The crisis of governance and the challenge to peace in Sudan

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Introduction

Sudan is a nation with millions of people dying due to war, hundreds of thousands of people forced out of homelands as internally displaced persons, tens of thousands as refugees in neighbouring countries. The nation is caught in a vicious circle of civil war and inhuman practices, slavery, racism, religious hatred and turmoil, isolation, economic exploitation, food shortages and starvation, and pervasive destruction and devastation of the southern region, its infrastructure, resources and people.¹

The war in the Sudan is one of the longest running conflicts in the world. After many years of little or no progress in resolving this destructive civil war, recent initiatives offer the hope of a genuine and lasting peace. These initiatives include the United States' increased involvement, including the introduction of verifiable benchmarks of progress by Senator John Danforth; a reinvigorated peace process led by the Inter-Governmental Authority on Development, particularly Kenya's General Lazarus Sumbeiywo; and the concerted support of that peace process by the IGAD Partner's Forum led by the troika of the UK, US and Norway.

The progress of the peace talks was highlighted in July 2002 with the surprising breakthrough signing of the Machakos Protocol between the government of Sudan (GoS) and Sudan People's Liberation Movement/Army (SPLM/A). The major achievement of the protocol was the acknowledgement, for the first time, of the right of self-determination for the south, and the guarantee of the right to opt for self-determination through a referendum at the end of a six-year interim period. This progress has focused the attention of everyone concerned – not least the two parties to the conflict, who are now eyeing with anticipation the promised millions of dollars of 'peace dividends'. But governments, donors, the United Nations, international aid agencies – as well as an increasing vocal Sudanese civil society – are all now talking about and planning for peace. The plans are, of course, dependent on a comprehensive agreement being reached in the near future as expected – by the end of 2003 at the latest.

In the Machakos Peace Protocol, signed in July 2002, the government of Sudan and the Sudan People's Liberation Movement agreed to:

   establish a democratic system of governance taking account of the cultural, ethnic, racial, religious and linguistic diversity and gender equality of the people of the Sudan and to find a comprehensive solution that addresses the economic and social deterioration of the Sudan and replaces war not just with peace, but also with social, political and economic justice which respects the fundamental human and political rights of all the Sudanese people.²

This commitment to a comprehensive solution, placing good governance at the heart of the peace process, is to be welcomed. However, considering it is precisely Sudan's long history of bad governance that lies at the root of this conflict, this emphasis in the Machakos process is also a warning. After so many years of civil war, it will take more than nice words to ensure that good governance takes root in Sudan. Turning political rhetoric into practical reality is an oft attempted activity in Sudan – though unfortunately not one noted for much success.

Christian Aid believes that unless key external actors – IGAD, the troika, the EU, the African Union, non-governmental organisations and others – act concertedly to establish good governance, a just and sustainable peace will not come to Sudan. Only by making a firm commitment to redress the past and by having a clear vision of how to build a better future for all of Sudan will the international

community be able to ensure that assurances uttered by the government of Sudan and SPLM/A are
turned into reality.

Good governance is first and foremost about guaranteeing democracy, justice and rights. It is the
securing of good governance – specifically, these key principles – in agreements that makes the
present peace process so crucial and yet so fragile. However, the struggle to get any agreement on the
substantial issues – power- and wealth-sharing, the contested areas and security arrangements –
signifies the wide differences that still exist between the two parties to the talks. This raises fears for
the future concerning the nature of any agreements that are reached: whether they truly address these
principles or will be implemented in good faith. If not, such limited and compromised bilateral
agreements will fail to satisfy the demands of Sudan’s majority, already excluded from those
agreements, and war could begin again.

All the substantial issues of Machakos are fundamentally questions of democracy, justice and rights –
of governance. They speak to the very heart of how such a diverse nation is to learn to live at peace
with itself. They define how Sudan is to be managed and run and how people can have the chance to
make their contribution. They are about the very nature of the state itself. The discussions around
the peace negotiations on these issues highlight the very different underlying perceptions of the
parties. These differences pose huge challenges to addressing governance, even assuming the best of
motives of the two parties.

