



# Sudan Studies

for South Sudan and Sudan

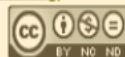
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## Editorial

Welcome to issue 55 of *Sudan Studies*, which is appearing slightly later than usual due to the long shut down over Christmas and New Year.

As usual, this winter issue contains reports and articles by some of the participants and speakers at the autumn Symposium, which was held last year in September. It was a lively event and very well attended.



*Left to right: Jacob Lagu, Arn Muortat and John Ryle at the Symposium.  
(Credit, Frédérique Cifuentes Morgan)*

**Aziz el Nur Abdel Magid** and I have written a short report on the literary panel that was held and we also have a translation of **Al Saddiq al Raddi's** Poem of the Nile. The original version of the poem in Arabic will be available on our website.

**Peter Verney**, who was a speaker in the 'Migration' panel at the Symposium, has written about the perils of seeking asylum in the UK, drawing on his experience of working with lawyers who represent asylum seekers. **Ali Agab**, who is a Sudanese human rights lawyer based in the UK, has written about the rule of law in Sudan, complementing the article by **Lutz Oette** in our last issue, *Litigation before the African Commission on Human and Peoples' Rights and the struggle against torture in Sudan*.

**Jesse Zink**, who is Director of the Cambridge Centre for Christianity Worldwide in Cambridge, has contributed an article about Dinka vernacular literature and the creation of *Bung de Diet ke Duor* ("Book of New Songs of Worship"), a Dinka-language hymnal compiled in the 1990s. Jesse recently won the Audrey Richards prize, which is awarded for the best doctoral thesis

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in African Studies by the ASAUK (African Studies Association of the UK).

There are six book reviews in this issue, reflecting the large number of new books being published about South Sudan and Sudan. Each is accompanied by a small photograph of the book's cover which, if you wish to purchase the book or look it up online, should aid recognition.

**Douglas Johnson** reviews Bona Malwal's political memoir, *Sudan and South Sudan: From one to two*. Douglas's own book, the third edition of *The Root Causes of Sudan's Civil Wars* is reviewed by **Michael Medley**, who also wrote the review of the second edition in Issue 45 of *Sudan Studies* (available on the website). **Leben Moro** reviews Kuyok Abol Kuyok's biographical dictionary of "The Notable Firsts" of Sudan and South Sudan. In the next issue we hope to have an article from **Aru Muortat**, who spoke at the Symposium, about those who contributed historically to the liberation of South Sudan.

**Jack Davies**, the former editor of *Sudan Studies*, has contributed a review of Edmund Wyatt's biography, *In the paths of dangerous fame*, about the 18th century traveller W.G. Browne, who famously visited Darfur, while **Matthew Benson** reviews a collection edited by Markus Hoehne and Dereje Feyissa, *Borders and Borderlands as Resources in the Horn of Africa*. **Aziz el Nur** reviews a short story collection edited by Ralph Cormack and Max Shmookler, *The Book of Khartoum*. We have some other literature reviews lined up for the next issue.

Finally, I would like to thank all those people who have contributed to this issue and invite members to make suggestions for articles or book reviews and consider contributing to future issues of the journal. We welcome all types of contributions on a widerange of issues and I would be delighted to hear from you. For current information about SSSUK activities and meetings please see the website at **[www.sssuk.org](http://www.sssuk.org)**.



# Mohamed Ahmed Abdalla Abbaro

## An Appreciation

Mohamed Ahmed Abdalla Abbaro left us last year and we were very sad to lose a faithful and very long-standing member of the Society for the Study of the Sudans. Mo Abbaro, as he was better known, could be relied on to appear at the annual Symposium, invariably smiling and often asking pertinent questions.

I didn't personally know this celebrated ceramicist very well but I shall not forget him for his sense of humour and an air of anything being possible that he seemed to exude. Although I saw him several times after that, my abiding memory is of him sitting by an open fire one evening in the University of Durham's Norman stronghold during the International Sudan Studies Conference in 2000. What by Sudanese lights appeared a rather Bohemian group were in intense but relaxed discussion. Not all had Mo's deep personal and professional experience of life in Britain and I recall trying to persuade some of his fellow artists that it really was possible for them to go into Durham Cathedral just across Palace Green to experience its astonishing architecture. Mo's laughter rang across the Castle room.

Mohamed Abbaro taught for over 30 years at the Camden Arts Centre in London and Sudan Studies hopes to publish a longer appreciation of his life and work in our next issue. In the meantime, readers might wish to seek out the tribute to him last May in the *Daily Telegraph* at <http://www.telegraph.co.uk/obituaries/2016/05/19/mo-abbaro-ceramicist--obituary/>

SSSUK wishes to offer its condolences to Mo's widow, Rose, and their three children.

**Mohamed Abbaro, born Abu Jubeiha, Nuba Mountains, 17 October 1935; died London, 12 March 2016**

Gill Lusk, SSSUK Chairperson

## Sudanese Literature Today: A panel discussion

Aziz el Nur Abdel Magid and Charlotte Martin\*

Sudanese literature in both Sudan and the diaspora is a hot topic at the moment, with an increasing number of books and poems by Sudanese writers being published in Arabic and English. In June 2016, **Ahmad el Malik** and **Tarek Eltayeb**, two well-known Sudanese authors living in the diaspora, were the guests at an evening in London organised by the magazine *Banipal*,<sup>1</sup> in which there was a discussion on Sudan's "flourishing and changing literary scene today". It was an inspiring evening during which the work of both authors was read and discussed in Arabic and English, and a range of questions debated, including how the authors' writing could be defined as specifically Sudanese and what authors' responsibilities (those living in Sudan and Europe) were to those living inside Sudan.<sup>2</sup>

Several SSSUK members attended this meeting and felt inspired to attempt something like it at the 2016 SSSUK Symposium. This was held in the Brunei Gallery Lecture Theatre at SOAS on September 17th 2016. A Literary Panel was chaired by **Raga Hashim Makkawi**, a postgraduate in political science at the London School of Economics and Political Science and a member of the Sudanese community in the UK. The panel comprised the poet **Al Saddiq Alraddi**, the publisher **Nizar Ateeg** and the novelist **Emad el Tayeb 'Baraka'**. The panel discussion was conducted in both English and Arabic, with Raga acting as translator. Raga opened the discussion by giving a brief introduction about each of the panelists, who all currently live and work in Europe.

- **Al Saddiq al Raddi** is a poet from Omdurman, now living in Britain, whose prime subject is Sudan's rich history and cultural diversity. His poetry is published mainly in Arabic but *Poem of the Nile* featured at London's Petrie Museum of Egyptian Archaeology, which houses many Sudanese artefacts and where he was poet-in-residence in 2012. The poem appeared in the *London Review of Books* (LRB) in 2006.
- **Nizar Ateeg** was a publisher and music producer in Cairo in the 90's; he is founder and manager of 'Shafuq for Publishing and Media Production', promoting Sudan's culture.
- **Emad 'Baraka'** studied acting and production, and produced drama for Sudan TV and later, in the Netherlands, for Radio Dabanga; he now lives in Britain and 'Migration' is the title of his third novel and the theme of all his books.

1 The evening also celebrated the launch of *Banipal* 55 (Spring 2016), the magazine of 'Modern Arabic Literature' which was a special issue entitled 'Sudanese Literature Today'. *Banipal* 66 also featured work by five other Sudanese authors.

2 *Banipal* 66 (Summer 2016) 'Putting Sudanese literature on the map', pp. 220-21, has a report of the June meeting and the questions that were debated. This edition of *Sudan Studies* was originally distributed exclusively to members of SSSUK. SSSUK now makes it freely available subject to licence and cordially invites readers to join the Society (see [www.sssuk.org](http://www.sssuk.org)).







*Left to right: Nizar Ateeg, Emad el Tayeb, Al Saddiq al Raddi and Raga Hashim Makkawi (Credit, Frédérique Cifuentes Morgan)*

The chairperson began by reading **Al Saddiq al Raddi's** *Poem of the Nile* in English. This had been translated by Mike Ford and Hafiz Kheir, and published in the LRB.<sup>3</sup> To the delight of the audience, Al Saddiq then read his poem in Arabic. The poem can be found in English after this report and will be made available in the original Arabic on our website soon ([www.sssuk.org](http://www.sssuk.org)).

**Nizar Ateeg**, a publisher in Egypt and now in the UK, talked about the publishing industry, touching on both authors and on the publishing and printing process. He told the audience that the current technology and know-how in Sudan is that of the 1960's, with low production rates and poor quality. Publication costs are prohibitively expensive as all materials are imported and tariffs for printing materials are high; the government gives all the tenders to its cronies. If books are printed outside Sudan, they cost a lot to import but still the quality is better and they are cheaper than books produced in the country.

There is a huge audience for Sudanese literature in Arabic and English outside Sudan. Nizar said that it is estimated that 3-5 million Sudanese people are currently living abroad and the key question is, what can be done for them regarding publishing? Currently, many writers self-publish their own books and only recently has it become economically viable to publish books and print them in the UK. Nizar's company *Shafuq* is currently publishing exclusively in Arabic and plans to do so for the next five years; two books have been published and a third is on its way. The publisher reflected that while the education system in Sudan

<sup>3</sup> Translated from the Arabic by Hafiz Kheir and Mark Ford for The Poetry Translation

Centre, Published in the *London Review of Books* (April 2006)

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means that people don't have the 'reading habit', outside Sudan there is freedom of expression and this offers opportunities for both publishers and authors.

The novelist **Emad 'Baraka'** responded to some introductory questions from the chairperson. Regarding the themes of his novels, he explained that he writes from personal experience. He has an unorthodox technique for a writer, as he visualises the beginning and end of his novels in a cinematographic way. His work, which is concerned with migration, is within the genre that has been labelled 'Diaspora' literature. Baraka explained that he started writing novels only after leaving Sudan. When he lived there, he studied drama, which probably influenced his style. His writing is only about his generation and his experiences, but these are not different from those of the current generation who all want to leave Sudan. In his novels, he tries to document the difficulty of migration before it even begins, the actual process of migration to another country and the migrant's attempts to settle in a new home. He acknowledged that he does talk about sex but only in the same way that he talks about eating and drinking; it is a normal human function. Passages about sex in his novels are not intended to serve as a marketing tool for his work.

Raga had asked Baraka to comment on the critics' claim that his style in his most recent novel, *Migration*, was similar to that of the famous Sudanese author, El Tayeb Salih, in *Season of Migration to the North*. Emad replied that while there are similarities, as both novels depend on having a narrator, his story is the opposite to El Tayeb's as it depicts outward migration, while El Tayeb's story tells of the protagonist's return to Sudan after living in the UK. *Migration* tells the story of a youth who leaves Sudan, journeying from Khartoum to Malta then to Italy and onwards to the Netherlands' border. He finally arrives in Amsterdam. He loses his friend due to a problem on the boat when crossing the Mediterranean, and the rest of the novel is suffused with the pain of that loss.

The panel then took questions from the floor and it was clear that there was a great deal of interest in all aspects of Sudanese and South Sudanese literature among the audience. During the break for lunch, copies of *Banipal* 55 and 56 that the publisher had generously donated were handed out to those who attended the Symposium. Copies of novels and other relevant literature concerning Sudan and South Sudan in Arabic and English were on sale in the vestibule throughout the event.

\*Aziz el Nur is a member of SSSUK and Charlotte Martin is the editor of 'Sudan Studies'



## Poem of the Nile

Al Saddiq al Raddi



*Al Saddiq al Raddi reciting his 'Poem of the Nile' at the September 2016 SSSUK Symposium (Credit, Frédérique Cifuentes Morgan)*

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## Poem of the Nile<sup>1</sup>

### Prelude:

Walls climb the ivy  
And Khartoum, poised on its un-amputated foot  
Singing  
Will the Nile ever escape into sleep?  
We were the most loving of lovers, children trickling from us  
What name do you give me?  
I call you Presence of Earth  
Come closer then  
What will be the taste of grief?  
.....  
And we parted!

### Sura:

The Nile flows quietly...  
Seeping through the city's silence  
And the burning sorrows of villages.  
  
Now friends no longer exchange greetings each morning  
No longer recognize each other.  
Everywhere one sees them, these one-time prophets,  
  
Poverty-stricken, sipping their tea, their tears,  
Speechless.  
They hide death in their fraying clothes,  
  
And all they can say to our children is: patience.  
They fade into the trees, commit suicide  
At night, derive from alcohol  
  
Their arguments, embark on futile wars  
With their women, give up

<sup>1</sup>Translated from the Arabic by Hafiz Kheir and Mark Ford for The Poetry Translation

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Their prayers, then disappear.

Walls climb the ivy  
And Khartoum, sitting in a café  
Smoking  
In the dark you can't tell apart  
Muggers from those whose journeys they'd cut short.  
We were lovers, looking for our children  
Who were breaking into bakeries, stealing fire  
From the ovens' throats.  
What name do you give me?  
I call you earth's Fiery Anger  
So rise up  
What will be the taste of ashes?  
.....  
And we parted!

### **Sura:**

Fire is the opposite of Water  
And Smoke is a memory that prepares us only for ash.  
Water is the opposite of Fire  
And the waves are like maps, rippling across the land.  
And the girl? She is somewhere between this heart and this knife...

City – you're a handful of grains of wheat, tucked  
Into the purses of usurers and slave-traders.  
And the black men

Are approaching, approaching. River Nile  
To what deserts are you taking my reflections? You depart  
And I stand among the horses, by your gate,

And my soul would embark on a holy journey too,  
For the silence suspended between us  
Is a language floating among the ruins of a beautiful,  
vanished

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past.

O River Nile, father  
Were the trees merely windows reflecting women's sorrows,  
Or have your waters shattered their images,  
Drowned the history of women,  
And painted forever their meadows the colour of poverty?  
Poverty invades the children's playgrounds, leaving  
Them silent, accursed, their heritage  
Only anger and disbelief.

**Sura:**

The Nile opens his arms  
Speaks to the migrant birds  
Falls silent

Reigns

And never sleeps  
Never sleeps

The Nile drinks dry the desert's tavern,  
Gets drunk on dumps of toxic waste,  
Must survive in the city, falling apart  
Each night, rising up through its history  
And never sleeps  
Never sleeps

The drums began with the sun  
And its light filtered songs that entered into the pores of the soul.  
In the river's shallows boats sheltered from toil and wind.  
Now the carnivals of the blacks take fire  
And the Nile has burst through the layers of time.

And, see, the kingdom of Meroë appears  
And the face of the Nubian lover  
Who walks among the sorrows of the waterwheels  
Searching for warriors among the horses.

Where does the line of ancestral blood begin

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And when does the blood loss reach its climax,  
O King Piankhy, enthroned ruler of Kush,  
A kingdom unravelling in bitter silence?

Shout at the horses, and let  
The waters ready themselves.  
Let the maps explode. How can the land be lost  
When the future belongs to the Nile?

The Nile knows of the disgrace of cities  
That have vanished.  
Knows of the old times  
Yet never speaks.  
It is the Nile...  
Generations will pass, and there will always be children  
Lingering on its banks,  
Waiting  
For it all to end.

