



REPORT OF THE FIRST SESSION

Dialogue of Sudan's Marginalized Groups

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We would like to thank the National Endowment for Democracy (NED) for investing in this important event that brought together, for the first time, representatives from the marginalized groups in Sudan to create a platform for dialogue and constructive engagement about the many crises now facing marginalized areas in Sudan. We are deeply grateful to Mr. Dave Peterson, NED's Senior Director for Africa and to Ms. Katie Campo for their generous support and assistance in planning these talks.

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ABOUT THE DIALOGUE

The Dialogue of Marginalized Groups is an innovative attempt to rethink the problems that are currently facing Sudan. Recognizing that alternating periods of elite and authoritarian rule have resulted in deterioration of the fabric of civil society, citizen participation, the economy, security, livelihoods and the cultural life of the nation, we are attempting, through an alternative forum to envisage and plan for a more inclusive future. The goal is to create a common platform across all the relevant stakeholders so that representatives from the marginalized areas can bring empirically grounded questions, problems and solutions for discussion.

The Dialogue is a process rather than an event. Its goals are to engage participants across all the areas now affected, in order to identify a set of common problems, before asking its members to go back to their communities to work on possible solutions and best practices. Drawing from community leaders, NGOs, civil society groups, activists, policy practitioners and intellectuals who come from every walk of life and age cohort, we aim to bring together a network whose main concern is change and inclusion for all.

Members of the Dialogue will not only have a chance to shape the future of Sudan and engage with leaders of tomorrow, but will also have access to cutting edge research and networks that are able to effect change on the ground. Members will receive dialogue summary reports and will have access to a secure data site, with up to date information about problems and potential solutions to the issues now facing Sudan.

If you are interested in joining the Marginalized Dialogue Network, please contact:

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Introduction

Statistics of economic and social disparity in Sudan reveal stark differences across the country in the life chances of the population. Data that has been produced since 2000 suggests that areas outside the central region are provided with fewer services, suffer from lower life expectancies, have higher levels of infant mortality and have reduced numbers of citizens who are literate. These basic indicators of social welfare are correlated with lower levels of political representation in the central government and a corresponding lack of autonomy over local political decision-making. Lack of political autonomy at the local level is also intimately tied to widespread changes in land tenure and the growth of infrastructure and resource extraction projects that are carried out without consulting the affected communities. Not surprisingly, the areas affected most by these dynamics are also the main sites of conflict throughout Sudan, as those on the receiving end of these decisions struggle to maintain their livelihoods.

Such differences have led to discussions about center-periphery/center-margin inequities in which populations in and around Khartoum (which are close to the seat of the government) benefit disproportionately from the country's wealth at the expense of everyone else. Throughout Sudan, but especially in the affected populations, the term used in popular discourse to describe these dynamics is 'marginalization'. Marginalization in the context used here, refers to *a set of practices designed to keep a group in a powerless or unimportant position within the society*. Areas of Sudan that are now highly affected by these dynamics include, but are not limited to: the Nuba Mountains, Blue Nile, Darfur, the East of Sudan and areas in the Upper North of the country.

Given the prevalence of conflict in Sudan and the amount of population movement caused by displacement, it is important to recognize that marginalization is not only defined by reference to particular geographic areas: it also affects populations as they are forced to settle outside of war zones. Marginalization therefore exists beyond geography and affects Internally Displaced Persons (IDPs) who are living in camps along border zones, inside war affected regions and the locations where internally displaced now settle in cities. Even in the largest and most prosperous urban centers such as Khartoum, exclusion sits side by side with inclusion, as residents of slums such as Haj Yousif or Mayo find themselves inhabiting a very different and ultimately more insecure world, than their neighbors in other parts of the city.

In many countries, efforts are being made to reduce the numbers of people who are disempowered and vulnerable within the society. However, in Sudan, the opposite is true.

In Sudan, marginalization has grown significantly over recent years and is strongly correlated with the political economy of war and the increasing centralization of state control over resources. Escalating demands for revenue caused by the proliferation of conflict zones has created considerable pressure on the economy, which is strongly tied to extractive industries such as oil and gold. Since the natural resource base of the country is predominately located in marginalized areas, this also escalates the potential for conflict in those parts of the country. Clear examples of this trend can be seen in the border zones in South Kordofan in relation to oil extraction and in areas of Northern Darfur, around Hashaba and Jebel Amer, where artisanal gold production has resulted in inter-group violence and displacement of the local population.

Reliance on force to extract natural resources has further circumscribed the way in which the State now operates in Sudan. Declining and unstable revenues, together with an escalation of conflict means that the overwhelming amount of the country's GDP has to be used to sustain a war economy and to fund security in the form of proxy and official military groups. Revenue is also used to sustain patronage around the government, since this also provides a form of political security. In real terms this means that, public services are a distant or non-existent second to the needs of the security sector, the media sector and patronage networks within the country. The political culture of Sudan drives and reflects these needs and is a permanent obstacle to institutional reform in the government or public sector transparency.

One of the results of economic and political marginalization is a decline in the provision of education to the marginalized areas, some of which have been embroiled in conflict for decades. In turn, this situation negatively affects the human capital of the population in these areas and their productive capacity, thereby further increasing the disparities in life chances between marginalized areas and the political center in Khartoum. Young people who come from the marginalized areas lack social mobility and are under-represented in the higher education sector and in professional occupations. Even when they are able to study at university, they are subjected to institutionalized discrimination and violence making it difficult for them to complete the term of their education without fear.