Failure to address bad governance now – the current lack of representation, injustice and abuse of
human rights – means that the root causes of the conflict will persist. If they are not tackled as part of
the present peace negotiations, the manipulation of power and wealth will be as inevitable in peace as
in war. Ignore the many threats to good governance, and the destructive seeds of Sudan’s future
conflict are already planted – waiting only for the watering of discontent and division.

The creation of a just and sustainable peace in Sudan means that democratic, transparent and
accountable systems of governance are desperately needed to address the historic malpractices of the
past and the abusive systems of the present. Clearly it is the responsibility of the government of
Sudan, the SPLM/A, the other Sudanese political and military forces, and the people of Sudan
themselves, to establish those systems and good principles and practices of democracy, equality,
pluralism, respect for human rights and cultural and religious diversity. Sudan is their country and it
is their conflict; the Sudanese must ultimately find their own solutions. However, given the myriad
diverse perceptions and demands and the fact that the international community has agreed to
mediate a peace process, it is clear that an external role is vital in helping create the conditions
conducive to a just and sustainable peace.

The present peace process therefore presents opportunities that should not be missed and challenges
that cannot be avoided (of which the agreement is only an event along the way). Not to play that role
responsibly would be to condemn the people of Sudan to future conflict and further suffering. It is
because of concerns over the way those roles are being played out at present and the danger that poses
for the future of Sudan that this paper has been written. It does not aim to provide all the answers to
this complex conflict or suggest all the solutions to the enormous challenges raised by the search for
peace. It does aim to open up issues of governance and to encourage a much-needed debate about
how they should be addressed if Sudan is to find a just and sustainable peace. It is written in the hope
that together we may find the best way forward to good governance and justice and rights for all
Sudanese.

A history of bad governance

3 Fundamental to this are the differences between a northern Islamic interpretation of the role of religion in defining
the state and citizenship and that of the traditional but more westernised African, non-Islamic south.
It is impossible to understand the nature, intensity and duration of the war in Sudan without understanding its historic composition, diversity and formation. It will be impossible to resolve this conflict unless that complexity are addressed.

As has been well documented, the war is being fought over a complicated and changing set of issues. These characteristically encompass the identities, cultures and rival claims of diverse African and Arab peoples, control of natural resources such as land, livestock, water and oil, and, especially, the imbalance of power between a powerful elitist minority population in the riverain centre and a weak (and weakened) marginalised majority spread across the rest of this vast country.

The shifting alliances and counter-alliances struck between various political and military factions over the last 20 years have left the country profoundly divided. This has generated enormous mistrust and a profound lack of confidence among the diverse tribal and political groups of Sudan. This is especially, but not exclusively, felt by the southern peoples about the northerners, but is also felt within both the north and south. Armed militia groups, often supported by the Sudanese government, have multiplied and fostered further unrest and instability, particularly in and bordering the south. In the north the state security apparatus acts with impunity against a whole range of people opposed to the regime. A propensity for central governments – both civilian and military – to act in the interest of a narrow elite has meant that tolerance, equality and individual and collective rights have not only been absent, but deliberately abused. The cost of the civil war over this long period has been enormous – especially for the south, but also for the whole nation. None but a few elites has benefited.

Alongside issues of religion, national identity and self-determination lies the competition for control of natural and human resources. Exploitative commercial and military interests have long been entwined in Sudan’s history from the sudanic kingdoms through colonial periods and into the present-day war economies. These vested interests continue to pose a serious challenge to peace. Though the SPLM/A (since 1994) and the GoS (since around 1998) have made some efforts to better their systems of governance by tolerating a degree of civil society, progress has been slow and has often been the result of pressure rather than through a commitment to real change, principle or practice.