# Dinka Vernacular Literature and *Bung de Diet ke Duor*: Hymnody and Publishing in a South Sudanese Church

Jesse Zink\*

## Introduction

Across Sub-Saharan Africa, Christian missionaries played a significant role in the shaping and publication of vernacular literature. In southern Sudan, Christian missionaries and Condominium officials met in 1929 to settle on a list of six vernacular languages in which educational and religious material would be published. The language of the Dinka people, in its various dialects, was one such language. Throughout the Condominium period, Anglican missionaries of the Church Missionary Society (CMS) translated into Dinka dialects the New Testament, the Book of Common Prayer, a handful of hymns and a collection of stories from the Old Testament. Catholic missionaries engaged in similar work in their sphere of activity. Many Dinka had mixed responses to the creation of this literature: in an oral culture, in which one of the chief cultural products was song, written material seemed decidedly foreign and of uncertain value.

Yet today there is a small but growing Dinka vernacular literature, created by native speakers of the language. In this paper, I study the emergence of that literature by focusing on the creation of *Bung de Diet ke Duor* (BDD, “Book of New Songs of Worship”), a Dinka-language hymnal created by members of the Diocese of Bor of the Episcopal Church of the Sudan in the 1990s. Appropriately for a Dinka literary product, BDD is a hymnal, rooted in the song-making that remains central to Dinka cultural production. Perhaps more surprisingly – at least to the early generations of Anglican missionaries in southern Sudan – BDD is a Christian product. In this, it shares Christian origins with the first vernacular publications; unlike those earlier projects, it is almost entirely the product of Dinka labour. The content of Dinka Christian hymns has been the focus of study elsewhere.<sup>1</sup> In this paper, I am interested in what the creation of BDD can tell us about the growth of Dinka Anglicanism during the second civil war. While BDD reflects the growth of Christianity in this period, it also demonstrates the institutionalisation of certain forms of Christianity after a period of rapid growth. The hymns that were included, moreover, also shed new light on the prominent role accorded to women in the growing Church, particularly in contrast to non-Christian Dinka culture.

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1 Marc Nikkel, *Dinka Christianity: The Origins and Development of Christianity among the Dinka of Sudan with Special Reference to the Songs of Dinka Christians* (Nairobi: Paulines, 2001),

261–339.  
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*Archdeacon Shaw with a young girl, Malek (Equatoria), 1939*  
*Durham University Library, Collection: Allison, O. C. (Ref: SAD.787/3/332)*

### *Early Translation Efforts*

The driving force behind much of the Dinka-language translation work undertaken by CMS was Archibald Shaw, the pre-eminent Anglican missionary in the region from his arrival in 1905 until well past his retirement in 1939. With a handful of Dinka assistants, he systematically worked through the books of the New Testament. In conjunction with the British and Foreign Bible Society, the finished

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products were made available in southern Sudan. As publication of the complete New Testament approached in 1940, he was conscious of not only the religious but also the literary significance of the forthcoming book: the publication, he wrote, had a “unique opportunity” to be “the spearhead and standard for the new Dinka literature... It must for some years be the chief textbook in the schools and will be purchased by the R.C.s [Roman Catholics] as well as the Protestant Missions.”<sup>2</sup>

The CMS missionaries had good reason for investing energy in translation and literature production. Their missionary strategy centred on education in the belief that by founding schools and educating a younger generation, they would be creating a class of literate evangelists who could spread Christianity throughout Dinka territory. As Shaw noted in a report to his London superiors, “I am strongly of the opinion that wisdom lies in the course of not multiplying European-manned stations, but of having one or two well equipped stations from which converts may be won, trained, and organised as native missionaries.”<sup>3</sup> For many reasons, this approach encountered resistance. Given the weak penetration of colonial modernity in Dinka territory in the first decades of Condominium rule, few Dinka saw the utility of Western styles of education. The students and the early converts to Anglican Christianity tended to come from peripheral and marginal sectors of society, attracted by the promise of material reward and advancement.

Shaw was a musician and it was important to him that the Church he was building had hymns. Some of the first material translated into Dinka Bor was a handful of hymns from the popular evangelical hymnal *Golden Bells*. Shaw also translated and pointed for chanting the psalms in the Book of Common Prayer. He taught his students to sing the canticles for the Daily Office: “We have lately been teaching them to sing the Magnificat and Nunc Dimittis to simple chants, and they have picked them up wonderfully quickly.”<sup>4</sup> However, all the music was imported; there were no hymn compositions by Dinka Christians.

Shaw’s retirement in 1939 coincided not only with the publication of the New Testament in Dinka Bor but also a flourishing of interest in Christianity around the mission station at Akot.<sup>5</sup> It was this “revival” that generated the first hymns composed by Dinka authors. The missionary at the Akot station in 1939 was John

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2 Archibald Shaw, letter to the Secretaries of the British and Foreign Bible Society, 27 April 1940. Archives of the BFBS at the Cambridge University Library, BSA/E3/3/115/1.

3 Archibald Shaw, “General Report on the British Mission Sphere of the Anglo-Egyptian Sudan,” no date, CMS Archive, Birmingham University, ACC111 F1/1.

4 Archibald Shaw, letter of 7 December 1912 from Malek, CMS Archive, ACC111 F3.

5 Andrew C. Wheeler, “Richard Jones and the Sudan Revival of 1938,” *Anglican and*

*Evangelical History* 71.2 (2002): 168–186.  
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Collinson and he recalled how Ater Bai, a workman associated with the station, composed several choruses which replaced “the old, badly sung English hymns. They were accepted with great enthusiasm and the singing of them was inspiring and much used by the Holy Spirit. The Gospel was carried by these choruses throughout the Dinka country.”<sup>6</sup> A more prolific composer of music was Daniel Ayup, who had previously had little contact with the mission station. Missionaries highlighted Ayup’s compositions in their correspondence home: “They [the hymns] are completely indigenous – the message, the idiom, the rhythm and tune are entirely their own so that here we have quite a new departure from western ideas. The thoughts expressed are sometimes quaint and perhaps even crude, but their fervour and direct simplicity cannot fail to impress us, for they are the native expression of a living, joyous, confident faith in the Lord Jesus Christ.”<sup>7</sup>

In spite of this seeming endorsement, these vernacular compositions raised concern among some missionaries that they would transgress the limits of acceptable orthodoxy. Their popularity among new converts meant that their content formed the basis of many people’s understanding of Christianity. Collinson, who was new to the mission field, later recalled that “I did not know that this kind of singing might not be acceptable to senior missionaries of long experience. We were told later that the tunes might well have evil associations.”<sup>8</sup> The decisive voice was that of Archibald Shaw who by and large came down in support of these new compositions, even as he also vetted them for “definitely erroneous or misleading ideas.”<sup>9</sup> As early as 1941, Shaw ensured the publication of a twelve-page booklet of these hymns. This laid the groundwork to produce in 1956 a new Dinka hymnal with 118 hymns, including both translated lyrics from *Golden Bells* and the new compositions from the Akot-area revival.

The end of the missionary era in 1964 coincided with social changes that introduced more Dinka to Christianity. Throughout the 1960s, some Dinka young men, particularly from communities on the east bank of the Nile River where the CMS mission had begun, were drawn into processes of labour migration and moved to northern cities, where they found in the Church a new way to express their

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6 John Collinson, “The Christian Church on the West Bank of the Nile, 1938-1940,” 1 April 1981, p. 3, New Sudan Council of Churches Archive, Juba, South Sudan. When I consulted this archive, it was disorganised and lacked a central record, making citation difficult. I retain a photograph of every document cited in this paper.

7 “A Dinka Song-Maker,” *Southern Sudan Mail Bag*, No. 10 (Feb. 1949), 21.

8 John Collinson, “The Christian Church on the West Bank of the Nile, 1938-1940,” 1 April 1981, p. 3. NSCC Archive.

9 Leonard Sharland, “Archibald Shaw: Sometime Archdeacon in the Southern Sudan

(Gordon Memorial Sudan Mission),” private notes held by Charles Sharland, 17  
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identity. During the period around the Addis Ababa peace agreement of 1972, Dinka young men moved to Juba, Malakal, and other urban areas in the south and some joined the Church. The Dinka Church was growing but it was growing outside of the villages and cattle camps at the centre of Dinka social existence. In this period, new hymns were composed and published at a modest pace. In the early 1980s, Dinka Christians in Juba produced a small mimeographed book and ran off about 1,000 copies.<sup>10</sup> Yet there was no substantial effort to produce a full-length hymnal.

### *Religious Change and Hymn Composition*

In the former CMS mission sphere, the second civil war from around 1983 was a period of substantial religious change among the Dinka. In the “liberated areas” controlled by the Sudan People’s Liberation Army (SPLA), a handful of Anglican leaders found themselves out of contact with the Church hierarchy in Juba and Khartoum but presiding over a rapidly growing Christian movement. Many Dinka repudiated their existing religious beliefs and sought Christian baptism. In 1983, the Dinka Anglican Church was a small institution with a trend towards modest growth. By the mid-1990s, it had become clear that the Episcopal Church of the Sudan commanded the allegiance of a large number of Dinka in communities on both banks of the Nile River.<sup>11</sup>

One indication of the rapid growth of Christianity was the large number of religious songs that were composed in the 1980s and 1990s by Christian converts. Indeed, when Nathaniel Garang Anyieth, the Anglican Bishop of Bor, first made contact with supporters outside Sudan in 1989, one of the first things he asked for was more paper and exercise books to record the songs that were being written.<sup>12</sup> In 1991, when Bishop Garang attend the first general assembly of the New Sudan Council of Churches (NSCC) in Torit, he carried with him more than a thousand new hymns that had been written in the previous few years.<sup>13</sup> The reestablishment of communication between the Dinka Church in the SPLA-controlled areas and foreign supporters – formalised in the creation of the NSCC – allowed Dinka Church leaders to turn their minds to the task of sorting through these new compositions and creating a new hymnal. With an initial grant from CMS and logistical support from the Sudan Literature Centre, work began on publishing a new hymnal.

10 Letter of Rhys Hall to Marc Nikkel, 28 October 1992, NSCC Archive.

11 See e.g. Rev. Andrew Wheeler, “Church Growth in Southern Sudan, 1983-1996: A Survey of Present Understanding,” in *Land of Promise: Church Growth in a Sudan at War*, ed. Andrew C. Wheeler, 11-38 (Nairobi: Paulines Publications, 1997); Marc Nikkel, “Aspects of contemporary religious change among the Dinka,” *Journal of Religion in Africa* 22.1 (1992): 78-94.

12 Nathaniel Garang, letter to Marc Nikkel, 30 June 1989. NSCC Archive.

13 Letter from Andrew Wheeler to Marc Nikkel, 1 May 1991, NSCC Archive.  
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Stephen Dit Makok, a Dinka Bor pastor who was widely known for his musical ability and knowledge of the new hymns, was appointed to coordinate the project.

The challenges of producing a hymnal during a war quickly became clear. Between the Torit NSCC assembly and the launch of work on the hymnal, the SPLA split along ethnic lines. The ensuing violence forced many East Bank Dinka to flee their homes. Many sought refuge at camps in southern Sudan near Nimule. Others crossed to Kenya or Uganda. Work on the hymnal was to take place at Nimule but the course of the war shifted and Nimule was soon under attack from the Sudan Armed Forces, making hymnal work impossible. The focus shifted to Kenya and Uganda. The Sudan Literature Centre was based in Nairobi. Dit Makok was based in Kenya as well. However, many other Dinka Bor, including the diocesan secretary and several members of the hymnal committee, were in a refugee camp near Arua in Uganda. Dit Makok was unable to gain permission to enter Uganda from Kenya, nor could committee members gain permission to travel to Kenya from Uganda.<sup>14</sup> What travel that did occur used up some of the initial grant from CMS.

Linguistic challenges arose as well. Research on the Dinka language was making clear that the orthography that had been used by Shaw and others needed revision, particularly to account for the varying degrees of “breathiness” on vowels.<sup>15</sup> The new spelling system made the language easier for Dinka to gain literacy without rendering the material useless for those who did not know the new system.<sup>16</sup> A further linguistic issue concerned the separability of Dinka words. Given that Dinka words are often compounds or have suffixes or prefixes, the question was when to write them as separate words and when to write them as one.<sup>17</sup> Each of these issues took time and energy and in many cases required rewriting the entire hymn text.

The hymnal committee was finally able to meet in Gulu, Uganda from December 1992 to February 1993. Previously, missionaries or government officials – non-native speakers – had prepared virtually all Dinka-language material. The hymnal project was probably the first time a committee of Dinka had collaborated to produce a written document of such length. The significant actors were Stephen Dit Makok and Ruben Akurdi Ngong, who was then serving as secretary of the Diocese of Bor. Aside from the linguistic issues, the major issue before the group was the task of editing and content. The surfeit of material needed to be substantially reduced in order to produce something that the Sudan Literature Centre could realistically publish. The group worked to eliminate hymns that duplicated themes in other hymns, as well as screen out those hymns which did

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14 Letter from Rhys Hall to Marc Nikkel, 28 October 1992. NSCC Archive.

15 Job Malou, *Dinka Vowel System* (Dallas, USA: Summer Institute of Linguistics, 1988).

16 Letter from Rhys Hall to Marc Nikkel, 21 July 1992. NSCC Archive.

17 Letter from Rhys Hall to Marc Nikkel, 5 May 1993. NSCC Archive.  
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not meet their theological criteria. Akurdit Ngong recalls it as a rather prosaic process: “Some of the things that did not have meaning for this life now, we had to put them aside and then we have to bring in the hymns that can really make people have confidence in God.”<sup>18</sup> This editing was significant. The musical compositions that came forth during the years of the civil war were not exclusively Christian in nature. Some of the composers who wrote Christian hymns also wrote songs in support of the SPLA. Some songs combined Christian and militaristic themes. Most significantly, perhaps, for a group of Christian leaders seeking to produce a hymnal of value to their Church, some hymns drew freely on both Christian and non-Christian material. One hymn, for instance, references both the apparent biblical prophecy against Sudan in Isaiah 18 and a prophecy from the 19th century Nuer prophet Ngundeng Bong.<sup>19</sup> The movement of religious change among the Dinka had a strong iconoclastic element that demanded the rejection of all religious beliefs that had come before. In that context, the Church could hardly endorse an appreciative quotation of Ngundeng. The song does not appear in the hymnal. As the late Mark Nikkel notes, songs like this “do not by and large conform to the ‘official’ theology or moral prescriptions of the ECS... they are expressions of common laity.”<sup>20</sup> What these Dinka Church leaders were doing was not all that different from what Shaw and other missionaries had done during the Akot-area revival in 1939. The enthusiasm of the hymn-composer needed to be vetted by the hierarchy. Fifty years later, however, that hierarchy was composed not of European missionaries but of Dinka themselves.

A final significant step was taken: a Bible verse was appended to each hymn. Although the hymns were a way in which Dinka were able to learn about Christianity without having to learn to read, the legacy of the missionary period meant that literacy and Christianity were still closely associated. Associating a Bible verse with each hymn indicates that the hymnal was emerging not simply as a worship resource but as a catechetical one as well. Bishop Akurdit Ngong recalled that new converts “learned the Bible through these hymns. That’s why you have to find the relevant verse from the Bible to put on top of the hymn.”<sup>21</sup> New converts could use the hymnal to learn theology through the content of the hymn but they could also use the hymnal to learn to read and, as they did, they would be directed to Bible passages that could deepen their knowledge and faith.