Centralized power, lack of life chances and attempts to valorize a single culture based on the dominant norms of the political class has also created cultural marginalization. For decades, attempts to "Arabize" or "Sudanize" areas of the country by adopting processes such as the 'civilizing orientation project' (*mashru 'altawajjah al-hadari*) has tended to imply that Islam is the only appropriate religion; that indigenous belief systems are inappropriate and that cultural practices that do not fit with the stated behaviors of the Arabization project should be stopped. As a consequence of these policies, educational curricula have reflected an Arabization agenda and people who come from marginal areas feel that their identity has been devalued. All of these problems have been exacerbated by

systematic discrimination based on assumed inferior identities or marginal characteristics. These systems of discrimination make it very difficult for people from excluded areas to participate in national cultural life or the educational system unless they minimize traits that link them to the areas that they came from.

Forms of discrimination around ideas of inferior culture are also intimately tied to ideas of race and identity. Today claims to certain identities have become some of the most powerful markers of difference in Sudan, since they signal proximity to the politics of the center and to an Arabized culture. Identity markers therefore act as a measure of life chances, with a clear hierarchy of those who should and should not be allowed to participate in the life of the nation. Identities are also tightly linked to ideas about race, with discrimination based on subjective evaluation of skin color, together with the use of pejorative labels such as 'Abid' (slave) or 'Zurga' (nigger). All of these forms of discrimination mean that marginalized communities are subjected to ridicule, humiliation, and explicit discrimination in the labor, housing and education systems.

This situation and these inequities have led to increasing calls for recognition and rights from marginalized groups. Most of the requests have been met with little constructive response from the government leading to frustration and disillusionment among the communities concerned. Over decades, efforts have been made to address the problems, yet this has only happened for the most part on an incremental basis with each region dealing with its problems on an ad-hoc basis. Frustration and fear of violence have led to armed uprisings that threaten to destabilize the country. To date, change has not been forthcoming and recent attempts to speak as a coherent group tend to involve either the political sphere or the civil society sphere or community leaders. In short, they suffer from lack of inclusion of all sectors of the society. The net result has been that talks often become bogged down in inter-group differences and lack of understanding about the commonalities that each group actually shares.

The Dialogue addresses these problems by creating an inclusive platform across all sectors of the society. We sincerely hope that you will join us as we seek to organize, empower and prepare all involved. We aim to shape events in Sudan in a way that provides for a comprehensive and just peace that is built on democracy, non-discrimination, prosperity and equal opportunities for all.

SUMMARY DIALOGUE SESSIONS

Sudan's Fiscal Crisis and the Political Economy of War

The War Economy

Marginalization of the population of Sudan has today occurred at the expense of national development and the economy. Sustaining conflict in an ever-increasing number of locations demands a spiraling level of revenue allocations, while basic services suffer.

Where the war economy is concerned, the government has incurred costs totaling US\$30.5 billion, equivalent to 171% of 2003 Gross Domestic Product GDP, in relation to the war in Darfur.

- \$10.1 billion in direct military expense
- \$7.2 billion in the lost productivity of internally displaced persons
- \$2.6 billion in foregone lifetime earnings of the dead
- \$4.1 billion in infrastructure damage.
- \$6.5 billion in war impacts on GDP.

The total costs of the war are \$41.5 billion if added to military spillover and African Union/UN hybrid operation in Darfur peacekeeping operation costs of \$10.9 billion. Yet during this period, the country spent only 1.3% of its budget on public health and less than 1% on education over the past two decades. The war consumes 13% of GDP in a society that lacks the means to provide the basic entitlements of education, food, health care, and shelter to its people.

Drivers of the Fiscal Crisis

Oil Rents:

Since 2000, oil related sectors have been driving growth.

- Oil revenues constitute 63 % of GDP and 95% of the export earnings.
- Currency appreciation and shrinking of non-oil exports.
- Unsustainable external debts of more than \$43 billion with high debt burden indicators.
- Significant decrease in the deficit in the balance of payments
- Resort to non-concessional development aid

Changes to revenue:

- Steady withdrawals from the foreign reserves
- Falling export revenues
- Shrinking private remittances and Foreign Direct Investment (FDI)
- Cuts in the spending on development and lower the volume of resource transfers to subnational governments

Financial Sector

- Weakness in mobilizing domestic savings.
- Funding non-developmental activities, concentrating on services and commercial activities.
- Lines of external credit have been severed.
- The cost of borrowing has become very high and consequently high debt ratio.

Land Tenure & Indigenous Groups

Land as a Source of Power and Identity

Land is a fundamental human right for rural communities. However, in the **1970 Unregistered Land Act**, there is no recognition of customary communal land rights and no compensation. The colonial land tenure policies were in fact better than those enacted in postcolonial period. The LSRO, 1925 adhered to three community-sensitive principles:

- communal land rights were recognized by law;
- the interests of the local communities were able to override the interests of others;
- There was a commitment for compensation in cash, in kind, or both by the government whenever there was a need for appropriating land for public interests.

The post-colonial Unregistered Land Act of 1970 is more repressive than the colonial LSRO of 1925. Effectively, this section repealed sections of the 1905 law, which stated that: "All waste, forest and unoccupied land shall be deemed to be the property of the Government until the contrary be proved" It also repealed Section 14(iv and v) which allowed for compensation in kind (i.e., alternative land), in money, or both for the affected community or individual

However, the process of recognition and eventual registration of individual land rights was not applied to the indigenous peoples of the Nuba Mountains, Blue Nile, the South, and Darfur throughout the colonial period. In these regions, lands remain communal with no recognition of individual rights of ownership apart from rights of use. Based on this reasoning, it is argued here that these early regional variations in land rights policy and practices formed the basis for the economic differentiation between the communities in the central and northern parts of the Sudan, on the one hand, and those in the rest of the country, on the other, with far-reaching socio-economic and political implications up to the present day.

