1999: MED/1.

⁷⁰⁸ "Bashir promises referendum on new constitution." Sudan TV, January 1, 1997. *SWB*, January 3, 1997: MED/13–MED/14.

⁷⁰⁹ "President Bashir addresses mass rally in southern town of Juba." Republic of Sudan Radio, February 12, 1999. *SWB*, February 15, 1999: MED/1.

others fragmentary—challenged the regime's claim to singular legitimacy and insisted that Sudan's political future could not be scripted solely from above.

As Sudan entered the final years of the twentieth century, the 1998 constitution remained at the centre of the regime's self-presentation. It was used to justify party reform, celebrate national milestones, and frame Bashir's vision of a unified, devout, and orderly Sudan. The National Congress Party (NCP) was officially registered in 1999, and the regime began to allow political party registration—suggesting, at least rhetorically, an opening of the political field. Bashir himself championed the constitution in public speeches, presenting it as a turning point in Sudan's national and moral trajectory. But tensions within the regime—particularly between Bashir and Turabi over the issue of powers of regional governors—soon exposed the fragility of this legal order. The very constitution that was supposed to consolidate unity became a site of elite power struggle, culminating in Turabi's dismissal and the declaration of a state of emergency in 1999.⁷¹⁰ Even within the context of a state of emergency, the 1998 constitution was not formally suspended – a fact that underscored the regime's desire to maintain constitutional legitimacy.

At the same time, Sudan's civil war continued to deepen, and southern demands for self-determination became increasingly urgent. While the constitution gestured toward federalism and nominally acknowledged the South's right to determine its future, these provisions were deliberately vague, carefully framed to preserve central control. In a 1999 statement, the NCP asserted its 'total commitment to working to strengthen and consolidate unity' and framed secession as something to be dissuaded, stating it would 'align itself with anyone acting to persuade the sons of the south to choose unity.'⁷¹¹ While the regime claimed the constitution embraced 'the collective will of Sudan' and was based on 'a direct referendum,' it simultaneously dismissed calls for a constitutional conference on the question of southern self-determination as 'a labyrinth' and insisted that any political demands be made strictly 'in conformity with the provisions of the constitution.'⁷¹² These declarations—couched in the language of dialogue—revealed the rigidity of a constitutional framework that excluded alternative visions of statehood.

⁷¹⁰ Berridge, *Hasan Al-Turabi*, p.112.

⁷¹¹ "National Congress rules out dialogue with rebel alliance." Sudan TV, April 14, 1999. *SWB*, April 16, 1999: MED/6–MED/7.

⁷¹² "National Congress rules out dialogue with rebel alliance." Sudan TV, April 14, 1999. *SWB*, April 16, 1999: MED/6–MED/7.

Meanwhile, opposition leaders like John Garang continued to reject the regime's Islamic state project. In an August 1999 interview, Garang declared: "The Khartoum regime is basically evil... they just promulgated a constitution last year in May 1998... We have fundamentally disagreed with the NIF regime on the issue of the relationship between religion and state."⁷¹³ Garang reiterated the SPLM's demand for the constitutional separation of religion and state, insisting that unity was only viable under a pluralist and secular framework. By contrast, the NIF's legal order subordinated diversity to a singular religious orthodoxy and concentrated political authority in Khartoum. Despite its claims to federalism, the constitution outlined no clear timetable or guarantees for the South's referendum, and the Southern States Coordinating Council—established under the regime's terms—remained accountable to the presidency. Thus, the constitution failed to address the structural inequalities and historical marginalisation that had fuelled decades of civil war. Instead, by embedding Islamic authority and executive dominance into the heart of the state, it risked deepening the very divisions it purported to resolve.

Looking ahead to 1999 and the early 2000s, the limits of the constitution would become increasingly apparent. The eruption of internal splits within the Islamist movement, the continued marginalisation of the South, and mounting international pressure over human rights and counterterrorism, would place growing strain on the constitutional order. Yet the constitution remained politically and symbolically charged: a site where state power could be performed, challenged, and remade. As the NCP edged towards negotiations with the SPLM/A—eventually culminating in the 2005 Comprehensive Peace Agreement—constitution-making re-emerged not simply as a tool of state consolidation, but as a central mechanism for ending civil war, affirming self-determination, and renegotiating the foundations of national belonging. Far from resolving Sudan's constitutional crisis, the 1998 Constitution became part of its ongoing unfolding—an episode in a longer struggle over who belongs, who rules, and what kind of state Sudan could become.

⁷¹³ "SPLM leader John Garang tells Kenyan TV: Khartoum authorities 'evil'." KBC TV, August 10, 1999. SWB, August 14, 1999: MED/14–MED/19.

CHAPTER 5: CONCLUSION

This thesis has examined how Sudan's military regimes – from Ibrahim Abboud to Jaafar al-Nimeiri to Omar al-Bashir – mobilised constitution-making as a political tool to legitimise authoritarian rule, project ideological visions, and assert control over the meaning of the postcolonial state. Through a close reading of constitutional texts, legal declarations, military broadcasts, and counter-narratives from opposition movements, this study has foregrounded the central role of the military not only as coercive agents, but as constitutional actors who actively shaped the legal and symbolic architecture of statehood. While conventional scholarship has often treated military interventions as disruptions to an otherwise civilian-led political trajectory, this thesis has argued that these regimes helped author Sudan's constitutional history and that their legal and institutional interventions were embedded in broader ideological projects.