The work of the group in Gulu meant that in 1993 one hundred copies of a trial edition could be printed. It was used by Church leaders in refugee

18 Author interview with Ruben Akurdit Ngong, 12 April 2013, Bor, South Sudan.

19 Quoted in Marc Nikkel, *Dinka Christianity*, 335-336.

20 Marc Nikkel, *Dinka Christianity*, 337.

21 Author interview with Ruben Akurdit Ngong, 12 April 2013, Bor, South Sudan.  
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camps and also traveled further afield. Some Christians were returning to their homes in Bahr el Ghazal. As they did, they took knowledge of the hymns with them. One, Stephen Mou, brought a hymnal with him and used it to educate new Christian converts in the region. In 1998, 6,000 copies of the hymnal were published, followed by 7,500 in 1999, and smaller numbers as needed in subsequent years. In the context of the total population of the Dinka and the size of the Church, these numbers are not overwhelming. One of the primary means of transmitting hymns continued to be what it had always been for Dinka, namely oral transmission. Nevertheless, a new Dinka hymnal, created by Dinka people with some assistance from international supporters, was now in circulation. It was an achievement without parallel in Dinka religious history.

### *Women and Hymn Composition*

Rev. Marc Nikkel made an extensive study of Dinka Christian musical compositions and often noted the outsize role which women took as composers.<sup>22</sup> This is generally agreed to be in contrast with the role of women in non-Christian religious music production: “Contrary to Dinka traditional culture, women lead the way in composing and popularising new Dinka songs. This is highly unusual in a male dominated society. The Dinka, like most African peoples, have certain roles that fall in the male sphere. Composing and singing songs was one such sphere. It is not that women never composed or sang songs at all, but the fact is that men did it most of the time.”<sup>23</sup> Nikkel’s extensive study was largely complete before the publication of BDD and so is necessarily impressionistic. Helpfully, BDD includes an index of the authors of each hymn, which provides valuable data that allows for the careful study of gender roles in Dinka music.

There are 660 individual compositions in BDD, in two sections: 164 are in the “long hymns” section and a further 496 are in the “choruses” section. Generally, these latter compositions are shorter and designed to be repeated while the former have multiple stanzas and develop more complex theological themes. Of the 164 long hymns, 82 are composed in Dinka, 75 are translated from English or other languages, and seven have an unknown derivation. The translated hymns mostly the carry over from the *Golden Bells* translations, indicating the way in which some of these hymns still have ongoing importance for Dinka Christians. It is the 82 vernacular compositions that are of particular interest in this paper, though. Forty-seven (57 per cent) of them are by male composers and 35 (43 per cent) are by female composers. There is no way of comparing this data with Dinka musical

22 Marc Nikkel, *Dinka Christianity*, 303.

23 Isaiah Majok Dau, *Suffering and God: A Theological Reflection on the War in Sudan* (Nairobi:

Paulines, 2008), 77.  
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*"Women in prayer and singing procession, Kakuma Refugee Camp, c. 1996."  
(Credit, Marc Nikkel)*



*Church drummers at Poktap near Kongor, 1997*

*(Credit, Michael Medley)*

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compositions from before the rapid growth of Christianity in the 1980s but given the apparent consensus on the limited role of women in musical composition, to have 43 per cent written by women is a strikingly high figure. Nineteen different female composers are listed in this section, including Mary Alueel Garang, who has nine long hymns to her credit, and Doruka Akuek Makuac with seven. Thirty-five men are listed as composers of the 47 long hymns and no individual has more than four compositions to his name. While women have a prominent voice in this hymnal, it is a voice that is channeled through a relatively small number of individuals.

The choruses are more clearly Dinka compositions: 458 of 496 are composed in the vernacular, with only five clearly translated and a further 33 of uncertain or unknown derivation. Of the 458 vernacular choruses, 292 (64 per cent) are by men and 159 (35 per cent) are by women. (For a further seven choruses, it was not possible to determine the gender of the composer.) On the face of it, this appears to show a lesser role for women in the choruses than in the long hymns but two further issues must be considered. Of the 292 choruses, 14 are attributed to Daniel Ayup, the Akot area composer from the revival of 1939 and afterwards. A further 54 are by Stephen Dit Makok, the hymnal editor who no doubt had some significant influence in what made the version. If one discounts these choruses, the total composed by women is closer to 41 per cent, a figure that is more in line with the figure for the long hymns. There are 78 different female composers of choruses and 106 different male composers. Some women have as many as a dozen choruses attributed to them, though these are generally different women from those who composed the long hymns.

These data support several conclusions. First, the vernacular compositions in BDD are roughly split 60-40 between men and women. This is not parity, obviously, but it appears to be a significant change from what would have been the case prior to the sudden turn to Christianity. Second, women have a more prominent role in the composition of long hymns. It is these hymns that have done so much to shape the theology of Dinka Christianity and which are sung with such fervour by Dinka Christians today. This prominent role is confined to a handful of women. In the same way that Charles Wesley used hymnody to shape the theology of the early Wesleyan movement in Britain, it is possible to identify a small number of Dinka women, particularly Mary Alueel Garang, who have had an outsized influence on Dinka Anglican theology. Thirdly, in spite of the important vernacular compositions, BDD also shows the ongoing influence of translated material. In spite of their origins as foreign imports and the ready availability of vernacular compositions, many of the hymns that Shaw and others first translated a century ago continue to have an enduring importance to many Dinka Christians. It should be emphasized that BDD is the product of the Diocese of Bor –that is,

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Dinka on the East Bank of the Nile – and so cannot be used to draw conclusions about Dinka Christianity across the full scope of Dinka territory. Efforts to prepare an Anglican hymnal for Dinka communities on the West Bank have faltered. The data are not yet complete. Nonetheless, what does emerge from a study of the Dinka hymnal is a striking picture of the role of women in religious leadership.

### *Conclusion*

*Bung de Diet ke Duor* remains a largely unexplored resource in the study of southern Sudan's social and political history. The texts of the hymns could be a useful source for studying how Dinka people experienced the war and how they made sense of it. As much of this material remains untranslated, however, it is difficult to incorporate the voices of these Dinka hymn-writers into larger studies of South Sudan. Further research could also be done concerning the nature of social change that was reflected in the Church. For what reasons did women turn to music during the civil war? How did men come to allow women's leadership in this area of social life? What is clear, though, is the significant role that music played for some Dinka Christians in the midst of societal breakdown. This resulted in the production of a vernacular hymnal that remains a significant testament to the movement of religious change that took place during the civil war.

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## **“Does your tribe have a flag?” The perils of seeking asylum in the UK**

**Peter Verney\***

“I didn’t ask to be here,” the teenaged Darfuri said, “but I had no real choice. It was the only way out of Libya. Everyone was going in the direction of Europe.” He came from a place in South Darfur that I had delivered aid to during the Sahel famine of the mid-1980s, before he was born. Now he was in the British Midlands, having fled the destruction of his village and the death of half his family, and was outwardly hardened beyond his years. He had been a slave labourer in Libya, nearly died crossing the Mediterranean, slept rough in Italy and France, and somehow got himself from Calais to the UK. He was targeted in Sudan because of his ethnic identity, as a non-Arab. What he hadn’t bargained for, and was now making him resentful and depressed, was that in the UK this central fact of life, his ethnic identity, would be disbelieved. He had not been expecting to spend years in limbo: “If you don’t want me, why don’t you just get rid of me?” he asked.

This experience of disbelief had hit him hard as it does many of the Sudanese I’ve met trying to navigate the perils of British bureaucracy.

“Have you ever belonged to a different tribe?” “Does your tribe have a flag?” “What are the tourist landmarks in your town?” Questions like this, asked by Home Office (HO) interviewers of Sudanese asylum seekers, typify the incomprehension that surrounds the assessments by British civil servants of people from an alien culture. It is possible to feel pity for the benighted civil servant, tasked with discerning whose accounts of fleeing injustice in Sudan can be deemed credible and which ones to refuse. Sudanese politics, as well as the country’s ethnic composition and history, can be bewildering even after years of study.

### *Pressure on the Home Office*

The Home Office is under pressure to limit the number of successful asylum claims, while its staff numbers are cut and experienced officers depart. Equipped only with a computer and Country of Origin Information notes, each officer has to handle claims from several countries. It is perhaps inevitable that in this setting, mistakes are made and people with ostensibly genuine and worthwhile cases are refused asylum on flawed grounds, while others with questionable or ‘copycat’ claims get through. What is disconcerting, however, is the extent to which this appears to be happening. When unrealistic targets and quotas are

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set, and an attitude of general disbelief, of ‘they’re all the same’, prevails – as seems to be the case with asylum applications – actual quality control deteriorates alarmingly. Not only does this result in people with strong cases being refused – stubbornly and repeatedly – for erroneous reasons, it leads to significant numbers of poor-quality claims succeeding. This in turn tends to confirm public misconceptions and prejudice about supposedly typical asylum seekers. I would also argue that it has serious implications for national security in the UK.

It is 20 years since I was first drawn into the world of lawyers representing asylum seekers, on the basis of a background in Sudanese current affairs. After writing responses to Home Office refusals in some 1,300 cases and after more than 1,500 hours of interviews, several patterns have emerged.

As well as having lived and travelled around Sudan for a dozen years, I was in a position to consult an array of people, from academic experts, journalists and human rights researchers to people at the grass roots. In this sense, it was a continuation of my old role as an editor and staff writer. However, the readership is substantially different. “But don’t they know?” is often their most common response when I explain a line of argument in the refusal. It is not worthwhile to expect the Home Office to know things that those of us steeped in Sudanese matters take for granted or to search them out. Instead, no matter how seemingly obvious things are, they must be politely spelled out, I tell them.

A British university professor of logic and language who met a Sudanese asylum seeker and saw his refusal letter was so appalled that he wrote a 20-page demolition of its slipshod reasoning, explaining *inter alia* that it takes more than a pile of assertions to construct a logical argument. Although it was heartening to see a high-level intellect analysing the problem so elegantly, it went over the heads of both the Home Office and the court.

### *Push not pull*

The sheer variety of people seeking asylum from Sudan, from farmers to university lecturers, doctors to street vendors, gives a sense that one is seeing the fragments of a violently shattered society. Compared with Sudan’s immediate neighbours hosting displaced Sudanese people, the numbers coming to the UK are small, of course, but they are undeniably symptomatic of the deeper problems in Sudan. Few of them have any idea that there are ‘benefits’ to be gained in the UK, beyond that of protection from persecution. Nor do they know that received wisdom in the UK refers to the ‘pull’ factor these benefits are supposed to exert. Instead, the experiences they relate are the ‘push’ factors of a brutal and divisive security police state and the destruction of their homes and livelihoods, often arising from their ethnic identity or inferred opposition

to the regime in Khartoum. Some recall, perhaps rather vaguely, the days of  
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British rule in Sudan, which they associate with stability and the rule of law.

To spare the applicants unnecessary anguish, I also have to explain to them that it is pointless to expect knowledge of – or interest in – the situation in Sudan, let alone sympathy, from people under pressure to control the numbers they let in. Even though the numbers are actually pathetically small, the diligence with which they are limited should not be underestimated, no matter what some tabloid newspapers say. It's the accuracy that's the problem.

Of course, it is unrealistic to expect an over-burdened bureaucracy to be sentimental, or even compassionate, about the plight of contemporary Sudan. They do not personally hark back to experiences of Sudanese hospitality, nor do they relate to the accounts of abuses committed by the Sudanese government. They are not ethnologists. It is common to find refusals expecting each tribe to look different from the outside and expecting neighbouring tribes to eat different foods. They do have access to data, such as fingerprint records from other European countries, and cut-and-paste reference material to quote but no actual grasp of what life in Sudan is like and nothing to help make sense of the people whose claims they are assessing.

The reliance on Arabic-language interpreters by apparently monoglot Home Office staff introduces more psychological distance and more room for misunderstanding. The interpreters often speak Iraqi, Syrian or Maghrebi, rather than Sudanese colloquial Arabic, while the HO interviewer, having no Arabic at all, is utterly dependent on what is fed back. There is no recognition of the variety of dialects of Arabic and in one instance, the author of the refusal was adamant that 'word for word' translation from Arabic to English was both accurate and feasible.

In real life, Sudanese idioms can be elusive for speakers of Arabic from other countries. Exchanges between, say, rural Darfuris with strong accents speaking a form of 'daragi' and educated professionals from the Middle East speaking Modern Standard or media Arabic can be stilted and confused. Even Sudanese interpreters make mistakes – the transposition of the English words 'East' and 'West', for example – which are then held against the applicant.

Despite the access to data at the Home Office, there is little institutional memory, it seems, and I find myself explaining the same points year after year. When Sudanese talk about money, for example, the revaluation of the currency is relatively recent. It is still common to speak in terms of old Sudanese pounds instead of new Sudanese pounds, using millions instead of thousands. This is often taken literally and used as a reason for refusal. ("It is not accepted that you would have earned X million pounds from your labour that year and this has seriously damaged your credibility.")

*When is a language not a language?*

Equally confusing, it seems, is the concept of a Sudanese word, *rotana*, meaning any tribal language rather than a specific one. ("It has not been possible to verify the  
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existence of the language called *rotana* that you claim to speak. This has seriously damaged your credibility.”) It does not help that, in the Arabic language, a *rotana* is not accorded the same status as Arabic while in English, Sudanese often misleadingly translate it as ‘dialect’. For those who do speak a distinguishing tribal language, rather than Arabic alone, then the official interpreting service is usually unable to provide someone speaking it. If they agree to proceed with an Arabic-language interpreter instead, to avoid a six-month wait, then the Home Office sometimes argues that the applicant has not proved their claim. The Appeal courts have been delayed for months awaiting approved interpreters while offers of unofficial interpreters from the applicant’s community are rejected on the grounds of possible bias.

Even when they do establish that they come from a particular tribe, Darfuris may then find themselves told they are Chadians, not Sudanese, because theirs is a cross-border tribe. Applicants report being rushed through screening interviews, told they can explain in more detail in the later substantive interview, then being refused and criticised for not mentioning more straight away. When it comes to giving information to support their claims, applicants are either told they have not provided enough or if they have given detailed replies, that “it has not been possible to verify” it.

There are many cases where I agree with the Home Office that the account was undistinguished and ‘generic’. However, in many of the more distinctive cases, where an articulate applicant has told a more complex truth, they are rejected simply because it does not fit the limited information available. There is an expectation that the individual’s evidence must match the information available on the internet and that somehow the latter trumps the former. It does not take into account the patchy and restricted nature of media reporting on Sudan or the fact that, say, a local farmer’s perspective and knowledge of his area will be different from that of an outside academic researcher. An applicant may be asked the approximate journey time between two places. In one case, an answer was rejected as, “damaging to [their] credibility” because it was four times longer than the estimate on Google Maps. The latter, it turned out, did not take into account that there was a mountain in the way and the road went around it. In this situation it is probably not surprising that some would-be applicants adopt stories which are not their own in a bid to satisfy the box-ticking aspect of the process, often on the advice of other Sudanese. However, in doing so they have damaged their credibility beyond repair.

The wide spectrum of refused applicants, some two-thirds of whom strike me as having merit, is a worrying indicator of the quality of initial HO decisions.

There are those whose authenticity is obvious in the first few minutes and there are other cases requiring some digging. Some have been to the UK before, for innocuous purposes such as holidays, work or study, only to be arrested and interrogated on return to Sudan, on suspicion of having collaborated with the

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‘rebel’ opposition. Then there are people who have evidently been briefed on how to answer Home Office questions, with rehearsed and artificial responses. Among these are a few individuals whose manner has made my blood run cold and I am reminded that infiltration of the asylum system, as well as overloading it, is on the Sudanese regime’s agenda. Several other people claiming to be from Darfur or to be of South Sudanese or Nuba origin have in fact been ‘Arab’ Sudanese or not Sudanese at all, usually West Africans or Egyptians. The Sudanese people I speak to say they find it inexplicable that there are some self-evidently mediocre or fraudulent applicants who seem to tick sufficient boxes to be granted asylum, while there are people with genuine cases who have been refused for years. The solicitors say it invariably depends on the disposition of the judge.