Development and Land Disenfranchisement

The government's policy of allocating rain-fed mechanized farming schemes takes no consideration of the interests and priorities of the local communities affected by such schemes. Local communities resist the encroachment of the mechanized farming, resulting in a multi-dimensional conflict between:

- local population and the schemes' owners,
- traditional farmers, and nomads
- Local communities and the central and/or regional state authorities, on the other.

War and Communal Land Alienation

These dynamics have resulted in forced relocation of villages and alienation of communal land; the manipulation of traditional leaders (custodians of the communal land) through incorporating them in government agricultural investments. As a consequence, new tribal leaders become effective agents of mismanagement and exploitation of communal land and their livelihoods. In addition, conflict hardens previously fluid social and territorial boundaries along ethnic divides: "we vs. them" politics

Marginalization and Poverty: National and International Indicators

Today, the extent of poverty linked to marginalization in Sudan is extremely high and these inequities are reflected in median Human Development Indicators (HDI) for the country.

Table1: Human Development indicators (HDI)

Year	HDI	Ranking
2014	0.473	166
2013	0.414	171

Global HDI rankings in 2014, place Sudan at 166, which ranks below Benin at 165, Uganda at 164 and Mauritania 162. Life expectancy at birth is 62.06 years, with the marginalized areas 59.1 years; Education in years of schooling in the marginalized areas stands at 3.14 less than the average of 4.2. Gross national Income (GNI) per capita in 2011 stands at \$3,428.12. Sudan also demonstrates high levels of employment vulnerability and a large population of citizens that are homeless.

Poverty and inequality in Sudan are the outcome of a very long history of unequal development, biased toward the central riverain regions and metropolitan centres. Addressing poverty and extreme inequality is therefore a long-term political project as much as an economic project. One of the main manifestations of poverty in Sudan is food insecurity, although Sudan used to be a food surplus country in the 1970s, displacement due to wars, draught and desertification has resulted in millions of Sudanese depending on food aid. Since the discovery of oil in late 1990s, government economic policies have minimized investment in the agriculture sector, while selling land to multi-national corporations for rental income thereby degrading mechanised agricultural sectors and pushing many small farmers out of the farming business.

The Informal Sector

Although unmeasured, the informal economy represents a very large component of the Sudanese economy. The informal sector can be divided broadly into two: the income generating activities of the poor and the unrecorded hard currency sector.

Informal income-generating activities provide a lifeline for large numbers of poor Sudanese. In rural areas, these are usually described as 'coping strategies' or 'famine survival strategies'. They include labour on small farms of less-poor villagers (paid in money or with food), selling firewood, charcoal or grass for animal feed, collecting and selling wild fruits, carrying water, working as domestic labour and other low-status tasks. The informal sector in urban areas is also substantial. The informal sector is not confined to the poor. Many middle class people on professional salaries are obliged to increase their income by working second jobs as traders or taxi drivers. However, it is among the poor that we find whole communities that are entirely dependent on the informal sector. Displaced people are also some of the main informal sector workers. They provide cheap casual labour through a wide range of services, ranging from casual labouring in the construction industry to street vending. By definition, this sector escapes any form of regulation or taxation leaving workers vulnerable to abuse.

Cultural Marginalization

Factors of Cultural Marginalization in Sudan:

One-dimensioned Media

Governmental plans for decades did not tackle the impact of multiple cultures on the formation of one nation. Radio Omdurman and Sudan TV remained the only government owned broadcasting and television service. People have to listen to and watch what was planned by the central government – the Government created from the same elite. Even when regional folksongs broke through, the press and media would identify them as songs belonging to a specific region or ethnic group. In 1969, songs from Kordofan (western Sudan) became a big hit in the media. However, Khartoum though only came to realize that new style of lyrics and quarter tune existed in Sudan, which can be traced back to the Arab migration to North Africa then to Sudan 250 years ago. The rigid dialogue by the press media was linked to an unnecessary focus on the fact that new lyrics identified Sudan as an Arab country, rather than how these newly discovered musical tunes can be considered as an added value to the country's plural cultures and how they can enhance a genuine dialogue about multiculturalism.

Denial of Ethnic Diversity

The diversity of cultures in Sudan is the result of the multi-ethnic structure of its society. Added to its linguistic diversity it is one of the most complex issues that the country faces. The number of ethnic groups before the cessation of Southern Sudan was approximately 500, who speak more than 400 languages, some of which are spoken by a small group of people. When such ethnic and linguistic diversity is ignored, marginalization of a larger population will also definitely occur.

Media and the Imposition of Language

Cultural marginalization was intentionally orchestrated and imposed by the ruling elite. The new policy for higher education announced by the Sudanese government in 1990 indicated that the language of instruction in all institutions of higher learning would be Arabic. Since language is a determining factor of identity and displays one's cultural elements, the imposition of a language of one group as the official language and the only medium through which press media operates, is unjust and amounts to a form of cultural marginalization for non-Arabic speaking ethnicities.

National Education & Curriculum

Although the majority of the inhabitants of the Sudan are of black origin (54.8) *vis a vis* 45.2 as Arabs, Sudan governments, all of which were orchestrated and dominated by the riverine elite (who associate themselves with Arabism) have adopted Arabic language as the main language of the country. Arabic then became the main language through which educational curriculum was introduced. Children of some minorities suffer tremendously since they are multi-lingual and therefore have difficulty to compete with their Arabic-speaking peers. Bearing in mind that the population of some of those minorities is more than one million people, Dinka, Nuba of South Kordofan and the Fur of Darfur and the Beja of Eastern Sudan as example, primary education for their children could have been introduced in their own mother tongues. Some of those minority languages do have written forms (Dinka, Fur language and Bidawet as example)!