The realities on the ground in the north and south are, however, markedly different (a fact reflecting the vastly different levels of development, infrastructure, and social and political histories of the two regions, as well as the consequences of the civil war). This may well mean different strategies and foci for the north and south. For example, the rule of law, and the established state structures and institutions in the north have been both severely abused and abusive to maintain power and control. In the south, a legal system and other governing institutions are either still being formed or do not yet exist. This has meant that predatory and opportunistic abuses have been pervasive. The proliferation of powerful interests in both north and south, with a large stake in ongoing war, makes the peace-building process deeply complex and challenging. The many security forces in government areas (including militia groups) and a military-dominated SPLM mean that principles of participation, transparency and accountability are as vitally needed as they are hard to achieve.

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Problems of governance in the north

Power politics

- **History of military dictatorships, sectarian monopolies on political and economic power** and construction of a narrow religious, cultural and linguistic national identity. The current government came to power in a coup in 1989 and has since ruled by means of manipulation, coercion and conquest.

- **Lack of democratic traditions and institutions.** In addition to its history of military coups, Sudanese politics has been dominated by policies prioritising the rights of a limited section of the Sudanese people, which has continued even during brief periods of democracy. After the 1989 coup, a purge of the military, judiciary, public administration, trade unions and civil society took place, severely weakening all spheres of public life. Political realignments and allegiances were struck without improving the ability of government to fulfil its responsibilities to the population. A culture of splitting the opposition and co-opting factions to maintain the status quo continues with both political parties and armed groups.

- **Unclear roles and responsibilities between government and security services.** Many government officials and public institutions lack real power. Security operatives work behind the scenes to direct policy and take executive decisions. History of refusing to honour signed agreements including previous peace agreements. Khartoum has failed to honour many aspects of the current Machakos peace talks including the cease-fire (in western Upper Nile), access for monitoring teams and agreements to allow flights for humanitarian aid.

Legal and administrative frameworks

- **Use of legal and constitutional frameworks to maintain control** of all aspects of political and economic and social activity. Slow and non-transparent administrative procedures serve as a political tool to obstruct freedom of movement and organisation.

- **Legal and administrative restrictions on independent civil society.** These controls have profoundly undermined the readiness and capacity of the Sudanese to organise themselves and have resulted in a state of fear with strict self-censorship. This has also limited the practice of democratic principles in existing organisations, and restricted the emergence of new organisations. There has been some improvement in recent years, but rights to organise socially, culturally and politically have not been significantly guaranteed by the redrafting of the constitution and the Political Parties Act. Constitutionally guaranteed political space is restricted to narrow religious parameters and weak guarantees and vague laws on the rights of political parties. Restrictive security requirements and administrative procedures remain in place for all organisations. These include the need for security clearance to hold any public gathering, registration criteria, fees and fines. It remains unclear what organisations are legally allowed to do.

- **Lack of reform in all government departments** including the police, judicial and prison systems, electoral commission, civil transaction authority (in charge of distributing land), revenue authority, banking system and humanitarian aid commission.

Security arrangements

- **The military forces of northern Sudan** include semi-autonomous security forces, tribal militia and popular defence forces, armed bands and a large conscripted army. Demobilisation, demilitarisation and reintegration into civilian life will take time and will be difficult. Government expenditure on military hardware and on the development of an indigenous Sudanese arms industry continues.

- **The renewal of the state of emergency and amendments to the National Security Forces Act** give the security forces legal impunity for their abuses. The security apparatus is ubiquitous and comprised of myriad organs often acting independently of any unified and accountable authority.

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• The targeting of civilians in the South, Nuba Mountains, Southern Blue Nile and Abyei continues despite the peace process, with bombing raids, helicopter gunships, and restrictions on humanitarian assistance aiming to terrorise and starve populations to clear them from the land.