It is clearly important to have a well-informed judge dealing with appeals against Home Office refusal. The words of the first-tier tribunal judge, the first time around, tend to be repeatedly quoted back at the applicants if they lodge fresh claims. Once an error or a misapprehension has been made, it can be difficult to get it re-examined and corrected.

The same official obstinacy can be seen in the treatment of Sudanese children from Calais with UK connections, whose transfer was promised and then delayed, and in some instances refused.

### *‘Safe to go home’*

A report by a UK-Danish mission to Sudan in August 2016<sup>1</sup> is now being used by the Home Office to argue that Darfuri and other non-Arab asylum seekers can be safely returned to Sudan. Although the authors claim in the report that this is not about “the determination or merit of any particular claim for protection,” the Home Office highlights the emphasis of the report that it is safe for a person from Darfur and the Two Areas (Nuba Mountains and Blue Nile) to relocate to Khartoum or return to Khartoum as long as they are not ‘High Profile’. This has more to do with inadequate research than the reality on the ground, as far as I can ascertain. The report writers notably did not interview refugees from Darfur and the Two Areas based in Uganda and Kenya or take the opportunity in Khartoum to talk to communities of internally displaced persons (IDPs) from the conflict areas, especially student groups from Darfur.

In the UK, the bureaucracy can trip the unwary. If an individual gets support with the costs of pursuing their case, from charitable bodies or even friends,

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1 UK Home Office and Danish Immigration Service, “Sudan. Situation of Persons from Darfur, Southern Kordofan and Blue Nile in Khartoum” Joint report of the Danish Immigration Service and UK Home Office fact finding missions to Khartoum, Kampala and Nairobi Conducted February-March 2016, 2/2016

this has to be declared to the HO's National Asylum Support Service's (NASS) 'Support and Compliance' unit, which is known to confiscate or claw back funds.

Mental health problems caused by torture in Sudan can be compounded by the prolonged wrangling over asylum in the UK, causing avoidable harm. Organisations such as Freedom from Torture and the Helen Bamber Foundation provide expert assistance to survivors of torture but are over-subscribed.

Procedural factors in the UK such as signing in periodically with the authorities also have echoes of procedures for released detainees of the Sudanese security forces. The parallels become more marked when people are taken seemingly arbitrarily into detention when they go to sign. The detention centres in the UK, usually run by private firms such as G4S and Mitie, are also sometimes used to hold new asylum seekers for processing. They are effectively high-security prisons but unlike prisoners, the detainees have no allotted time before release.

### *The long, long wait*

The asylum application process often takes three or four years to resolve, and more: up to fifteen years in a couple of cases I have seen. People report that it is intended to wear down resistance, to weed people out by attrition. Since asylum seekers are normally not allowed to work, for some this also means a life on vouchers rather than cash support, another outward marker of their fragile and often scorned status.

When they arrive, new asylum applicants are initially sent to temporary accommodation, to hostels such as the curiously named 'Angel Lodge' in Wakefield, before being farmed out across the country, often to areas of high local unemployment and low-cost housing. There is money to be made from housing them. The HO's National Asylum and Support Service uses local contractors such as Jomast in Middlesbrough to provide accommodation. Stuart Monk of Jomast is a multi-millionaire and casino owner. He came to public notice in 2015 when it was found that his properties housing asylum seekers in Middlesbrough had distinctively painted red doors, which led to the tenants – and their children at school – being stigmatised and abused.

One woman gave me the duvet cover and pillowcases she had been issued in her NASS accommodation. The landlord had provided her family with bed linen with a military camouflage pattern, called 'Desert Storm'. It is impossible to know if this was intentional or just plain insensitive but for people who had suffered at the hands of men in uniforms of the same cloth, it was an ugly reminder.

There are fewer privacy rights when one is an asylum-seeker: unlike normal landlords, the HO and its local contractors can enter NASS accommodation at any time, whether or not the tenant is present. For people who have been raided and tortured by the security forces in Sudan, there can be echoes

of traumatic events and a persistent sense of vulnerability to intrusion. This edition of *Sudan Studies* was originally distributed exclusively to members of SSSUK. SSSUK now makes it freely available subject to licence and cordially invites readers to join the Society (see [www.sssuk.org](http://www.sssuk.org)).



*“Unnamed mother of two from Sudan who is an asylum seeker in Middlesbrough who has suffered abuse”*

*(Credit and copyright, Andy Commins / Daily Mirror)*



*A camouflage duvet cover*

*(Credit, Eclipse: [www.histextiles.com](http://www.histextiles.com))*

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A sad irony is that people fleeing Islamist extremism find themselves labelled as the very thing they have fled from. I know one woman who suffered under the dress code in Sudan but was attacked by racists in the UK for wearing a headscarf.

There is also evidence of surveillance and monitoring of Sudanese in the UK, especially opposition members, by the Sudanese security apparatus. This means that protection can never be absolute.

On the positive side, I've noticed the remarkable ability of Sudanese to locate each other in a foreign country and – at times – to pull together and to struggle with the demands of a different culture. It was impressive as well as poignant when hundreds attended the funeral in Birmingham of the teenager who died falling from under a lorry from Calais. People concerned to halt Female Genital Mutilation (FGM) or to enjoy religious freedom, particularly for women, can find like minds and support here. I've known Sudanese professionals helping out others in night shelters for the homeless or working as volunteers with newly-arrived Sudanese while they wait for their own cases to be resolved.

Another teenage Darfuri who initially faced the same rejection as the one who had asked, "Why don't you just get rid of me?" recently graduated from university. During his spell in limbo, we took him horse riding in the Pennines with another Darfuri asylum seeker. Seeing the ease with which they handled the horses, the stable-owner said they could work for her any time they liked.

These are the survivors of unimaginably horrific journeys, most of them resourceful and resilient people who should be recognised for what they are: as an asset rather than a liability.

There is a desperate need to address the core problems in Sudan which are generating this unprecedented outflow of people. Personally, I fear that current policies towards the regime in Khartoum – particularly the Khartoum Process, under which the European Union and especially Britain, pay the Sudanese government to 'stem migration' – are short-termist and ultimately self-defeating panic reactions. Meanwhile, it remains necessary to ensure respect for the right to asylum and also to ensure that the process of deciding who is granted asylum is accurate.

\* Peter Verney spent twelve years in Sudan, teaching, recording local music, staff writing at *Sudanon*, delivering aid in Darfur and trying to encourage planting trees in northern Sudan. Returning to the UK in 1989, he became editor of *Sudan Update*, reporting on minorities, slavery, music, censorship and oil in the 1990s, later writing for the *Rough Guide to World Music* and compiling the Rough Guide CD of Sudanese music. Asylum work has become a priority since 2000.





*Riding in Lud Foot, the Pennines (Credit, the author)*

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# Rule of Law and Rule by Law in Sudan

Ali Agab\*

## *Introduction*

‘The rule of law’ refers to principles of governance which purport to control the use of state powers through a legal system to which both the state and people are accountable. By contrast, ‘rule by law’ is a term used to describe the manipulation of law and powers of state to serve the interests of rulers and to strengthen their grip on power. The rule of law was described by the Secretary General of the United Nations as:

...a principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards. It requires, as well, measures to ensure adherence to the principles of supremacy of law, equality before the law, accountability to the law, fairness in the application of the law, separation of powers, participation in decision-making, legal certainty, avoidance of arbitrariness and procedural and legal transparency.<sup>1</sup>

Law is an important instrument for all kinds of governments. While it can serve as the backbone of democratic governments whose aim is to establish social stability, it can also be manipulated to serve the interests of those in power. In Sudan, law has been used by different authoritarian regimes as a means of power and to serve their ideologies and their socio-economic and political agendas.

The manipulation of law in Sudan has long been a significant challenge to those advocating for the rule of law and social justice in the country. Since its independence in 1956, various rival political groups in Sudan have attempted to seize control through military coups as a shortcut to power. Sudan has experienced three military coups since independence, meaning that to date, military rulers have held power for 49 years compared to eleven years by democratic rulers. The three military rulers in Sudan are Ibrahim Abboud (1958-1964)<sup>2</sup>, Gaafar Nimeiri

1 United Nations, *Report of the Secretary-General: The rule of law and transitional justice in conflict and post-conflict societies* (S/2004/616), 2004, available at <https://www.un.org/ruleoflaw/what-is-the-rule-of-law/>

2 Joseph B. Treaster, “Ibrahim Abboud, 82, was Sudan’s leader from 1958 to 1964.” *New York Times*, September 9, 1983. <http://www.nytimes.com/1983/09/09/obituaries/ibrahim-abboud-82-was-sudan-s-leader-from-1958-to-1964.html> (accessed 23 Nov 2016)

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(1969-1985)<sup>3</sup> and Omer al Bashir (1989 to date)<sup>4</sup>. Each abolished the existing constitution and replaced it with ‘presidential decrees’. Nimeiri and Al Bashir enacted new laws and amended existing ones to reinforce their grip on power, relying on what they called ‘revolutionary legitimacy’ to bolster their authority. Nimeiri later returned to constitutional rule by enacting a new constitution in 1974, although the constitution was criticised for lacking consensus. Similarly, in 1998 Al Bashir enacted the Constitution of *Al Tawali*,<sup>5</sup> which was designed by Hassan el Turabi, the leader of the National Islamic Front (NIF) party.<sup>6</sup>

Both rule of law and rule by law require a government to control all the regions in its state so that the law can function and be applied. However, control of the regions of Sudan has presented a significant challenge to all of her rulers since colonial times. Throughout Sudan’s modern history, there have been significant areas that have been under the control of rebel groups fighting against the central government. Given the fact that Sudan is a large country that shares borders with seven, and previously eight, neighbours, the desire of its central governments to stretch their control to remote areas has been largely guided by economic and/or political interests, rather than the desire to impose the rule of law. For example, the Anglo-Egyptian Condominium rulers did not seek to control areas such as Darfur and the Nuba Mountains as strong local leaders controlled them.

Nimeiri and Abboud were both interested in bringing all parts of the country under central government control for political reasons. Abboud used excessive military power against southern rebels, while Nimeiri preferred to reach peaceful solutions and signed peace agreements to end the hostilities in the south.<sup>7</sup> When Al Bashir took power in 1989, the war in the south (which had resumed in 1983) was transformed into a *jihadi* war against non-Muslims; the idea being to enforce *shari’a* (Islamic law) in the south once the regime had succeeded in defeating the rebels (which it did not). Driven by an ideological *jihadi* agenda, Al Bashir continues to fight rebels in Darfur,

3 “Sudanese president who described Sudan as, ‘Africa’s most dysfunctional country’”, *The Guardian*, June 5 2009. <https://www.theguardian.com/world/2009/jun/05/obituary-jaafar-nimeiri> [Last seen 13 November 2016]

4 International Criminal Court, *The Prosecutor v. Omar Hassan Ahmad Al Bashir*, ICC-02/05-01/09 <https://www.icc-cpi.int/darfur/albashir?ln=en> [Last seen 13 November 2016]

5 *Altawali* is an Arabic word that means ‘to follow’. According to the Constitution, the public has to follow its rulers, instead of freely participating in government.

6 The National Islamic Front (NIF) is the main faction of the Muslim Brothers in Sudan (Islamist).

7 The ‘Addis Ababa Peace Agreement on the Problem of South Sudan’ was signed in 27 February 1972. It is available at [http://peacemaker.un.org/sites/peacemaker.un.org/files/SD\\_720312\\_Addis%20Ababa%20Agreement%20on%20the%20Problem%20of%20South%20Sudan.pdf](http://peacemaker.un.org/sites/peacemaker.un.org/files/SD_720312_Addis%20Ababa%20Agreement%20on%20the%20Problem%20of%20South%20Sudan.pdf)

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the Nuba Mountains and the Blue Nile with the aim of ensuring full control over the three areas, regardless of the thousands of civilian deaths that have resulted.

### *Sources of Sudanese law*

The Sudanese legal system can be described as an amalgamation of legal rules and norms that are drawn from a variety of jurisprudential sources. These various sources of jurisprudence have influenced law making and its application throughout Sudan's modern legal history. The main sources of law in Sudan are: common law, civil law, *shari'a* and customary law. Sudan's legal diversity reflects the interests and ideologies of those who have ruled the country.

During British rule, legal education and practice were tailored to the interests of the colonial rulers; the aim of education was to maintain law and order. The British opened a law school in Khartoum called Gordon College that trained staff to work in the civil service or law students, some of whom received extensive training in the UK. Judicial training was based on common law principles, so judges were independent and free to develop precedents that were to be followed by lower courts. Interestingly, Sudanese often describe the resulting laws and their enforcement under British rule as being generally fair and just.

Sudan retained colonial legislation until Nimeiri introduced *shari'a* in 1983, in what became known as the September Laws. Until then, Nimeiri had preserved the British common law system and judges took into consideration the reality of Sudan's many localities and cultures, and reflected this in decisions and precedents, which formed an important source of Sudanese law.<sup>8</sup> Nimeiri's turn to *shari'a* in 1983 was an attempt to curb the political and economic crises that occurred during the final years of his rule. He calculated that enshrining *shari'a* within Sudan's legal system would buy him favour with the NIF opposition. The imposition of the September Laws marked a significant shift in the legal system. The diverse sources of legislation that had characterised the legal system were undermined and *shari'a* was ranked above other sources. As we noted earlier, Nimeiri was not interested in the application of *shari'a* other than as a tool to serve his political agenda: for example, he used it against certain political groups, including Baathist Party leaders, who were accused of apostasy.<sup>9</sup>

Nimeiri enacted 'The Sources of Judicial Decisions Act' in 1983 in order

8 Amin Mekki Medani, "Sudan's Legal System", El Karib and Medani Advocates, November 2008, available at <http://www.karibandmedani.com/publications.htm>

9 Nimeiri's support for the NIF position enabled it to silence rival political and religious leaders, such as Mahmoud Mohamed Taha, who expressed his opposition to the September Laws. Nimeiri did not see Taha as a serious threat but the Islamists feared his intellectual interpretation of Islam.

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to facilitate the application of *shari'a*.<sup>10</sup> The Act specifies that all matters that are not explicitly governed by legal codification should be subject to *shari'a* principles. It places judicial precedents as the fifth source of law in the hierarchy of sources, provided that they do not contradict *shari'a* provisions. The Act gave judges wide discretionary powers, allowing them to interpret the law and to decide convictions without consideration of the charges, particularly if the judge felt there to be a violation of *shari'a*. These wide discretionary powers were used in the trial of Mahmoud Mohamed Taha in 1985. He was arrested and tried, accused of participating in demonstrations. However, the Court of Appeal abolished the 'first instance' court ruling and charged him with apostasy. Apostasy was not included in the criminal law at that time<sup>11</sup> and had not formed part of the charges brought against him before the first instance court. Taha was sentenced to death and hanged on 18<sup>th</sup> January 1985. His hanging exacerbated the existing political crisis and provoked the public; demonstrations developed into an uprising which spread across the country, ending Nimeiri's rule in 1985.