Identity and Marginalization

Identity has become a major tool of marginalization. It is often used in a way that implies that it is natural, fixed and unchanging rather than socially constructed and fluid. The way identity is presented in Sudan suggests that it is singular and all encompassing, rather than multiple and context dependent. Yet identity is used as a tool of marginalization by rewarding those who claim that they have identities that are congruent the government's ideals of an "Arabized" or "Sudanized" person. Identity is therefore less about selfhood and feeling than it is about politics and division of the society into "*haves and have nots*".

National Identity has been a problem and a recipe for hegemonic power. Research such as the Black Book says that about 5% of the population benefit from connections to the ruling group, while everyone else is excluded. There are ideologies about who is worthy and who is not. For example, Harir talks about worthy children of the land, Afifi talks about groups thought of as worthless – Africans, Abid, Gharaba, Southerners, Halab and nomads. Slavery mentality still guides political thinking of Sudan's political ruling elite

Negative ideas about difference between the ruling elite and the marginalized are prevalent throughout Sudanese life. Consider for example the way racist ideas are used in public discourse by those in power:

- Mekki and his Black Belt who are "burglars at night and flies during the day"
- Sadiq talks of taming the relationship between Arab and African;
- A/Alla Al Tayib: Invoking slavery spirit of infamous slave trader Zubair Pasha
- Zubair shamelessly celebrated street name in Khartoum
- Tayib Saleh ashamed of name of the country – Bilad al Sudan (Land of the Blacks)
- Afifi talks about Oedipus complex; mother versus father
- Al-Bashir refers to Southerners as Hasharat (bugs or insects)
- Bashir also claimed that women in Darfur should be grateful to be raped by an Arab man.

Ethnic groups are therefore armed with pedigree papers which aim to show their "Arab" pedigree and lineages to the Prophet, which are authenticated in Mecca. However, these pedigrees are not credible and no respectable historian would take them seriously. The obsession with an Arabized culture can be seen in the representation of history within the educational curriculum. Historic figures have to be Arabs or Northerners and in schools, Sudanese history lies across the Red Sea. In Elfashir Secondary School, there were 4 Khalifas in class teaching. Umkeddada in Northern Darfur was presented in such a way that looks like it is in Saudi Arabia, just miles from Mecca. Students are told to change their names from indigenous language names to those with an Arabic valence.

The falsification of history also stretches to names of localities which are changed to reflect an Arab pedigree such as **Id al-ghanam** (well of goats) was changed to **Id Alfursan** (well of fursan, or warriors). This trend continues today in Darfur where areas evacuated by violence are now renamed:

- **Fugu Fukka** (Fur) also known as **Jebel Amer**, meaning red mountain, was changed to **El-Waha** (Arabic meaning oasis)
- **Nyga Duolo** (Fur) meaning valley, was changed to **Naaga Dalow** (Arabic) meaning a female unloaded camel
- **Dogei** (Fur) meaning worn out plough, was changed to **Um Al Gura** meaning mother of all villages -- a reference to Medina in Saudi Arabia.

To ensure that students learn the correct history, government ministers ordered Sudan National Museum to be true to Islamic History of Sudan. 10,000 year old artifacts were removed and replaced by a handful of centuries old Islamic objects".

Gender Marginalization & Violence

Women from the marginalized areas are among the most vulnerable groups in Sudan. They are vulnerable due to their gendered position in society that favors men; due to economic insecurity and due the violence that is engulfing their regions. Women and children suffer most from conflict and informal economic activities, such as domestic service and firewood collection render them subject to sexual violence and other forms of predation.

Gendered Labor Market Differentials

Women Command Lower Wages and Work Longer because women are generally less educated and work in poorly paying jobs. This situation is due to overt discrimination in the labour market. Women's access to the labour market is mediated through ideas of Islamic propriety – as their lives in general. Their ability to travel, to operate in the marketplace and in public arenas dominated by men is restricted. In rural areas, the gendered division of labor is often remunerated in kind. This makes women's wage rates lower (although in times of famine it can work to their advantage).

Women Face Discrimination in Inheritance and Access to Credit. Women find it difficult to gain equal access to these resources – in particular, family property and credit due to stipulations in Islamic Law. There is a painful irony to this situation since women prove to be better custodians of assets than men. Nonetheless, women's repayment rates for small loans are much higher than men. In addition, women have a large number of dependents vis a vis men. It is women that are left to look after most high-dependency ratio households after deaths, separation and displacement.

War Economies and Violence against Women

Recent work in Darfur on the effects of conflict demonstrates that women are highly affected by changes to markets, housing conditions and generalized insecurity. In cities under conditions of conflict, women are often displaced to insecure peri-urban areas at the city's edge where militias operate. Those who exist in camps next to cities have to make dangerous trips into the city to make a living in markets selling tea and other goods. They are also particularly susceptible to price fluctuations for basic food items such as rice, oil and sugar, which can drastically reduce their purchasing power. Where men may be part of armed movements, family structures can change overnight leaving women responsible for the elderly, for children who have been orphaned and so on. The working day for women in urban and rural areas is therefore significantly extended, leaving them little chance to rest or take care of their own needs.