Economics and finance
• An elite monopoly on the use of natural resources such as land and oil and links between economic strategies and military objectives. This has resulted in large-scale abuses against populations from resource-rich areas, asset stripping, and exploitative labour practices including the forced displacement of people from their land to ‘peace camps’ where they become a source of cheap labour for mechanised farms.
• Lack of accountability in the management of state finances, including a pervasive lack of transparency and corruption.
• Neglect, marginalisation and underdevelopment of many regions of the north (and government garrisons in the south) which lack basic social services and are unstable and impoverished.
• Formal economic activity and employment opportunities and credit are restricted to those who are politically affiliated with the current regime. The benefits of political correctness include access to contracts, concessions and business permits.
• Food security has been chronically undermined by government policy, resulting in famine, displacement and loss of sustainable livelihoods in many regions.

Social and cultural
• Social and cultural marginalisation through policies denying equal opportunities to many social groups (including women) and seizing land and assets from already marginalised people.
• Social planning has become synonymous with programmes of economic, social, cultural, linguistic and religious manipulation of vulnerable populations aimed at limiting the diversity of Sudan’s cultures. Among the signs are the forced relocation of the displaced from settlements to ‘peace camps’, the ‘civilisation project’ and religious and cultural bias in policies of the ministries of planning, education (the ‘return to the roots’ programme of Islamic education), information and culture.
• The dismantling of what was a vibrant and active civil society and the creation of new organisations with limited ideological and religious vision under programmes of ‘Islamic social planning’. Most civil society groups have limited capacity, operate with strict self-censorship and are centred in Khartoum with weak coordination and links to peripheral areas, though this situation is beginning to improve.
• Education standards have continued to fall, with most of the many vulnerable populations (including displaced people) in Sudan having missed an education altogether.
• Restrictions on women’s rights in all spheres.

Power politics
• A militaristic mentality dominates the SPLM/A and the south generally despite efforts to form civil administration and despite the southern leadership’s wish to be seen as a southern government-in-waiting. The SPLA was born out of a military rebellion in 1983 and ruled by strict military control until 1994 when the first SPLM convention was held to establish civilian administrative structures and allow Sudanese NGOs to form. The SPLM lacks a properly organised democratic mandate from the people but claims popular support. In reality in most areas there is no alternative to the SPLM so it remains the de facto rather than de jure authority.
• Political and military expediency often overrides the attempts to establish an effective and functioning civil administration and institutions. Military personnel still head up most of the various commissions established. Central decision-making bodies override previously established more democratic bodies. For example, the SPLM Leadership Council, made up of mostly senior...
military commanders, has replaced the National Liberation Council, a civilian-based body
elected in 1994, in making all key decisions. The ‘war effort’ is often an excuse for dubious
practices and maintaining control over the majority.

- **Factionalism and opportunistic warlordism** and government-supported militias are still
  prevalent in the south - often to destabilise the SPLM and maintain instability and insecurity.
  Many factions are personality-based rather than politically motivated.

### Legal and administrative frameworks
- **Limited and blurred separation of powers** between the military, government and civil society
due to lack of clear policy and legal frameworks. What limited SPLM policy exists is often
bypassed in favour of more opportunistic practices or those driven by necessity.

- **Lack of investment in governance structures.** Attempts have been made in SPLM-held areas to
  establish civil authorities but they are under-resourced and have not received any real degree
  of internal investment and thus are ineffective in serving the people. The SPLM still relies heavily
  on external assistance to function as an administration - even for the most basic things. Most
  people work ‘voluntarily’, which is a disincentive to skilled people who often move to NGOs or
  into exile. The establishment of more democratic structures such as ‘liberation councils’ at all
  levels in SPLM areas have been of limited value as they do not have clear roles and
  responsibilities and do not effectively feed into higher levels of decision-making. Governance
  structures remain almost absent in non-SPLM areas (apart from the Southern States
  Coordination Council in the government garrisons). The merger between SPLM and SPDF
  administrations has been slow and suffered from mistrust and political infighting.

