

The limitations of bilateral governance

As-Sadiq al-Mahdi



As-Sadiq al-Mahdi in Khartoum, 2006.

Source: Reuters/Mohamed Nureldin Abdallah

As-Sadiq Al-Mahdi is Imam of the Islamic Ansar sect and has been Chairman of the Umma Party since 1964. He served as elected Prime Minister of Sudan 1966-67 and again 1986-89, when he was ousted in a bloodless military coup.

The benchmarks for good governance, as enshrined in international best practice as defined by organizations such as the United Nations Development Programme, are participation, accountability, transparency and the rule of law. Yet these do not characterize governance in Sudan.

Although commonly called the *Comprehensive Peace Agreement* (CPA), the limited bilateral agreement between the Government of Sudan and the Sudanese Peoples' Liberation Movement (SPLM) signed at Naivasha in January 2005 is far from comprehensive, and indeed blocks the way towards dealing with other political and armed conflicts in the country. The CPA, which should more accurately be known as the Naivasha Peace Agreement, claims "the successful implementation of the agreement shall provide a model for good governance in the Sudan that will help create a solid basis to preserve peace and make unity attractive." It is full of articles that could lead to good governance, such as the endorsement of international charters and conventions for human rights and the stipulation that the political process should be inclusive. However, the agreement proceeds to undermine these principles by guaranteeing control of the north to the National Congress Party (NCP) in the form of 52 per cent of National Assembly seats prior to elections, and guaranteeing control of the south to the SPLM with 70 per cent of seats in the Southern Sudan Assembly pending elections. There is no stipulation that the NCP, a totalitarian party, and the SPLM, a shadow of its former incarnation the Sudanese Peoples' Liberation Army, be transformed into democratic organizations.

Consequently, the north has continued to suffer from totalitarian governance, the south from military governance. The agreement offers other political forces only token representation, compelling them to accept the privileges and political hegemony of the NCP-SPLM 'diarchy' or be disenfranchised. It calls for general elections in three years' time, but undermines their efficacy by putting the date in the hands of the diarchy and blocking the participation of all parties that do not submit to its privileges. Finally, it risks making the elections null and void by stating that if the south chooses unity, the provisions of the Naivasha agreement and its constitution would continue into the future.

Far from 'making unity attractive,' implementation of the agreement has widened the gulf of distrust between the two members of the diarchy, and between them and the other political forces in the country.

The problems are reflected by governance indicators. The Failed States Index produced by *Foreign Policy* magazine and the US-based Fund for Peace ranked Sudan as the world's third most vulnerable state in 2005

and its most vulnerable state in 2006, while a Corruption Perception Index compiled by Transparency International ranked Sudan as the country perceived to be the most corrupt in the Arab world and the joint tenth most corrupt country worldwide.

Many parts of Sudan continue to be affected by conflict. The *Darfur Peace Agreement* of May 2006 has not sufficed for the purposes of a ceasefire, let alone building peace in Darfur. The crises in Darfur, the east, the centre and the north of Sudan can only be resolved by a total break with the NCP policies which have exacerbated Sudan's old divides and created new and ever more intractable ones. They also compel a revision of the ceilings established by the Naivasha agreement. Opportunistic power bargaining between factionalized elites must be supplanted by the proper involvement of all the country's political forces in a process of peacebuilding and democratic construction. The 'retail trade' bargaining approach to power and wealth sharing chosen by the NCP negotiators and embodied in the agreement will neither build peace nor realize good governance.

I take no pleasure in concluding that the negative predictions I made in 2005 in a book on the Naivasha agreement and its transitional constitution have all been vindicated. Reflecting upon the whole inept exercise, the following lessons can be drawn:

- 1 Warlords who initiate and sustain armed conflicts are necessary for stopping them, but are not sufficient for peacebuilding. Other political forces must be recognized and included.
- 2 Power sharing must be based on the principles of legitimacy, namely national consensus or electoral resolution, not upon partisan, regional bargaining.
- 3 Wealth sharing must be based on the requirements of development, not upon opportunistic horse-trading.
- 4 A mechanism for accountability for past misdeeds like the Truth and Reconciliation Commission of South Africa is necessary to prevent grievances from festering unchecked.
- 5 Mediators mitigate the effectiveness of their own endeavours by focusing on actors with 'hard' military or governmental power, neglecting track two diplomacy and the efforts of civil society organizations.
- 6 Regional players, especially Sudan's neighbours, have got to be more involved in the peace process beyond the token regionalism of the now more-or-less defunct Intergovernmental Authority on

Development (IGAD) secretariat. Three of Sudan's neighbours, namely Chad, Eritrea and Uganda, have become entangled with Sudan in such a way that war and peace have become regional issues. It is imperative that Sudan takes advantage of its strategic position at the crossroads of North Africa, the Sahel, Central Africa and East Africa to push forward a regional peace plan for the Horn of Africa.

- 7 The peoples of Sudan need to hold a national constitutional conference (like, for example, the Convention for a Democratic South Africa of 1991-92) to draw a comprehensive and just peace agreement and to plan for a genuine democratic transition. Converting a bilateral agreement into a national one, the conference would: determine the ambiguous points in the Naivasha agreement requiring explanation; include significant peace issues neglected by the agreement; change the bilateral power relations that are infringing upon the rights of other groups; and approve the basic points leading to reconciliation such as self-determination, the interim period and equality in citizenship.

Until the fruits of these national endeavours materialize, a third party must help buttress national law and order in Sudan and contain the festering regional conflicts. An enhanced UN role in Sudan, under Chapter Seven of the UN Charter, is imperative if renewed civil war and regional armed conflicts are to be avoided.