In addition to changes in women's livelihoods under conflict conditions, there are also changes to their security. Women in camps who have to leave to obtain firewood for cooking often face sexual predation from men and significant numbers of women are raped. This kind of insecurity can force women to minimize their trips outside camp perimeters. Yet engagement with the local labor market is also changing due to lack of hard currency and in places, a barter economy has been reasserted. Recent research also shows that women who are vulnerable are also to susceptible to barter or trade in sexual services. This is particularly the case in war economies where there is a lot of uncertainty, a large influx of workers who are part of the aid infrastructure and have large disposable incomes. Women are therefore forced to engage in such activity if they are to survive.

The Sudanese State: Discrimination, Marginalization and Revolution

The Sudanese State: A False Start

From the start, since gaining independence in 1956 to the present day, Sudan failed to establish the basis of a viable state. Consequently, it failed to establish:

- Agreeable 'national identity' that reflects its societal ingredients
- Consensual 'Constitution';
- Governance institutions

The result is that Sudan remains a highly contested state associated with political disarray and durable disorder. National identity was narrowly and wrongly constructed on the basis of Arabism and Islamism despite of its multi-ethnic, multi-linguistic, multi-religious realities that reflect its various sub-national identities. Towards that end, the Sudanese state pursued a persistent policy and politics of forced cultural assimilation that amounted to ethnocide in some instance, particularly in the peripheral regions.

Institutionalized Discrimination

Organized attempts to marginalise and exclude certain groups of Sudanese nationals from participation in public life in the post-independence Sudan date back to 1954 when a Sudanisation Commission was established to oversee the transfer of executive powers in independent Sudan to its rightful nationals. The Commission had been mandated to appoint Sudanese citizens in senior public positions to replace British officials and other expatriate foreign workers in the service of the colonial government of Sudan. The Sudanisation Commission entertained 913 public posts of all categories both at the level of the central government and in the nine provincial administrations of that time. The Sudanisation process ended up with the appointment of 905 Sudanese nationals originating from the *Riverian* northern parts of the country out of the 913 senior government positions (or over 99%). The remaining 8 vacant public posts were filled with the appointment of 6 officials from South Sudan and two from the Greater Kordofan. These 8 public positions were in fact inferior posts as assistant district commissioners or junior police officers.

Marginalization and Revolution

The persistence of institutionalized discrimination and continuation of that false start has ossified nation-building, arrested national integration and, therefore, impeded the realization of Sudan as a viable political entity. This deformed state produced unequal and exploitative center-periphery relationship coupled with multiple marginalization and exclusion from power-and-wealth sharing. One major repercussion is a recurring revolt of by the peripheries against the Centre. The first and second civil wars of 1955–1972 and 1983–2005, the separation of South Sudan in 2011, the on-going conflicts in Darfur, the Nuba Mountains and Blue Nile are clear indicators of this dynamic. Political strife in these marginalized areas centers on three separate, yet interconnected, questions of:

- Exclusion of their sub-national identities in national identity
- Alienation of their lands (territories) as livelihood base, source of local power and wealth; and symbol of their identifications; and
- Political marginalization and exclusion of from national power and wealth

The Sudanese State needs radical redefinition consequently reconstruction through building inclusive national consensus on:

- National identity
- A Permanent Constitution
- A Governance System the capitalize on proper federalism
- Affirmative action and de-marginalization to redress the current inter-regional and social disparities in national development

The Sudanese State: Governance and Constitutionalism

Constitutional and Legislative Safeguards: Appearances and Reality

There is a stark difference between what is written into law in Sudan and what exists in reality. In theory, Sudan is a colour-blind African country with no constitutional or legislative system that provides for institutional discrimination. However, the absence of *de jure* discrimination in Sudan does not exclude the existence of *de facto* exclusion and discrimination. To the contrary, exclusion and discrimination continue to be a major challenge for the country to address.

In law, there is recognition of its diverse ethnic and cultural components, and a number of legislative provisions to combat discrimination were embodied in Sudan's legislation. Consequently, Sudan's current and previous constitutions and laws do not sanction exclusion of, or discrimination against, any group of citizens on racial or ethnic grounds, especially in government employment policy. The Interim National Constitution of the Republic of Sudan of 2005 is the most progressive document in the history of the country and has provided for a comprehensive Bill of Rights compatible with universal human rights standards. In article 4 (b and c), the Interim National Constitution of the Republic of Sudan stated that: b. religions, beliefs, traditions and customs are the source of moral strength and inspiration for the Sudanese people, and that c. the cultural and social diversity of the Sudanese people is the foundation of national cohesion and shall not be used for causing division.) It is to be recalled that Sudan is among the first countries to adhere to the International Convention on the Elimination of All Forms of Racial Discrimination.

In addition to the Interim National Constitution of the Republic of Sudan (2005), the government introduced certain legislation in recent years in what seems to be an attempt to embrace the country's multi-ethnic and multi-cultural components. The outcomes of the implementation of these measures are yet to be evaluated. The most recent documents in this regard are the following:

1. National Council for the Advancement of Languages Act (2005)
2. National Broadcasting and Television Corporation Act (2001)
3. National Council for Culture and Arts (1999)
4. National Cultural Groups Act (1996)

Despite these constitutional and legislative provisions, stark imbalances in government employment are growing and observed in senior as well as junior posts in public service. In certain government institutions, it is hard to find people from marginalized areas of Sudan such as Darfur, Eastern Sudan, the Nuba Mountains and Blue Nile at any level of government service. Regional imbalance and inequitable employment in public service is observed to the extent that before the signing of the Comprehensive Peace Agreement (CPA) in 2005, there were 31 Executive Ministries and 4 Coordinating Ministries at the federal level. These highest government organs employ about 930 public servants as Under-Secretary, Deputy and Assistant Under-Secretaries and Head of Department. All these posts were held by officials from Sudan's *Riverian* north or persons originating from this area. Yet another type of exclusion is observed in the relatively hazardous jobs such as the army and the police force where the majority of the rank and file is from the disadvantaged regions, mainly South and North Kordofan, Darfur and other parts of the country, while a disproportionate majority of the officers corps, which enjoys all the important privileges and benefits, comes from the *Riverian* northern region.