When the National Salvation Front (Islamist) seized power in 1989, it expected strong opposition to its new rule and sought to hide the identity of the regime.<sup>12</sup> Al Turabi convinced Al Bashir to move from reliance on revolutionary legitimacy to constitutional legitimacy. To make this more appealing to Al Bashir, Al Turabi designed the constitutional transformation process to be slow, leaving most power initially in the hands of the President: though many believed that Al Turabi was controlling affairs from behind the scenes. Al Turabi still planned in time to limit presidential powers and by the end of the 1990s, he had become the Speaker of the National Assembly. Once there, he planned to reduce presidential powers and to allocate them to the Parliament. For instance, the constitution provided for the *walis* (state governors) to be elected rather than appointed by the President. This raised fears in Al Bashir and Al Turabi realised that he intended to retain power indefinitely. The situation had become a struggle between the two men that Al Bashir resolved in 1999 by dissolving the Assembly and ousting Al Turabi.

The *Inghar*<sup>13</sup> regime was able to rule the country through presidential decrees after declaring a state of emergency across Sudan on 30<sup>th</sup> June 1989. Most

10 This was regulatory/auxiliary legislation to the September Laws.

11 Soon after the Islamists had seized power on 30 June 1989, they enacted the Criminal Act of 1991, which included Article 126 criminalising apostasy.

12 Al Turabi, who was the leader of parliament at the time, later admitted that he had made an agreement with Al Bashir that he (Al Turabi) would be sent to prison with political leaders of the opposition while Al Bashir went to the Republican Palace. Interview in Arabic with Al Turabi, Al Jazeera <https://www.youtube.com/watch?v=KlFK6BWJO7E> [Accessed 18th January 2017]

13 *Inghar* (or *Inghar* celebration) was the name chosen by the court leaders for their rule. This edition of *Sudan Studies* was originally distributed exclusively to members of SSSUK. SSSUK now makes it freely available subject to licence and cordially invites readers to join the Society (see [www.sssuk.org](http://www.sssuk.org)).

opposition leaders were arrested and held incommunicado and many were tortured. Serious violations of human rights were carried out under Decree No. 2 of 1989, which permitted the detention of anyone “suspected of being a threat to political or economic security” and therefore allowed the President to order the arrest of any person without needing to justify the detention. No judicial challenge of such decisions is permissible. Hundreds of judges were sacked but despite this, Al Bashir feared the influence of the remaining independent judges and anticipated that they would refuse to apply the presidential decrees. Therefore, he established special courts to apply and enforce the presidential decrees: Section (9) of Decree No. 2 supersedes the jurisdiction of the ordinary courts in cases arising from its enforcement. In December 1989, Al Bashir created more special courts in which lawyers, while being permitted to consult with the accused prior to trial, were not allowed to address the court.<sup>14</sup>

In order to implement the emergency laws, the president enacted the National Security Act of 1990, which created a National Security Council and Bureau with the powers of arrest, entry and search. Under this Act, security services may detain people without giving them access to their families or lawyers for 72 hours, renewable for up to one month. Detention can be for up to three months if the Security Committee and a magistrate deem it necessary for the “maintenance of public security”. This Act was amended in 1995, enabling the National Security Council to renew a three-month order without reference to anybody; further renewals require approval by a judge. There is no right to challenge detention under this Act and no reasons for detention need be given.<sup>15</sup>

The imposition of *shari’a* legislation under the *Inghaz* regime was criticised by Sudanese clerics for focussing on punishments that were similar to those imposed by Nimeiri; consequently, they regarded the application of *shari’a* as motivated by the desire to strengthen the Islamists’ grip on power, rather than for purely religious purposes.

### *Criminal law and politics in Sudan*

Sudan’s first penal and criminal codes of procedure were introduced in 1899 during Anglo-Egyptian Condominium rule. The British colonialists had earlier applied the Criminal Act (1871) and its procedures in India; they considered that Indians shared common values with the Sudanese and that the law would therefore be applicable in Sudan. They were hoping to limit Egyptian influence in Sudan through the codes. The 1899 codes were amended in 1925 and remained in force until Nimeiri introduced *shari’a* in 1983.

14 *Amnesty International and Others v Sudan*, Communication 50/91 (2000) AHRLR 297 (ACHPR 1999).

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To regulate civil matters, Britain enacted The Civil Justice Ordinance, which stated that where there was no provision to be found in existing legislation, judges should apply the principles of “justice, equity and good conscience”. As the serving judges were either British or British-trained Sudanese, these principles of justice, equity and good conscience came to be largely interpreted in the light of the then existing English statutory and case law; these principles continued to be cited by judges throughout the independence period. This reliance on English law after Sudan’s independence met with some protest from patriotic politicians and lawyers, who had been educated under the civil law that applied in Egypt and other Arab countries. They called for an end to colonial laws and the adoption of nationalist Arab/Islamic laws in Sudan.<sup>16</sup>

Subverting criminal legislation as a tool to serve their political interests, rulers were able to silence political dissidents. The 1925 Criminal Code outlawed acts that were perceived to be critical of the government, for example the vaguely worded “crimes of enticing hatred against government”. Further, the Combating the Subversive Activities Act prescribed communist activities, which were anticipated at the time. These provisions remained on the statute books until after the independence of Sudan and were later used by national governments against the opposition, including those of Nimeiri and Al Bashir.<sup>17</sup> Interestingly, the law was also manipulated by democratic rulers, specifically by political parties that gained a parliamentary majority. For instance, the three traditional political parties i.e. the NIF, Democratic Unionist Party and Umma Party revoked the registration of the Communist Party and discharged its members from the parliament on 25 November 1965 after amending the constitution. Although a high court judge found against the constitutional amendment, stating that it limited a fundamental freedom that could not be denied, the three traditional parties refused to comply with the decision. Sadig al Mahdi declared that the decision was not enforceable, which eventually led to the resignation of the head of the judiciary, Babiker Awadallah.<sup>18</sup>

The *Inghaz* regime used the law as means to impose its strategy to transform Sudanese society through what it called the ‘civilising project’. The court system was expanded to cover all parts of Sudan and legal education was transformed, ensuring

16 Amin Mekki Medani, op. cit.

17 REDRESS & KHCHRED (Khartoum Centre for Human Rights and Environmental Development), *History of Law Reform in Sudan*, February 2008, available at <http://www.redress.org/downloads/country-reports/HISTORY%20LAW%20REFORM%20FINALFeb08.pdf>,

18 Mark Fathi Massoud, *Law's Fragile State: Colonial, Authoritarian, and Humanitarian Legacies in Sudan* (Cambridge University Press, 2013), p. 103.



the regime's firm control over the country's entire legal system.<sup>19</sup> The legal system was designed to protect the regime and its members from the application of the law, covertly ensuring that law functioned when the government required it to work against the opposition and then failed when opposition members sought justice.

From the first day that it came to power, the *Inghaz* regime captured and imprisoned key leaders of the Bar Association, some for longer than a year, before shutting it down and dismissing hundreds of judges within a matter of days.<sup>20</sup> The strategy of the Islamists has been analysed well by Massoud:

Having studied what previous regimes did and why they fell, Bashir and those who advised him sought to control the work and lives of lawyers, judges, and legal academics to unprecedented decree. Sudanese legal professionals played critical roles in toppling of his predecessors, so the Bashir administration rather ingeniously devised ways to undermine their ability to organise. In particular, the regime built a system of law schools that teach Islamic law, in a form approved by the regime, and graduate a steady stream of like-minded attorneys. The number of lawyers trained in Bashir's academies grew at a rate quadruple that of the Sudanese population. As older lawyers well versed in common law retired and died, they were replaced by a generation of lawyers who have known little more than the Islamist political practices sanctioned as law by the regime.<sup>21</sup>

### *Instruments of control in contemporary Sudan*

A number of repressive laws were enacted by the *Inghaz* regime in order to control all aspects of Sudanese life. The laws enacted ranged from public order, criminal, press and publication legislation to police and army laws. If we judge these laws by their conformity with the interim national constitution or international standards for human rights, we find that they fall far short.

### Public Order Laws

As part of the Criminal Laws of 1991, the *Inghaz* regime enacted 'Public Order Laws' to regulate moral and personal behaviour. This set of laws has been much criticised for its vague provisions (particularly Articles 151/152),<sup>22</sup> and its discriminatory and arbitrary application that has resulted in the violation of fundamental human rights. The Public Order Law has been disproportionately applied against specific groups,

19 Ibid., p.134.

20 REDRESS, *Arrested Development: Sudan's Constitutional Court, Access to Justice and the Effective Protection of Human Rights*, August 2012, available at: <http://www.refworld.org/docid/50641ad82.html> [Accessed 29 November 2016]

21 Mark Fathi Massoud, op.cit. p.120

22 See, Report of Strategic Initiative for Women in the Horn of Africa (SIHA), *Beyond Trousers, The Public Order Regime and the Human Rights of Women and Girls in Sudan*, A

Discussion Paper  
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including women, girls, Christians and students. It has criminalised common Sudanese traditions, customs and social behaviour, and made them punishable by corporal punishment.<sup>23</sup> The Public Order Law also criminalised behaviour and practices on religious grounds, e.g. the gathering of women and men who were neither related nor engaged or women and men dancing together at wedding parties.<sup>24</sup> The African Commission on Human and Peoples' Rights found Sudan to be in violation of Article 5 of the African Charter on Human and Peoples' Rights (the Charter) and requested Sudan to immediately amend the Criminal Law so as to bring it into conformity with its obligations under the Charter and other relevant international human rights instruments; abolish the corporal punishment penalty of lashing; and take appropriate measures to ensure compensation of the victims.<sup>25</sup>

Under the Public Order Law, the Public Order Police were given the discretion to decide whether the behaviour or dress of women is contrary to religion and custom,<sup>26</sup> and judges and police were carefully selected to apply this law. The police then manipulated the Public Order Law to bribe and harass individuals on the street. The application of this law opened the door to serious human rights violations. Ratner states:

The application of strict *shari'a* since 1983, and more extensively since 1989, in the Sudan, has brought the legal relationship between *shari'a* and human rights violations to a significantly more serious level. The expanded application of *shari'a* violates the fundamental human rights of women and non-Muslims. Taken together, these two groups constitute about one-third of the total population of the Sudan.<sup>27</sup>

23 REDRESS, No more cracking of the whip: Time to end corporal punishment in Sudan, March 2012, available at <http://www.redress.org/downloads/publications/Corporal%20Punishment%20-%20English.pdf>

24 In the case of *Curtis Doebbler v. Sudan*, Communication 236/2000 (2003), the African Commission on Human and Peoples' Rights, following a review of international standards, found that lashings violated Article 5 of the African Charter and requested the Government of Sudan to: immediately amend the Criminal Law of 1991, in conformity with its obligations under the African Charter and other relevant international human rights instruments; abolish the penalty of lashing; and to take appropriate measures to ensure compensation of the victims.

25 In the case *Curtis Francis Doebbler v. Sudan*, op.cit., the students of the Nubia Association at Ahlia University were arrested because boys and girls were dancing together; they were lashed after being subjected to an unfair trial.

26 Lubna Ahmed Hussein, a journalist, was arrested and put on trial after she was accused of wearing immodest dress. She invited the media to cover the trial in order to advocate against the law. See ACJPS, *Sudan human rights monitor*, June–July 2003, available at <http://www.acjps.org/sudan-human-rights-monitor-issue-2/>.

27 Carolyn Potter, *Islamic Law and Violations of Human Rights in the Sudan*, 18 B.C. Third This edition of *Sudan Studies* was originally distributed exclusively to members of SSSUK. SSSUK now makes it freely available subject to licence and cordially invites readers to join the Society (see [www.sssuk.org](http://www.sssuk.org)).

### *Recent amendments to the Criminal Act of 1991*

In April 2015, the National Assembly made amendments to the infamous Article 126 on apostasy that had been adopted in the Criminal Act of 1991. The amendment widened the scope of the criminalisation of apostasy to include more acts, including questioning the credibility of the Quran. The issue of apostasy was therefore no longer solely about the interpretation of Islam, it now provided that non-Muslims who cursed or 'offended' Islam, the Prophet or the *Sahaba*, especially the four Caliphs, could be charged. The punishment for religious insults increased from six months to five years' imprisonment. In January 2016, the regime used the amended act to impose harsh punishments for participation in peaceful demonstrations. This may explain the shift from demonstrations to disobedience as a safer means of protest against the regime.<sup>28</sup>

### The regulation of voluntary organisations

The *Inghaz* regime uses the 2006 Organisation of Humanitarian and Voluntary Work Act (OHVWA) to control the work of non-governmental organisations (NGOs) and civil society organisations. The Act gives the government oversight and control of funding by stipulating that the Commissioner of the Humanitarian and Voluntary Work Commission, locally known as the Humanitarian Affairs Commission (HAC), must authorise all project proposals. The Commission is accused of being a branch of the National Intelligence and Security Services (NISS). The OHVWA prohibits civil society organisations from receiving funding or support from abroad, from foreigners within Sudan or indeed from any other body without the explicit approval of the Minister of Humanitarian Affairs. It also requires organisations to apply annually to the Registrar General of the HAC to renew their licenses to operate. This requirement has been widely used to interfere with and obstruct organisations' work e.g. HAC has received renewal applications from organisations but ignored them, resulting in the organisations' collapse. The HAC also has broad powers to cancel the registration of any NGO that it considers to have violated the provisions of the OHVWA, its regulations or any other law and has the power to confiscate property and impose administrative penalties.<sup>29</sup> The OHVWA has been used as a tool to close most of the independent human rights organisations in Sudan and to expel international NGOs. It is truly stated by Massoud that, "the Bashir administration's strategy of authoritarian legal politics has

World L.J. 137 (1998), <http://lawdigitalcommons.bc.edu/twlj/vol18/iss1/6>. p. 149.

28 On 27, 28 and 29 November 2016 activists organised a successful campaign of disobedience in Khartoum, using social media.

29 See ACJPS, *Sudan human rights monitor*, August-September 2009, available at <http://www.acjps.org/sudan-human-rights-monitor-issues-3/>

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taken advantage of the public nature of NGOs to try to undermine their work”.<sup>30</sup>

In 2009, the government closed three national organisations and expelled thirteen international organisations. The national organisations were the Khartoum Centre for Human Rights and Environmental Development, the Amel Centre for Treatment and Rehabilitation of Torture Survivors, and the Sudan Social Development Organisation. Later, more national NGOs were shut down, including the Alkhatim Adlan Centre and the Salmamah Centre, as well as cultural centres such as Bait Alfnoon and the Mahmoud M. Taha Centre.<sup>31</sup> The government claimed that the action taken against NGOs was not related to the international arrest warrant issued against Al Bashir but this appears to be untrue, as the closures took place on the same day and immediately after the International Criminal Court (ICC) had issued the warrant. The United Nations Emergency Response Coordinator stated, “I think it’s reasonably clear this was a political response to a decision that has nothing to do with the U.N. or any of the NGOs”.<sup>32</sup>

### Armed Forces Act

In 2007, in response to the on-going investigations by the ICC into the allegations of serious human rights violations in Darfur, the National Assembly enacted the Armed Forces Act (AFA). This provided immunity for military personnel from prosecution for acts committed in the course of duty, although the Act did not explain what ‘duty’ meant.