One of the key contributions of this study lies in reframing Sudanese constitution-making as a site of both authoritarian performance and oppositional contestation. This thesis identifies competing and coexisting visions of Sudanisation that have shaped Sudan's constitutional history. Rather than presenting Sudanisation as a single concept undergoing transformation over time, it foregrounds the simultaneous articulation of distinct and often conflicting projects. One vision is tutelary Sudanisation – a conservative and authoritarian model advanced by military and elite actors who view national unity and identity as imperatives to be imposed from above through strong central authority, legal control, and ideological conformity. In contrast, alternative Sudanisation philosophies emerged from more participatory efforts to reimagine the state through ideas of political sovereignty. These visions are not sequential but overlapping, contradictory, and often in direct competition, revealing not a linear evolution of Sudanisation but a recurring and unresolved struggle over how Sudan should be constituted, who has the authority to define it, and through what mechanisms. By framing Sudanisation in this way, this thesis moves beyond teleological narratives of historical progression and instead foregrounds and deeply contested terrain on which Sudanese constitutional politics has unfolded.

This ongoing contestation is a defining feature of Sudan's constitutional trajectory and a key factor that makes the Sudan case distinctive. Sudan inherited an incomplete legal framework, rather than a fully realised constitutional project, at independence, which set the stage for constitution-making to be unfinished, perpetually contested, and repeatedly reopened under successive regimes. This 'unfinished' nature underscores why constitutional texts have remained central to political life in Sudan: they are not merely legal instruments but sites where competing

visions of nationhood, authority, and belonging are continuously negotiated. In this context, the thesis sought to answer the following research questions: How did successive military regimes mobilise constitution-making to consolidate power and advance ideological visions? How did these regimes interact with and respond to alternative constitutional imaginaries, including those emerging from civil society, opposition movements, and marginalised communities? And how did inherited colonial legal and administrative frameworks shape the possibilities and constraints of postcolonial constitution-making in Sudan? The findings show that military regimes consistently used constitution-making as a political technology to legitimise authoritarian rule, embedding their ideological projects – from Abboud’s paternal nationalism and Nimeiri’s developmental socialism turned-Islamism to Bashir’s Islamist statecraft – within constitutional texts and institutions. At the same time, alternative imaginaries, articulated through unions, resistance committees, and exiled opposition movements, continuously challenged these top-down visions by asserting various forms of Sudanisation. The endurance of colonial legal and administrative logics provided both the tools of authoritarian consolidation and the terrain upon which both military regimes and opposition movements articulated notions of decolonisation. Understanding this distinctive dynamic helps clarify the broader scholarly contributions of this thesis.

The thesis contributes to two principal areas of scholarship. First, it advances Sudanese political history by illuminating an understudied dimension of state formation—constitution-making under military regimes. By treating the army as a constitutional actor rather than solely a coercive institution, it shows how military rule shaped institutional structures, legal norms, and ideological visions of the postcolonial state. Second, it contributes to postcolonial constitutionalism by demonstrating how inherited colonial legal and administrative frameworks were repeatedly redeployed and contested under postcolonial regimes. Sudan exemplifies how colonial legacies endure in postcolonial governance, showing that constitutions can both reproduce historical hierarchies and provide arenas for resistance, adaptation, and alternative imaginaries.

Yet this study is not without its limitations. Most significantly, the ongoing war in Sudan – beginning in April 2023 – has severely constrained access to archival material, particularly within Sudan’s National Records Office and other institutional repositories. The conflict has also limited opportunities for in-person interviews and fieldwork with civil society actors and former officials. While the thesis draws on a wide range of archival sources, there remain gaps – particularly in accessing diverse documents as a result of regime censorship. These absences

reflect not only practical limitations but also raise broader questions about the dominance of certain perspectives over others and the fragility of archives under conditions of war and authoritarian rule. As argued in the methodology section, the archive in Sudan has long been a site of control, suppression, and at times destruction – subject to both state curation and popular rejection. The current war extends this dynamic, threatening further erasure while also reinforcing the urgency of documentation, preservation, and critical historical work.

Further research could build on this study in several ways. First, by tracing how the legacies of past military constitutional projects have shaped post-2019 debates around democratic transition, legal reform, and the efforts of civil society actors to adopt their own constitution-making practise. Second, further comparative work could situate Sudan within a broader transregional context, asking how other postcolonial military regimes have deployed constitutionalism as a tool of governance and legitimacy. Finally, more sustained engagement with grassroots level archives and oral histories, across Sudan, could offer richer insights into alternative constitutional imaginaries that have been rendered invisible in formal legal discourse.

In the end, this thesis does not tell the story of constitutional triumph or national cohesion. It reveals constitution-making in Sudan as a fraught and unfinished process – one marked by rupture, contestation, and the enduring tension between militarism and alterative voices. The slogan *jeeshun wahid, shaabun wahid* (one army, one people) has long echoed from the barracks to the airwaves, a refrain used by military regimes and their supporters to fuse the state with the soldier, and to claim the body politic as unified under the military. But beneath the surface of this slogan lies a deeper dissonance. It is not the voice of the people, but the command of a regime – one that has repeatedly sought to impose unity through force, rewriting the constitutional future in its own image.

And yet, even in the shadows of repression, alternative constitutional imaginaries have endured – forged in protest camps, drafted in exile, whispered in classrooms and marketplaces. These counter-visions challenge the finality of *jeeshun wahid, shaabun wahid*, insisting instead on various constitutional possibilities. As Sudan once again finds itself in the grip of war and fragmentation, the question of who gets to define the nation – its laws, its future, its very meaning – remains urgent, and it will be answered not in the barracks, but in the struggle of its people.

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