Peace Agreements and Processes

Sudan has been beset with many conflicts: the South, Nuba Mountains, the East, Darfur and each of these conflicts has generated its own peace agreement. Over recent years, it has become clear that incremental peace agreements fail to address the wider dynamic of marginalization and inequity. It is the monopolization of the Sudan's resources by a very small percentage of the population at the expense of others that is causing the problem.

Peace Agreements - CPA

The comprehensive Peace Agreement was a product of a very long process since the start of the second civil war in Sudan in 1983, the CPA final negotiations took around 30 months of comprehensive negotiations, pressure from the regional and international communities and produce a very good text even though it's been two parties negotiation, the National Congress party government (NCP) and Sudan People Liberation Movement (SPLM).

The CPA aimed to achieve three main objectives:

- Sustainable Peace
- Democratic transformation in Sudan
- Allow South Sudanese to vote in self-determination referendum (the two parties must work to make unity attractive).

Some others issues, which supposed to be, address include:

- Managing diversity
- Unequal development
- Addressing the grievances of people in the two areas (South Kordofan & Blue Nile).

The CPA recognized the former rebel army and gave South Sudan autonomy, in the interim period , government of national unity was established with representation of some to political parties by the NCP kept it majority 52% and allow it to continue in control of the country and help them to derailed the implementation of many aspects of the agreement.

Reasons for the CPA Failure

The main reason why the CPA failed to achieve most of it objectives are:

- The agreement supposed to put Sudan in the path to genuine peace and democratic transformation , but the National Congress Party (NCP) wanted to allow it buy more time by getting recognition of the international community, and removal of the sanctions .
- One of the defects of the agreement was that it gave the NCP 52% of the power according to the power sharing and that allow it to keep its security organs and to use them to run the government and manipulate the population census and later the election at the same time keeping all the laws which contradict the Interim Constitution.

DPA & DDPD

Two peace agreements have been signed in Darfur. The first signed on 5 May 2006, was called the Darfur Peace Agreement and was signed between the Minni Minawi faction of the Sudan Liberation Movement (SLA/M) and the Government of Sudan. The second agreement, entitled the Doha Document for Peace in Darfur was signed in July 2011 between Tigani Seisi and his proxy government movement called the Liberation and Justice Movement (LJM) and the Sudanese Government. The second peace agreement brought the Darfur Regional Authority in. Both agreements, since they were signed with minority interests have failed to bring peace to Darfur. The Darfur Regional Authority overseen by Seisi has since overseen a new cycle of inter-communal violence, resource extraction and population enclosures

Human Rights and Humanitarian Issues

Sudan has been under special procedures in the UN Human Rights system for more than 20 years. Sudan has also been on the agenda of the African Commission on Human and Peoples' Rights for many years. Yet despite the numerous recommendations made by the UN and AU on measures for improving human rights, the Government of Sudan has continued to commit systematic and grave human rights violations. Little attention has been paid to the underlying causes of conflict, notably racism and discrimination against the marginalized people of the peripheries.

UN and AU human rights bodies should look again at the 2009 report by the AU High-Level Panel on Darfur (AUPD) chaired by former President Mbeki, which contained a very clear diagnosis of the root causes of Sudan's conflicts, including Centre-periphery relations. In particular, the report made clear that Sudan had failed to manage its diversity. African Heads of State and Government at the AU Peace and Security Council in Abuja in October 2009 adopted the report. A decision was taken at the same meeting to transform the AUPD into the AU High-Level Implementation Panel (AUHIP) with a wider mandate and empower it to implement the recommendations of the AUPD's Darfur report. But the Government of Sudan did everything possible to ensure that the report was never implemented. A clear implementation roadmap with deadlines needs to be followed.

The human rights and humanitarian situation in Darfur continues to deteriorate while permits to travel to the region are unavailable to all except government personnel. Food aid continues to be withheld in many camps and international external aid providers are still refused access to the region on the basis that Sudanese NGOs will fill the void. The fact is that such providers are linked to government circles and do not provide aid to those who are displaced. Today, Internally Displaced Persons face many threats. In Darfur they are under threat from extortion by proxy militia elements linked to the government operating in the immediate vicinity of the camps and the proliferation of armed sub-groups of the Janjawiid.

Across Darfur, attempts to forcibly relocate residents to model villages are underway in line with Sudanese government policy. These actions, carried out by the Darfur Regional Authority and funded by the Government of Qatar, register entire camps (such as has been seen in Bindisi, Central Darfur) before telling them to move. Model villages have a long history of subjugation, surveillance and control having been used by the colonial authorities against peasant workers in Egypt. The goal, much like the closed district ordinance, is to enclose populations and control movement.

The goal of population enclosure is strongly related to the use extractive industries in the region on previously occupied land. In areas such as Jebel Amer, population relocation is created by violence and displacement. Gold extraction has become a priority of the government and is being pursued through dangerous mining practices that threaten the ecology, environment and future livelihoods of the population for generations to come.

In the Two Areas, constant bombardment has resulted in the population being forced to live in caves and often suffering from malnutrition. In the Nuba Mountains, local populations are being forced away from camps due to insecurity and the threat of rapid support forces and are often living with very difficult humanitarian conditions. These conditions are made even worse by the fact that armed forces are purposefully targeting schools and hospitals with the idea that this will further endanger lives. There are many unexploded ordnances, which also constitute a grave threat to life.