The AFA also legislated for crimes that have been defined internationally as genocide. While the recognition and inclusion of international crimes and standards in the AFA is a positive step forward, its potential for addressing the commission of such crimes is severely undermined by its operational elements. In particular, the AFA gives the military justice system exclusive competence to hear cases and still includes immunities, undermining the potential for comprehensive and aggressive prosecutions.<sup>33</sup>

### Sudan Police Act

In 2008, the Sudan Police Act (SPA) was enacted. Similarly to the AFA for the armed forces, it included immunity for members of the police. The SPA stipulated that permission must be obtained before initiating criminal proceedings against a police officer. It also states that the actions of the police do not

30 Mark Fathi Massoud, op.cit., p.192.

31 Article 19, Sudan: *ARTICLE 19 Supports Human Rights Defenders’ Quest for Justice*, Statement, <https://www.article19.org/data/files/pdfs/press/sudan-article-19-supports-human-rights-defenders-quest-for-justice.pdf> [Accessed 18th January 2017]

32 Louis Charbonneau, “Sudan can’t fill gaps from expelled aid groups-UN,” Reuters, March 9, 2009. [http://www.reuters.com/article/idUSN09503326.\\_CH\\_.2400](http://www.reuters.com/article/idUSN09503326._CH_.2400) [Accessed 18th January 2017]

33 ACIPRS, *Sudan human rights monitor*, August-September, 2009, p.15.  
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constitute crimes if they take place while performing police duties or as a result of official orders. The executive was given more power to direct police courts. For example, the Director General of Police is allowed to request the file of any case, which is then considered by either a ‘summary’ or ‘non-summary’ police court; this process takes place after the conclusion of investigations and before the verdict. These police courts have the power to issue a reasoned decision and to stop procedures in the judicial courts. The Director General’s decision is final and is not subject to appeal. The shortcomings of the SPA have been criticised by REDRESS for being incompatible with Sudan’s constitution.<sup>34</sup>

The SPA is notably silent on the subject of custodial safeguards of the rights of detainees and their safety. No protective mechanisms are mentioned and no safeguards are articulated. It mentions detainees at all only in the section of the Act that deals with escape attempts.

### Freedom of Expression

In 2009, the National Assembly amended the Press and Publication Act (PPA), with the intention of putting an end to pre-print censorship; this was arguably the most important means of securing freedom of association and expression for Sudan’s press. However, the new PPA granted the authorities the power to license newspapers. The NISS remains the main violator of freedom of the press and expression, with confiscation of newspapers an almost daily practice. NISS deliberately confiscates papers after printing so as to cause severe financial loss to the owners; it has also arrested journalists and issued orders to prevent them from writing.

In 2010, the National Assembly enacted a new Security Act. This effectively gave NISS the same broad powers that have frequently resulted in human rights violations in Sudan, as discussed above. NISS retains the power to arrest and detain a person on vague grounds for long periods without oversight by an independent authority.

In summary, these laws have been criticised by Sudanese legal experts for being incompatible with human rights standards and the constitution. Even when these laws protect the rights of citizens, they limit their enjoyment of the rights by applying regulations and executive directions.

34 See “Police Forces Act falls short of the Bill of Rights”, press statement, Khartoum 18 June 2008 on REDRESS website, [http://www.redress.org/downloads/country-reports/08-06-13%20P%20R\\_Police\\_Act\\_English%20Press%20Release%20-%2017%20June.pdf](http://www.redress.org/downloads/country-reports/08-06-13%20P%20R_Police_Act_English%20Press%20Release%20-%2017%20June.pdf). [Accessed 18<sup>th</sup> January 2017] The press statement says, “Such immunity is incompatible with the Bill of Rights and the international standards that form an integral part of the Interim National Constitution.”

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## *Conclusion*

In conclusion, most of the legislation enacted during authoritarian regimes in Sudan has aimed to use the power of the law to serve the interests of its rulers. Legislation has aimed to limit or restrict the fundamental rights and freedoms of the Sudanese people. The security forces, police and military have been granted wide powers and protected from prosecution. They have also been provided with special courts that operate without oversight from the judiciary. The police and security forces carry out arrests, detention and torture on a daily basis across Sudan. The use of law as a mean of oppression has recently resulted in mass killings and genocide in Darfur, while the perpetrators remain at large and protected by the wide legal powers that they enjoy.

Rule **of** law has therefore been undermined by the enforcement of laws that protect the perpetrators of human rights violations and allowed the president and executive to hold all the powers of the state without being accountable to any other authority. The trajectory of law in Sudan has been towards the imposition of rule **by** law, to the detriment of all her citizens.

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# Book Reviews

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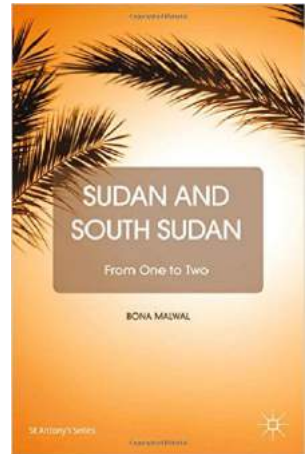


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Bona Malwal, **Sudan and South Sudan: From One to Two**, St. Antony's Series, Palgrave Macmillan, Basingstoke/New York, 2015, xii+pp, 216pp, ISBN 978-1-137-71109-5 (cloth), 978-0-33-80341-7 (paper), £71 (cloth), £68 (paper)



Bona Malwal has been a leading figure in Sudanese politics for over fifty years and I have known him for forty-five of those years. He is perhaps best known as a co-founder of the Southern Front, the forthright editor of *The Vigilant*, the *Sudan Times* and the *Sudan Democratic Gazette*, President Jaafar Nimeiri's energetic Minister of Information, and a vocal critic of Sadiq el Mahdi and of Omer el Beshir's wars in South Sudan. Yet he is also known for shifting his political allegiances: from supporting to opposing Nimeiri, from opposing Sadiq in government to allying with him in opposition, from condemning Beshir's war crimes to standing with him in opposition to the Sudan People's Liberation Movement (SPLM) prior to South Sudan's independence, and alternately supporting and undermining a succession of South Sudanese colleagues. Readers who expect to find here a forthright account and explanation of these shifts will be disappointed. Political memoirs do not normally match the revealing honesty of Jean-Jacques Rousseau's *Confessions*. They are written in self-justification or to secure a legacy, and Malwal's memoir is no exception. On South Sudan obtaining independence in 2011, he issued a statement countering accusations of collaboration with Beshir, asserting his long-standing commitment to self-determination and announcing his retirement from active politics. This memoir is a restatement of that commitment at the same time that it casts doubt on his alleged retirement.

It is a badly organised book: it follows no consistent chronological or thematic structure and could have benefitted from a firm editorial hand. The chapter on the Anya-Nya Liberation Movement, 1955-72 is really about the post-1972 Southern Regional Government and precedes the overlapping chapter on the Southern Front and Self-Determination 1964-2011. Many of the chapters are repetitive and read like a stream of consciousness with events written down as they came to mind. A reader who is unfamiliar with Sudan's political history will find it difficult to follow the author's narrative. This is unfortunate. Malwal's combined journalistic and political careers are fascinating and hold numerous lessons for Sudanese and South Sudanese alike.

In light of current controversies it is well to remember Malwal's positive contributions. As the founding editor of the Southern Front's English-language

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newspaper, *The Vigilant*, he documented not only the 1965 Juba and Wau massacres but numerous other less well-publicised massacres and assassinations of prominent southern civilian leaders. I would have liked him to have given a more detailed account of the work of that paper and the government's court case against it. Not only would it have shown how he and his defence counsel, Abel Alier, brought survivors of the massacres to the witness stand in Khartoum, it would have reminded us that Sudan's judiciary was once independent, an independence it has since lost. He gives more detail in the stirring events of the 1976 attempted coup and his own role in thwarting it, and he can be justly praised for both his courage and his resourcefulness. A relentless critic of the Sudan People's Liberation Army (SPLA), he nonetheless reveals a more positive picture of President Salva Kiir Mayardit's character and his contribution to South Sudan's liberation. It is a reputation that is in much need of burnishing.

Having known Bona Malwal for over four decades, I have a different recollection of some of the events he describes. When he was released from detention in 1984 and returned to the UK, he told me that he had declined the local SPLM representatives' invitation to join the movement, stating that it was important for him to retain an independent voice. Yet in his memoir he claims that he tried to join the SPLM but was spurned by John Garang. He blames Garang for a breach in their relations, yet omits to mention his own attempt to sue Garang prior to the conclusion of the Comprehensive Peace Agreement. As a critic of Garang's New Sudan programme, he claims that the SPLM's adherence to a New Sudan prolonged the war, yet omits to mention that Khartoum and the SPLM were on the verge of negotiations in 1989 when Beshir's coup intervened to prevent those negotiations. He criticises the SPLM for taking the Abyei issue to the Hague, which they "should have known would produce no implementable results", without mentioning the Sudanese army's invasion of the Abyei Area, Khartoum's refusal to abide by any agreement or his own role in assisting Khartoum to frustrate the implementation of the Abyei Protocol.

There are other passages that are hard to credit. The final breach between Garang and Malwal was connected with the slave redemption scheme in northern Bahr el Ghazal, which Malwal supported. He claims that when Christian charities arrived with US dollars, the local SPLA exchanged those dollars for Sudanese dinars, paying the Baggara in dinars to redeem slaves, while using the dollars to buy Toyota pickups and weapons with which to arm local forces to combat Arab raiders. While not impossible, this story is improbable. Many of the foreigners involved in the slave redemption scheme now admit that they were being scammed and very few actual slaves were redeemed with the dollars they brought in (the BBC Everyman programme filmed Baroness Cox and a

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team handing over a briefcase of dollars directly to an alleged Arab intermediary who looked suspiciously like a Dinka in a turban and jallabiya). Even accepting some truth in Malwal's version of events, Garang was right to be sceptical.

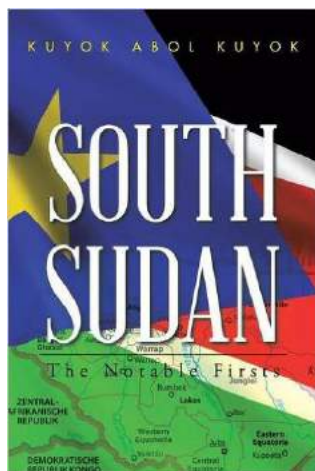
Malwal is a consummate networker and he puts great store in his personal relations with prominent Sudanese and international leaders. On the basis of his personal relationship with President Omer el Beshir he claims that Beshir is a tolerant man. This sits uneasily with what we know of Beshir's public actions, such as his announcement after the South voted for independence that "there will be no question of cultural or ethnic diversity" in Sudan, *Sharia* will be the only source of the constitution and that "*Sharia* has always stipulated that one must whip, cut or kill."

The book was near completion as South Sudan's own civil war erupted at the end of 2013. In a postscript to the book, Malwal repeats as uncontested the South Sudan government's claim that Riek Machar Teny Dhurgon attempted a coup. So far, Juba has provided no credible evidence to support that claim, no major ally of South Sudan has accepted it and even at the time of writing this book, there were numerous well-documented reports of atrocities committed by government forces against civilians in Juba. Malwal places the blame entirely on "the ethnic Nuer political leadership" and presents the Dinka as victims, threatened with a "second Rwanda in Africa". This is Bona Malwal the journalist turned propagandist, the chauvinist rather than nationalist.

Politicians are judged less by what they have done in the past and more by what they have done recently. Bona Malwal has often been a positive actor in Sudanese and South Sudanese politics. Whether he had the impact and influence he claims should be left to his Sudanese and South Sudanese colleagues and contemporaries to confirm or refute. The anti-Garangistas are already cherry-picking his criticisms of Garang without examining them further. Despite the claim in his Foreword by the former United States Assistant Secretary of State for African Affairs Herman Cohen, Malwal is not speaking truth to power in this book. There are too many omissions for it to be fully truthful and he is too close to power in both Juba and Khartoum to be truly neutral.

Douglas H. Johnson





Kuyok Abol Kuyok, **South Sudan: The Notable Firsts**, Author House, Bloomington, Indiana, 2015; 1133pages ISBN 10-1504943449 paperback, £24.95

Not much has been written about the history of South Sudan, which became independent in July 2011 after decades of civil war. Therefore *South Sudan: The Notable Firsts* is a welcome and significant scholarly addition to the meagre writings on the history of the newest country in the world. It is thus a recommended read both for South Sudanese seeking to learn more about important national figures and for others interested in South Sudanese matters.

According to the author, Dr. Kuyok Abol Kuyok, who hails from South Sudan, the book adds to understanding of its history by presenting “biographical information of personalities who have taken part in major events or who have assumed important offices in the country or liberation movements” and hence it “aims to recount the history of South Sudan.”

A real product of years of hard work and dedicated research, the book presents information on 700 “luminaries from all walks of life, including politics, traditional leadership, civil service, academia, and sports” who are categorised on the basis of three criteria: “historical era, profession and career, or political associations.” As the author recognises, however, putting individuals into only one of these categories is quite a challenging exercise, considering that some of them have held a number of different roles during their lives. While discussing the achievements of the “luminaries,” the author also delves into rich background information on Southern/South Sudan itself. This is a significant strength of the work.

The book comprises nine chapters: the first and second cover the contributions of notable South Sudanese before the onset of the first Sudanese war in 1955. These personalities include legendary Shilluk and Azande kings, as well as powerful traditional leaders from other ethnic groups, some of whom confronted foreign intruders bent on subjugating their people or plundering their lands. Chapter Three presents information on notable Southern Sudanese from the years of the first war. The following chapter deals with the personalities who made a significant contribution during the peaceful interlude between the first war and the second, which began in 1983. Meanwhile, Chapter Five covers the personalities who played significant roles during the second war years. The next three chapters chronicle the contributions by notable women, academics and clergy respectively. Chapter Nine

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is entitled “In the service of their nation” but it is not clear on what basis these individuals were selected for inclusion in this chapter, as they could have equally been categorised under one of the other headings. The final section is a conclusion.

For many South Sudanese, the war years, from 1955 to 1972 and from 1983 to 2005 were not only stressful but also complex and dynamic. It is common knowledge that many of the individuals who made significant and positive contributions also did things that did not serve the “national interests” of Southern/South Sudan during these periods. For example, some notable Southern Sudanese fought in the second war on the side of rebels but later switched sides to join the enemy forces against their own people. Indeed, some of the worst atrocities perpetrated against South Sudanese were committed by other South Sudanese. This complexity raises questions about how appropriate it is to describe all the individuals featured in the book as “luminaries”. The choice of this word effectively results in individuals being presented not just as historical figures but rather as national heroes, which is an over-simplistic characterisation.

Linked to this is a significant weakness of the book, which is that it fails to present the complexity of the history of South Sudan in a suitably nuanced way. Some of the notable individuals whom the author labels “luminaries” or “Firsts” are described through rather one-sided or uncritical stories. However, as alluded to earlier, some individuals might best be described as “Firsts” at some points in time and “Lasts” at other times. It seems likely that the failure to present more balanced, and hence more complete, accounts of these “Firsts” may be a consequence of the way in which the data was collected. The author relied significantly on interviews with the “Firsts” themselves, their descendants and people from the same social background, and it appears that, perhaps out of self-interest, they mainly related positive information about themselves, their relatives or friends.

The author does a particularly good job of covering “Firsts” from Bahr el Ghazal, his area of origin, perhaps because of ease of access. However, coverage of those from other areas of the country is less comprehensive and a number of individuals, who are indisputably viewed by many people from their areas of origin as “Firsts”, are nowhere to be found in the book. For example, Professor Aggrey Abate, a notable personality from Equatoria who was Dean and Vice-Chancellor of the University of Juba, is not covered among the notable academics. Another notable person from Equatoria, Aggrey Tisa, is listed only at the end of the book as a “luminary” but no information about him is presented in the main body of the work.