Little attention has been paid to the Manasir and other communities in the northern areas of Sudan displaced by the Government's programme of dam construction. Many of those displaced have been resettled in the desert without access to schools, clinics or adequate water for farming. The Government of Sudan should fulfil its promises to compensate those displaced, enable them to live on the shores of the reservoir created by the dam and provide electricity and basic services. Given the social and environmental impact and high rate of evaporation, further plans for dam construction in the northern part of Sudan should be suspended.

ROUND ONE WORKING GROUPS

Round One of the Dialogue identified four initial areas where urgent research and community work is required. After discussion, it was decided to focus on these areas and bring the findings back to the second round where they can be discussed, further analyzed and where strategic planning can occur. The areas are:

- Economic Empowerment & Land Rights
- Education & Culture
- Human Rights and Humanitarian Issues
- Social Mobilization

The recommendations for each group follow.

Since a second goal of the Dialogue is to link cutting edge research with social mobilization and community dialogue around these issues on the ground, the working groups are also empowered with creating networks of leaders and activists in the areas concerned. These networks can be both sounding boards for initiatives and at the same time assist with information gathering and research. These networks will also be the foundation for information and education campaigns.

The third goal is to train, build capacity and empower communities affected by marginalization so that they can advocate and act for themselves. In particular, we noted a that there are a lack of suitably trained women to lead their peers and a lack of capacity to report on human rights abuses in manner consistent with international norms. To date we have written four grants in relation to the following:

- Organisational capacity , including project cycle management;
- Basic human rights training;
- Technical capacity (how to deal with victims of sexual violence in conflict areas, which will include documentation of cases, counselling the victims).
- Raising the awareness of women and their social, economic and political rights.
- Training for victims of domestic violence, also how to fight practices such as FGM
- Training on how to collect research effectively so as to document changes to livelihoods
- Religious tolerance

We have also started working on the provision of a website, a Marginalised Women's Network and youth and students networks.

RECOMMENDATIONS

Economic Empowerment and Land Rights

The current economic conditions in Sudan are not sustainable. Sudan's economy can be described as a war economy in crisis. The economic crisis is the result of the wars in different parts of the country. It obliterated the margins of the country from the economic cycle and left its population in abject poverty. The state role is not only engineering the economy but also empowering the society and building their entrepreneurial capacity to own and use the local resources -- in particular the land.

We recognize that the marginalized areas are the most productive areas of agriculture, livestock and oil. The land is the epicenter of the economic activities and the most relevant factor of production.

A. Long term objectives

1. Land restitution must be integral part of any peace deal to address the historical and or contemporary injustices and grievances towards local communities. Unlike the CPA, DPA or DDPD the land question should be redressed in detail according to the best local customary norms, practices, and international experiences.
2. The 1970 Unregistered Land Act and the subsequent related repressive laws and regulations, must be replaced with new ones that recognize communal land rights, use, and ownership irrespective of gender. The 1925 Land Settlement and Registration Ordinance should be reintroduced applied nationwide.
3. All the communally owned and effectively occupied land must be recognized, followed by a fair process of appropriation and registration to community's individuals. The colonial process of land registration that took place in central and northern Sudan should be continued nationwide.
4. Positive affirmative action to address the historical grievances and close the gap between the states.
5. Building entrepreneurial capacity and microfinance and to encourage the ownership of small business.
6. Devolution of power, autonomy and resources to the regions.

B. Action Plans for Round Two:

1. Policy awareness of rights to local communities.
2. Workshops to build capacity on entrepreneurship activities for youth and women
3. Develop website for the group
4. Publish the conference proceedings.

Human Rights and Humanitarian Issues

Human Rights

- The UN Security Council should call on UNAMID to produce public human rights reports on Darfur. UNAMID is supposed to produce such reports on a regular basis but has not done so for 5 years.
- The international community should provide more training for local human rights monitors in Darfur and the Two Areas and more capacity building for independent human rights organizations. Local people need to be trained to document evidence of human rights violations in a useable format. Support should also be given to local organizations that provide trauma healing and free legal advice to victims of human rights violations.
- Justice for human rights victims must be part of any political settlement. The absence of provisions for accountability was a shortcoming of the CPA.
- An independent international Commission of Enquiry should be set up for the Two Areas. In the meantime, information and testimonies should start to be collected systematically from human rights victims, including refugees in camps in South Sudan and Western Ethiopia.
- The Government of Sudan has deliberately created an information black hole about what is happening on the ground in Darfur and the Two Areas. International journalists are no longer allowed to travel to these areas and no coverage is allowed in the Sudanese media. This needs to be addressed by making maximum use of independent media outlets such as Radio Dabanga and Radio Tamazuj and modern media such as Youtube.
- Special attention should be paid to the Manasir and other communities in the northern areas of Sudan displaced by the Government's programme of dam construction. Many of those displaced have been resettled in the desert without access to schools, clinics or adequate water for farming. The Government of Sudan should fulfil its promises to compensate those displaced, enable them to live on the shores of the reservoir created by the dam and provide electricity and basic services. Given the social and environmental impact and high rate of evaporation, further plans for dam construction in the northern part of Sudan should be suspended.