The size of the book is a testament to the breadth of its coverage but this does make it rather large and thus not very portable. The book is described as the first volume of the Biographical History of South Sudan. If this project is to be taken forward, the author should consider breaking this

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first book down into a series of more manageable volumes. It would also benefit from the services of a copy editor to correct the typographical errors which may be the consequences of self-publishing a book of this size.

In general, the book is easily readable and, notwithstanding the weaknesses elaborated here, it makes a significant contribution to the history of the new country and is therefore worth reading.

Leben Nelson Moro, DPhil

Acting Director of the Centre for Peace and Development Studies,  
University of Juba



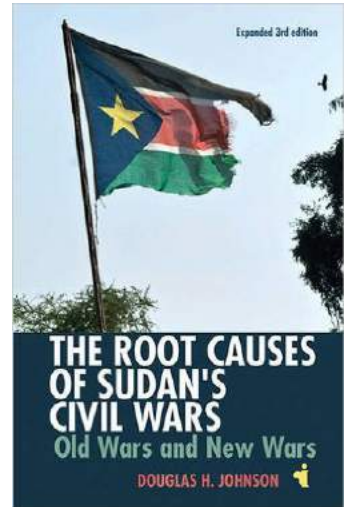
Douglas H. Johnson. **The Root Causes of Sudan's Civil Wars: Old Wars and New Wars**, James Currey, Woodbridge, 2016, ISBN 978-1-84701-151-0 Paperback, £19.99.

This is a third edition of what is rightly regarded as a classic work. For reviews of the first two versions (whose subtitles vary) see *Sudan Studies* 31 and 45, available on the SSSUK website. The earlier reviews found that the notion of root causes delivered less than it had promised and the geographical coverage was weighted southwards but nevertheless acclaimed the book as the most useful single-volume account of South Sudan's war of independence and its historical background.

The second edition declared its revisions to be final. The scope creep into a third edition ("expanded" rather than "revised") is a little awkward now that South Sudan has officially separated from Sudan. Yet undeniably the circumstances and histories of the two countries are intertwined and the book's updating is useful for people who need a reliable and astute summary of war-related events in either of them up to the present. The main text of the third edition is almost identical to that of the second (which was not much changed from the first). The work has been extended in three places in order to mention major developments 2011-16. A ten-page "Epilogue" has been added; the Bibliographical Essay has acquired a chunk of "Post-CPA Bibliography"; and the "Chronology of Events" in the Appendix now continues to September 2016.

The new epilogue largely echoes the litany of many sections in the original text, chronicling the manoeuvres – sometimes opportunistic, sometimes reactive, often terribly callous – of warlords and politicians. The coming of South Sudan's sovereignty changes some of the terms but makes little difference to the feel of the narrative. Absent, however, is a renewal of Johnson's earlier critique of international aid-led interventions. It's not, surely, that he couldn't have made a valid and scathing attack on the way many agencies have ignored the depth of conflicts while peddling technocratic solutions for building the young state. Rather, the field is thus left clear for the author's overall judgement of where lies the main responsibility and hope: in the end, "only the Sudanese [and South Sudanese] can make peace among themselves".

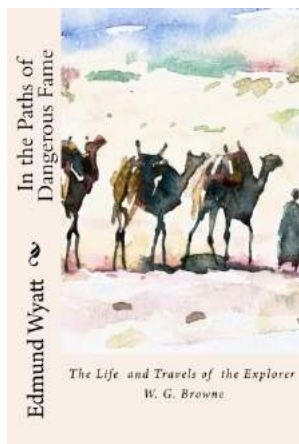
Michael Medley



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Edmund Wyatt, **In the Paths of Dangerous Fame: the Life and Travels of WG Browne**, Create Space Independent Publishing, 2016, ISBN-10:1502748983, paperback, £6.99

Edmund Wyatt is to be congratulated on writing the first proper biography of this late 18th century traveller famous for his visit to Darfur. William George Browne was born in London on 26 July 1768 into a well-to-do family. His father was a well-known London wine merchant with estates in Cumbria. He graduated from Oriel College Oxford with a Law degree in 1789. After his father's death, Browne

decided he could now take up his long held desire for travel to remote places. The second half of the 18th century was the great era for exploration, with such famous people as James Cook, James Bruce and Joseph Banks undertaking journeys.

Browne wished to follow in their footsteps. His first interest was to discover the true source of the Nile. He disagreed with Bruce's assertion that the real source was in Ethiopia. Browne suspected that it lay in East Africa. He was associated with the Africa Association and corresponded with its leading lights but never seems to have formally joined it. He was well known in his own day but perhaps his nickname, 'Traveller', rather than 'Explorer', accounts for why no proper biography has been written until this very interesting one by Wyatt. Furthermore, Browne seems to have shunned the social activities of the class to which he belonged. He was a Republican and a supporter of the French Revolution, and the downfall of the monarchy in France pleased him. He also seems to have been a freethinker. These kinds of view were disapproved of in Britain at the time and may account for his departure from Britain in 1791. His travels begin with his arrival in Alexandria in January 1792.

To those of us from the *Sudani* fraternity, Browne's visit to Darfur is of great interest. His original plan had been to travel up the Nile to Sennar and from there to visit Ethiopia to check up on some of Bruce's startling statements, including his claim that they kept meat fresh by merely cutting pieces off the live animal as they went along. After that, he would follow the White Nile southwards towards its source. Political chaos held sway at this period in southern Egypt and along the Nile in Sudan. Impatient about delays encountered, Browne visited some of the oases in the Western Desert, eastern parts of the Nile Delta and parts of the Sinai Peninsula. His new revised plan was first to travel to Darfur, and then turn eastwards to reach Sennar and the Nile. This seemed to him to be the only way by which he could achieve his real objectives. He finally got himself attached

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to the Darfur caravan which left Asyut on 25 May 1793, following the *Darb el Arbein* (the Forty Day Road) and so crossing the Sahara in high summer. The significance of his journey lay in the fact that he was the first known European to have visited Darfur and to have travelled the Forty Day road across the Sahara.

Edmund Wyatt has carried out a great deal of research into the background and context of Browne's life. He first became interested in the exploits of Browne when he was working as an English teacher in El Obeid in 2000. Later, he obtained a transfer to Hamrat el Sheikh, near the border between Kordofan and Darfur, which town he felt undertook the kinds of function today that Cobbe, the southern terminus of the Darfur Caravan in Browne's time, must have done.

After his arrival in Darfur, Browne was held for three years as a virtual prisoner in El Fasher. The Darfurian authorities could not make him out. He was not a trader, nor an itinerant Muslim holy man, so he must be some sort of spy. The idea of exploration and travel for its own sake was beyond their understanding. As he had no trade goods, the Sultan was unable to extract money from import duty. There were several attempts to assassinate Browne. He was a much reviled foreign visitor who was not allowed out of the environs of El Fasher to visit any other parts of the country. On many occasions in his travels Browne had difficulties with his guides. He seems to have been unable to get on with the guide he chose for the crossing of the Sahara, a returning Darfurian, Ali Hamad. On one occasion when he disagreed with Ali, Browne turned his gun on him to get his way. This was to prove disastrous. It seems certain that Ali, to get his revenge, passed on to the Darfurian authorities accusations designed to frustrate Browne's plans and prevent him from meeting the Sultan. Ali was also involved in at least one assassination attempt. Browne had, from the Darfurian viewpoint, one redeeming aspect: they appreciated his limited medical knowledge.

What should Browne do? He concluded that he must somehow get out of Darfur and the only route was across the Sahara via the Forty Day Road. After three years, everything changed and he was allowed to join a Darfur Caravan leaving Cobbe in March 1796 crossing the Sahara on the Forty Day Road to Egypt; again, it was summer! All this is fully documented in the book, though it would have been interesting if the author could have said more about the circumstances of Browne's release and of the privations of crossing the Sahara in the hot season twice, and how easy it was to get lost.

Unfortunately, there are no maps at all in Wyatt's book to show the track of Browne's journeys in Sudan or elsewhere, to illustrate the text. The map in Browne's book, *Travels in Africa, Egypt and Syria from the year 1792 to 1798* should have been included. The author does not do justice to Browne's achievements in gathering geographical information. Browne showed that the source of the

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White Nile was further south than was thought, though he was mistaken in his belief in the significance of the Bahr el Ghazal. His details of routes in this part of Africa are remarkably accurate and the biological observations should also be highlighted. Nevertheless, this book is a good read and an excellent introduction to conditions of life and political intrigue in northeast Africa and other parts of the Near East at the end of the 18th century. It is surprising that there is no indication in Wyatt's book regarding the publisher and date of publication.

After arriving in Cairo, Browne does not return home but sets out to visit the Holy Land, Turkey and Syria. He again has problems with his companion guides. He returns to Britain in 1798 after 7 years absence. Unfortunately, he arranged for his notes and papers to be sent from Alexandria home to Britain before setting off for the Holy Land. These never arrived. By 1799, he had completed the text recording his travels up to 1798. If not a literary masterpiece, it is a very solid piece of work, giving the reader an insight into conditions in the Near East at the time. He produces the first first-hand modern account of that remote part of central Africa which did not become part of the Anglo-Egyptian Sudan until 1916.

In 1800 he set off again for a tour of various parts of the Ottoman Empire, which he admitted was not exploration but travel through an area much of which he had visited before.

From 1803 to 1812, Browne spent his time in Britain preparing himself for one more eastern journey. He set off for Constantinople in the summer of 1812 with the object of travelling east through modern Iran on a journey he hoped might end up in China. Instead, he was murdered in Tabriz and the author brings it all up to date as to what happened to him. It appears that he sacrificed himself to save his two companions.

After reading the book, one notes how history has repeated itself in the modern Sudan and Near East.

Jack Davies

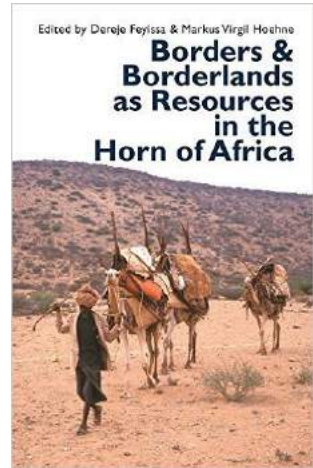
Markus V. Hoehne and Dereje Feyissa (Eds),  
**Borders & Borderlands as Resources in the  
Horn of Africa**, Eastern Africa Series, 2015, James  
Currey, Woodbridge, ISBN 9781847011336 paper-  
back, £19.99

Questions about borders became so salient in 2016 that the UK-pop artist M.I.A. released a song called 'Borders' that year. The music video features almost exclusively black and brown skinned people climbing fences, boarding boats and using their bodies to spell words such as 'life' all while steadily gazing into the camera. This imagery, and the song's accompanying lyrics, are provocative and seem to ask: who are borders for and why do we so violently and oppressively maintain them at such human cost?

The articles in *Borders and Borderlands as Resources in the Horn of Africa* vitally engage with M.I.A.'s questions. The approach of this edited volume is outlined in the first chapter, written by the editors, Markus Virgil Hoehne and Dereje Feyissa, and entitled: 'State Borders and Borderlands as Resources: An Analytical Framework'. They note a gap in both global and Africanist borderland studies, which fail to examine how communities utilise borders for their own purposes; accordingly, the works in this book explore how communities shape borderlands to their own advantage, despite the efforts made by governments to control their boundaries and stem the inevitable flow of people across borders.

This volume demonstrates that the efforts of communities to govern borders are sometimes ingenious but can also perpetuate the same differences as those propagated by those who control the political centres of states. As Feyissa outlines in the chapter 'The Anywaa's Call for the Rigidification of the Ethio-Sudanese Border', this can include constructing an 'other' "to ensure ethnic security and attain a dominant political status", as the Anywaa (Anuak) have done to the Nuer people in Ethiopia's Gambella region.

Other articles examine how borderland communities contribute to the construction of regional claims or declarations of statehood by groups that straddle internationally recognised borders. The chapter by another Ethiopian scholar, Fekadu Adugna, outlines how kinship ties between communities in Ethiopia and Kenya have helped the Oromo Liberation Front's fight against the Ethiopian state; neither country can effectively control the rebel group. Wolbert G.C. Smidt's piece explores how Tigrinya-speakers in Ethiopia and Eritrea help foster an imagined community that reinforces and is also bolstered by the international



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border between the two countries. Yasin Mohammed Yasin's work looks at cross-border alliances between Issa Somalis and the Afar ethnic group along the Ethio-Djibouti border, which has been greatly aided by an idea of a 'Greater Somalia'.

Further work in this volume provides examples of how communities balance multiple identities along borderlands. Francesca Declich's chapter examines how borderland Zigula (Somali Bantu) communities use their distance from the political centres in Somalia and Tanzania to invent new ethnic categories to escape refugee camps. Markus Hoehne's piece identifies how Harti borderlanders on the Somaliland-Puntland border became integrated into each emerging state by negotiating traditional and formal authority in both Somaliland and Puntland. Cedric Barnes' chapter on the colonial Ethiopian-British Somaliland border identifies the ways in which Somali communities eluded Ethiopian control by shirking taxes and embracing the laxer tax policies imposed in the neighbouring British-controlled territory. A piece by Lee Cassanelli examines the ways in which people in the Kenyan-Somali borderland have utilised a series of 'cross-border alliances, financial networks and commercial mechanisms to their economic advantage. Lastly, Peter Wafula Wekesa's chapter addresses how Babukusu-Bagisu economic ties on the Kenyan-Ugandan border have helped construct a trans-national community that is able to weather economic, political and social change.

Unfortunately, for readers with a focused interest in the Sudans, there is relatively little in this text about either country. While there are of course broadly similar phenomena in the Sudans and the politics of the countries in the region are interlinked, this text is perhaps most useful for people with a strong interest in the politics of Ethiopia, Kenya and the different Somali regions. A more explicit text on the borderlands of the Sudans is *The Borderlands of South Sudan: Authority and Identity in Contemporary and Political Perspectives*, which is edited by Chris Vaughan, Mareike Schomerus and Lotje de Vries, and was published in 2013.

The case studies in Hoehne and Feyissa's collection are impressive in their detail and richly grounded in the linguistic, historic and economic ties that nurture these borderland communities. However, this volume almost exclusively focuses on international, rather than national, boundaries, which is also noted in Christopher Clapham's conclusion to the collection. Significantly, the volume fails to acknowledge how national boundaries in the Horn of Africa have been redefined by the division of Sudan into two countries. The editors define the Horn as encompassing Djibouti, Eritrea, Ethiopia, Sudan, Somalia, Somaliland, Puntland, Kenya, Uganda and Tanzania. South Sudan is understandably missing from this construction as it was created a year after the first edition was published in 2010 but the paperback edition, published in 2015, does not reflect this change, either. The internal borders of Sudan have also been

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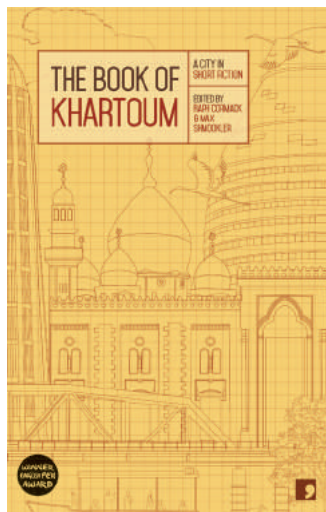


recently reshaped, with the creation of the new state of Central Darfur in 2012.