Actions Before Round Two

A group of representatives from the marginalized areas should be invited to attend the next Civil Society Forum in Addis in the margins of the AU Summit in January 2015

A number of "human interest stories" illustrating discrimination against communities from the marginalized areas should be identified, documented and disseminated. The example of Hamdab is a case in point

Humanitarian Issues

- War-affected areas such as Darfur and the Two Areas should be treated as a priority. In these areas, people are being displaced on a daily basis by indiscriminate aerial bombing in civilian areas and attacks by government security forces and allied militias. The deliberate targeting of crops and livestock with incendiary bombs is destroying livelihoods. Institutions including hospitals, schools, water points, mosques and churches are also targeted. The fact that the Government of Sudan has not complied with UN Security Council resolutions banning aerial bombardment in Darfur should be highlighted. A No Fly Zone should also be established in Darfur and the Two Areas.
- Humanitarian assistance should not be linked to political issues. The provision of urgent humanitarian assistance should not be held hostage by political negotiations.
- The Government of Sudan continues to use denial of humanitarian access to rebel-controlled areas as a weapon of war in the Two Areas and Darfur. The international community should continue to press hard for unhindered humanitarian access.
- In government-controlled parts of the Two Areas, the Government of Sudan will not allow the establishment of IDP camps. As a result, many IDPs have no shelter and are living under trees. The Government should be reminded of their responsibility to allow international humanitarian agencies to help IDPs.
- There has been an increase in the recruitment of child soldiers. All parties to the conflict should be called on to stop the recruitment of child soldiers.
- In Darfur, the international community should highlight the right of IDPs and refugees to return to their original areas of origin rather than being forced to go to designated resettlement areas or model villages; and stress that return should be genuinely voluntary and based on informed choice.
- UNAMID needs to be more assertive in protecting IDPs. According to international humanitarian principles, the Government of Sudan should not be allowed to enter IDP camps.
- UNAMID needs to be much more effective in discharging its Protection of Civilians mandate. The strategic review of UNAMID called for by the UN Security Council should be conducted rigorously and should take account of the leaked documents provided by the former UNAMIS information officer Aisha Basri.
- The plight of refugees in Sudan affected by the South Sudan crisis should be looked at as a whole. Some of the refugees from the Nuba Mountains and Blue Nile who fled to camps in Yida or Maban have been forced to return to the North to escape fighting in the South. Conversely, some of the southern refugees who were trapped in Kosti and eventually tried to return to South Sudan by barge were forced to return to the North as a result of the conflict in the South.
- The humanitarian situation in Eastern Sudan deserves special attention because people are suffering from high infant and maternal mortality. Malnutrition is also causing diseases such as TB and a falling birth rate. Priority should be given to emergency feeding programmes for severely malnourished children under 5.
- Attention should be paid to the needs of unaccompanied minors from the marginalized areas living in Khartoum and to the monitoring of trials involving minors.

Education and Culture

Long term Vision

“A Nation at Peace with Itself and Others”

Process

Education

Address the deficiencies in the current education system and curriculum by assessing how the disparities operate across marginalized groups. This needs careful analysis of existing data to understand trends over recent decades, but especially in the wake of Arabization or Islamization project. After we have assembled data, it is important to critique it to ensure that it is internally valid, before simplifying it and publishing it in the form of a report. It is also important to ensure that information is made available to the people of marginalized areas in indigenous language and also through Radio Dabanga, Kauda, Radio Nuba, Radio Tamazuj.

After this, it is important to establish participatory and inclusive network from marginalized networks to discuss how educational disparities and participation could be improved.

It will then be necessary to review existing curricula in marginalized areas and identify strategic learning objectives that promote elite or Arabized culture at the expense of indigenous culture. Once identified, it will then be important to create a more balanced curriculum with cultural references that do not create “inferior” identities and that celebrate the achievements of famous citizens from marginalized areas. The goal will be to design an educational curriculum that is inclusive, pluralistic, reflective, authentic and morally grounded

Culture

In order to establish an alternative to the current emphasis on an elite monoculture, it is important to engage in participatory dialogue in the marginalized areas to ascertain who we are and how we can live together while recognizing the value of other cultures. In particular discussions should address:

- Self-Identification (Who are we? What are we proud of in ourselves?)
- Recognition of Others
- Peaceful Co-existence

It is also important to identify the literary works, poems, songs and other cultural products from each marginalized area making sure that they are available to children in school so that they can grow up and know them through the education process. Make sure that children of marginalized communities believe not just in the great works, poems etc. of the center, but also their own people.

It is also important to introduce the adults in a population to the important works from their people and from other marginalized areas to generate a cultural revival

SHORT TERM OBJECTIVES (Next round)

- List of the Stakeholders in each location
- Produce an inventory of work on educational inequality.
- Start to catalogue important cultural works

Social Mobilization

Aims of Social Mobilization

1. To organize the marginalised people across the county to initiate and take action for the purpose of positive change.
2. To unite all marginalized people of Sudan in order to work together as a single force bound by common goals.
3. To encourage the marginalized to demand their rights to play their roles as full citizens with corresponding opportunities and responsibilities.

Action Plan

1. Make a short YouTube in which contributors to the Conference give brief summaries of their papers – in Arabic. Justice Africa will help disseminate the film. Justice Africa will make the film available for unregistered civic societies of interest.
2. Train activists while making all efforts to be inclusive and attentive to capacity building needs. Justice Africa has already secured some funding of this work
3. Organise visits of young people to conflict areas as well as localities of potential conflicts. Such visitors will be encouraged to record their visits and share experiences with interested others.
4. Link advocacy groups together through social media with the aim of sharing experiences and avoid wasteful duplication of work.
5. Produce a progress/ achievement report within six months. The report goes to funders while suitable versions will be disseminated to other stakeholders.
6. Communicate proceedings and or recommendations of this conference to other interested parties, including the armed movements.
7. Develop and upgrade ways of engaging African governments and keeping them informed about work and goals.
8. Formation of a steering committee to follow up implementation of this Action Plan and coordinate contacts among members of the workshop and other interested individuals.

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