Though the volume is thought-provoking, at times the analysis seems incomplete. Ultimately the reader is left questioning whether the dynamics described in *Borders and Borderlands in the Horn of Africa* are exclusive to borderlands or whether they provide additional examples of how people both in borderlands and closer to political centres tacitly and overtly maintain their identities despite efforts by the political centre to control them. This question could usefully be addressed in future 'borderlands' studies.

With maps across the world literally being redrawn in the years since this book was first published, this volume can be partly forgiven for not saying more than it does. The economic, political and social importance of borderlands is increasing and is likely to affect more lives than one might have thought just a decade ago. As M.I.A. suggests in her lyric, "Borders what's up with that?", more work is needed to understand the ways in which people are deeply affected by, and indelibly reshape, the myriad internal and external boundaries that construct our world, for better or worse.

Matthew S. Benson



Raphael Cormack and Max Shmookler (Eds) **The Book of Khartoum. A city in short fiction**, Comma Press, Manchester, UK, 2016, ISBN 978-1905583720 paperback, £9.99

This is a book of ten short stories all written by Sudanese writers. Of the ten authors, four live in Sudan, one in South Sudan, four abroad and one, Ali el Makk, is deceased. As could be expected, they cover a wide range of subjects and issues. They were first written/published in Arabic during the current regime (apart from Ali el Makk's story, which was written in the seventies and is very much of that era in its description of events). Did the stories remind me (who lives in the diaspora) of

Khartoum? Generally no, but most of them definitely reminded me of Sudan.

The book contains two maps but I could not work out the meaning of the first sentence in the introduction, which states, "Khartoum sits across the three banks of the river, where the White Nile meets the Blue".

Ali el Makk's story, 'In The City', is about differing perceptions of manhood and its reality, both in the rural area where the protagonist originates and the savvy city. The ties and conflicts between rural and urban areas are also visited to fine effect in the stories, 'Next Eid' by Bawadir Bashir and 'The Butcher's Daughter' by Abdel Aziz Baraka Sakin.

'A Boy Playing with Dolls' and 'The Story of the Girl whose Birds Flew Away' are written by Isa el Hilu and Bushra el Fadil respectively. They are two of the best-known Sudanese short story writers and the stories are very well written. The stories are well reflected by their titles but reading them, I felt that they didn't really have any connection to Sudan or any place in particular for that matter.

'The Tank' by Ahmed el Malik and 'The Passing' by Rania Mamoun are interesting and give a strong feeling of being set in a Sudanese town. Hamour Ziada's story 'The Void' follows on from his award winning story 'Longing of the Dervish' in that it is set against the backdrop of the Battle of Omdurman during the Mahdist era. 'It's Not Important You Are from There' by Arthur Gabriel Yak perceptively reflects on the difficulties of trying to get anything official done in Khartoum. 'The Passage' by Mamoun Eltilib is quoted in the introduction: "[he] portrays a nightmarish vision of Khartoum as an alleyway in an abstract style typical of a generation whose writing has moved to a different place". The Arabic version I saw was illustrated by a Salvador Dali painting of the same name

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that seemed to reflect the story but I found it difficult to relate that story to Khartoum.

This is a short book of 80 pages that I should have been able to read on a round trip from my current abode at Hanger Lane to my birthplace in Mile End on the Central Line - only the book does not flow. I got stuck on the third page of the first story 'The Tank' where it says "...getting off your lazy arse", which was not a term I was familiar with in Arabic and in English it is more likely that the word 'backside' would have been used in this context. So I went to look for the original story as written in Arabic. After a couple of days searching I had managed to find five of the original stories. I stopped there as I thought they would give a good example of the standard / differences between the two versions. I found that the translation of the above example would more likely be, 'I waste what money my father left me and don't do any work, "لمع ياب موقاً الو" means 'don't do any work' not the literal, 'get up'. Herein lies the main problem with the collection, not the actual stories but the uneven level of translation.

Each story has a professional translator (one is also an atmospheric scientist) and from their names, I'm guessing that they have various nationalities, with either English or Arabic probably their first languages. The level of translation varies a great deal. To be fair, some of the stories do flow and you are not left wondering if the original might be different. From the five stories I managed to compare, two were fine, one was on the whole average (i.e. The Tank) and one had tenses all mixed up so that in the end the story lost some of its feel. One was very bad – even the name of the place where one of the people came from was changed into the person's actual name; I had the feeling that the translator hadn't quite got to grips with the story.

The back cover tells us that this is the first major anthology of Sudanese stories to be translated into English. The publishers must be applauded for this endeavour.

Aziz el Nur



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## Calling all members!

The Society for the Study of the Sudans is growing and part of this process is to expand membership. We call on all members to become canvassers for the cause of Sudans Studies and bring new people to enjoy SSSUK. It's **your** Society!

New members can mean new activities: the constraints on what we do now are first and foremost that we lack enough people to carry out the tasks required. So if you'd like to see more or different things happening, let us know and encourage new members – or maybe volunteer yourself!

Our developing journal, *Sudan Studies*, welcomes articles on subjects related to South Sudan or Sudan, whether long or short, academic or otherwise. Our Annual Symposium (this year on 16 September at SOAS) welcomes proposals for speakers on any appropriate topic but especially, this year, on the theme of Sudan and /or South Sudan in the region. We also need helpers at and sometimes before the meeting in various areas, including the expanding publications stalls. It's a great way to meet people!

Thank you all for your support so far: we welcome your ideas and your other contributions to a thriving Society.

Gill Lusk,  
Chair@SSSUK.Org

**Society for the Study of the Sudans (UK)**  
**30th Annual General Meeting, 17 September 2016**  
**SOAS**

**MINUTES**

*1. Welcome*

The Chairperson welcomed everyone to the 30th Annual General Meeting of the SSSUK.

*2. Apologies*

Apologies were received from committee members Jacob Akol, Douglas Johnson, Dan Large, Michael Medley, Andrew Wheeler, Peter Woodward; and from members Simon Bush, Raphael Cormack, Tigani Eltigani, Sarah Errington, Lesley Forbes, Judith Large and Aly Verjee

*3. Minutes*

There were no matters arising from the minutes of the 29th AGM of 24 October 2015, which were accepted as a true record.

*4. SSSUK committee*

No new nominations had been received for the committee. The following committee members had expressed a willingness to stand again and were unanimously elected by vote of the membership at the meeting. All will serve for the next 3 years as Trustees of the Society:

**Office holders:** Gill Lusk (Chairperson), Adrian Thomas (Treasurer) and Jane Hogan (Secretary)

**Ordinary elected members:** Dan Large, Sharath Srinivasan, Derek Welsby and Andrew Wheeler

*5. Chairperson's report*

Gill Lusk expressed her delight at the numbers attending the Symposium and encouraged non-members to join the Society. She thanked the Centre of African Studies at SOAS for their help in organising the Symposium, especially its Manager, Angelica Baschiera. She highlighted the extra activities which had occurred this year, in particular the very successful seminars held in conjunction with the CAS on agriculture, culture, and arms and weapons, which had all been well attended. As with the annual symposium, these events required considerable input from committee members, who all volunteer their time. Gill reported the deaths of 3 members of the Society in the past year: Mohamed Abarro, Norman Jackson and G.B.C. Lumsden.

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## 6. *Secretary's report*

Jane Hogan reported that two new committee members had been co-opted in the past year: Dame Rosalind Marsden and Francis Gotto, and that the position of Vice-Chairperson is currently vacant. Following the vote to change the name of the Society at last year's AGM, the new name, Society for the Study of the Sudans (UK), had been registered with the Charity Commissioners. The Secretary and the Treasurer had worked on an amended constitution for the Society (see item 10 below). The Secretary encouraged members to inform the Treasurer of any changes to their contact details so that they can be kept up to date with Society news.

## 7. *Treasurer's report*

Adrian Thomas circulated copies of the accounts. He reported that income was up by 7% and expenditure up by 16%, leaving us with a very small surplus. However, we still have healthy reserves of over £8500. It may be necessary to raise the charges in the future but this is not necessary at the moment. Most of our income comes from membership dues and the annual symposium and a third of all dues are now paid by Paypal. The two main items of expenditure are the annual symposium and printing and postage of the journal. Thanks to co-operation with the Centre of African Studies we are able to keep down the costs of the symposium and in 2015 made a small surplus on the day. Increased expenditure on Sudan Studies had been as a result of a decision by the committee to improve the look of the journal, with better quality paper and full colour production. The number of members had risen from 200 to 215. Adrian encouraged members to set up a standing order with their banks as this saved considerable time in chasing up arrears. He thanked David Lindley for once again checking the accounts. As David would like to give up this role, we need someone to take it on, preferably someone not on the committee. Anyone interested should contact Adrian at [treasurer@sssuk.org](mailto:treasurer@sssuk.org).

## 8. *Editor's report*

Charlotte Martin hoped that everyone appreciated the improved quality of the appearance of Sudan Studies. She is still in the process of learning how to operate the design programme and thanked Derek Welsby for his help in this regard, Francis Gotto for helping with photos from the Sudan Archive and Michael Medley for his work on the logo. Charlotte would welcome suggestions for contributions to the journal. She hoped that members enjoyed all the book reviews which had appeared in recent editions – a reflection of the number of books currently being published.

## 9. *Website Editor's report*

Michael Medley was unable to attend but made his report by YouTube. He demonstrated the changes to the website which had been completely revamped

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in the past year and thanked those who had helped by contributing photos. The website will now adapt better for small devices and is much easier to navigate. He reminded members that access is available to anyone visiting the website to the full text of all but the most recent editions of Sudan Studies. Password protected access to recent editions is now available for members only, although password logins have not yet been rolled out, due to data protection issues. Members will be asked by email if they wish to have a login set up. Having a members only section of the website opens up exciting possibilities for contributing material and sharing information. It will however require monitoring and Michael is keen that other members should get involved as his time is limited. He thanked Francis Gotto for taking on responsibility for editing the resources page and encouraged others who wished to help to get in touch with him at [website@sssuk.org](mailto:website@sssuk.org).

#### 10. *New constitution for the SSSUK*

The Secretary explained the background to the decision to amend the Society's constitution. The old constitution was not clear on all issues, did not reflect the new name of the Society and was not fully compliant with the requirements of the Charity Commission. The committee had drawn up an amended constitution, based on the original constitution and a model constitution from the Charity Commission website. The main change was to the membership of the committee which had previously comprised 10 elected Trustees and an unspecified number of co-opted (non-voting) members. It was felt that in the interests of transparency, it was better to shift the balance to elected members so the new constitution allows for up to 14 Trustees (including office holders) and 9 co-opted members. The new constitution was accepted by a unanimous vote and signed by those Trustees who were present.

#### 11. *Any other business*

The following items were raised from the floor: Nicola Steen reported on counselling sessions which she felt could be useful for those suffering from the trauma of war, and asked for help in facilitating a meeting. Liz Hodgkin spoke about the situation with regard to education in South Sudan. She and Eddie Thomas were exploring ways of supporting education in South Sudan and asked for the help of the Society in sending out an email. Imogen Thurbon suggested that their proposed meeting should also discuss women's literacy in Sudan as well as South Sudan.

The Chairperson thanked everyone for their contributions and brought the meeting to a close.

Jane Hogan, Honorary Secretary

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# Society for the Study of the Sudans (UK) (Charity no. 328272): Accounts for 2015

<u>INCOME</u>	<u>2015</u>	<u>2014</u>	<u>EXPENDITURE</u>	<u>2015</u>	<u>2014</u>
Membership dues (chq & SO)	1,507.00	1,672.59	Printing & Editorial	1,942.94	1,513.89
Membership dues (paid via PayPal)	790.00	485.00	PayPal Fees for subscriptions etc.	41.10	40.04
AGM/Symposium	865.00	1,403.80	AGM/Symposium (incl. PayPal fees)	1,497.93	1,552.92
AGM/Symposium (paid via PayPal)	739.00				
Refund of AGM Float	39.28	71.00			
Sale of Publications and CDs	24.00	42.00	Committee Room Hire	285.00	100.00
Interest on Bank Accounts	2.32	1.84	Website	108.00	100.00
			Other - Purchase of Microphone	64.98	
<b>Grand Total</b>	<b>3,966.60</b>	<b>3,676.23</b>	<b>Total</b>	<b>3,899.95</b>	<b>3,306.85</b>
			<b>Surplus/Deficit for the Year</b>	<b>26.65</b>	<b>369.38</b>
			<b>Grand Total</b>	<b>3,966.60</b>	<b>3,676.23</b>

<u>ASSETS</u>	<u>2015</u>	<u>2014</u>
Bank Balance on 1st January	8,506.42	8,136.83
Bank Balance at 31st December	8,533.07	8,506.42
<b>Surplus/Deficit</b>	<b>26.65</b>	<b>369.38</b>

.....  
*Adrian Thomas*  
 Prepared by Adrian Thomas  
 Honorary Treasurer, SSSUK

.....  
*S.K. Linsley*  
 Checked on behalf of members by  
 Dr David Lindley

## Society for the Study of the Sudans (UK)

The Society for the Study of the Sudans (UK), (founded in 1986 as the Sudan Studies Society of the UK) encourages and promotes Sudanese studies in the United Kingdom and abroad, at all levels and in all disciplines. SSSUK is a registered charity (No. 328272).

**Enquiries** about Society matters and membership should be addressed to:

Adrian Thomas,  
30 Warner Road,  
Crouch End,  
London, N8 7HD  
Email: [treasurer@ssuk.org](mailto:treasurer@ssuk.org)

### Membership:

Anyone with an interest in South Sudan and Sudan, general or specialized, is welcome to join the SSSUK. Membership is by annual subscription payable in January each year; new members can join at any time. Current annual subscription rates are:

#### *Individuals:*

UK: £12  
Rest of Europe: €25/£18  
Elsewhere: US\$30/£18

#### *Institutions*

UK: £20  
Rest of Europe: €30/£25  
Elsewhere: US\$40/£25

NB: Dollar & Euro subscription rates take into account postage and any bank charges.

Members receive two issues each year of *Sudan Studies* and the right to vote at the Annual General Meeting.

### Chairperson:

Gill Lusk

### Vice-Chairperson:

Vacant

### Hon Treasurer:

Adrian Thomas

### Hon Secretary:

Jane Hogan

### Website Manager:

Michael Medley

**Editorial Board, Sudan Studies:** Dr. Jack Davies; Ms. Jane Hogan; Dr. Douglas Johnson; Professor Jok Madut Jok; Rev. Andrew Wheeler; Ms. Charlotte Martin; and Professor Peter Woodward.

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## Sudan Studies

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All correspondence, articles and features relating to *Sudan Studies* and books for review should be addressed to:

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### Notes for Contributors

SSUK welcomes notes and articles intended for publication, to be assessed by the Editorial Board. The maximum length is 5,000 words including footnotes; longer articles may be accepted for publication in two or more parts. Short pieces are also welcome. Notes and articles should be typed in Times New Roman and single spaced and should normally be submitted as Microsoft Word files and sent to the editor as an e-mail attachment. Maps, diagrams and photographs should be of high definition and sent as separate files, with a file name corresponding directly to the figure or plate number in the text. Any bibliographies should be in Harvard style. SSSUK retains the right to edit articles for reasons of space or clarity, and consistency of style and spelling. It is helpful to have some relevant details about the author (2-3 lines), e.g. any post held or time spent in the Sudan and interest in the topic being discussed.

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