- **Limited independence of judiciary and weak legal framework and justice system.** An
  independent judiciary has been established in theory since 1999 but suffers many constraints - of
  resources, political contraints and restrictions of capacity. There is no real statutory law so many
  customary systems prevail. A lack of trained judges is a major problem; accusations of corruption
  and poor justice hamper the effectiveness and legitimacy of the few who are available. There are
  no effective law enforcement agencies with prisons and police both severely overstretched. This
  hinders the practice of the administration of justice and a wider public understanding of the
  justice system, leading in turn to more informal, violent forms of dispute resolution. All legal
  and law-enforcement agencies need training and resourcing to be effective. Things are even
  worse in parts of the non-SPLM south, where the lack of any civil structures means that military
  justice and abuse of human rights are common. Customary dispute-resolution mechanisms have
  been weakened and undermined in many areas by a militaristic mentality and by a general social
decay associated with war.

- **Lack of skilled administrators** limits effective management by local authorities.

### Security apparatus
- **Southern Sudanese still depend on the SPLA** for security because of the weakness of southern
  law-enforcement agencies.

- **Proliferation of small arms.** The availability of arms militarises society, reflecting the lack of rule
  of law and inadequacy of law enforcement.

- **Tribal dominance** is resented and tensions prevail, with pastoral and agricultural communities
  especially at loggerheads. The existence of different customary systems sometimes leads to
  conflict.

- **GoS-sponsored militias operate with impunity** in southern areas, disrupting attempts by
  southerners to govern peacefully.

### Economics and finance
- **Transportation and communication.** The almost complete absence of a functioning
  infrastructure means that many areas are inaccessible; this poses a huge challenge to establishing
good governance. Poor communication similarly hampers any effort to monitor and control local and regional administrations.

- **The south is dependent on external agencies** for most service provision and lacks capacity to manage development programmes itself. Sudanese NGOs have proliferated in recent years but there are few examples of fully competent organisations able to implement effective programmes.

- **Lack of accountability and transparency for internal resources.** Taxes, customs and other revenues are used unaccountably, often for personal benefit. The ‘war effort’ has been used as a screen for the exploitation of income and natural resources for personal gain. Many people complain about the ‘bottomless pit’ of the so-called war effort. The lack of a common currency poses a major challenge to developing effective financial systems. Corruption discourages the establishment and implementation of good systems.

### Social and cultural

- **Traditional authority structures often clash with the SPLM/A administration.** Fears of tribal dominance, non-representation and marginalisation lead to ethnic divisions and mistrust, especially where traditional governance structures clash with the SPLM/A.

- **Cultural and ethnic differences are often politicised** by those with an interest in war both north and south.

- **Weak civil society.** It is still risky to speak out against the SPLM for fear of reprisal. The precarious position of NGOs means that civil society is not representative of the diversity of Sudanese groups.

- **Women’s participation is limited** in the south, though developing. Women have been excluded from education and opportunity. Efforts to address this have been piecemeal and there is no real vision or effort within the SPLM/A to address these issues systematically.

## The transition from bad to good governance

Addressing such deeply entrenched practices of bad governance, as discussed above, will be a major challenge for the Sudanese and for those mediating a peace. But however challenging the process may be, it is precisely these issues which lie at the heart of the conflict and which therefore must be addressed. Based on its 30 years of work in Sudan, both north and south, Christian Aid believes that external support is crucial to help the Sudanese make the transition to a comprehensive, just and sustainable peace given the history and continued marginalisation of the majority of the Sudanese. The troika of the US, UK, and Norway has a special obligation in this respect given their role in supporting the peace negotiations and their expressed policy of working for justice and human rights, democratic principles and representative government.

A peace process with an agreement that does not address the causes of the conflict is neither comprehensive, just nor sustainable and will not be accepted in the long run. To achieve real peace and provide genuine peace dividends, the central demand of the majority of Sudanese people must be met - this is the recognition of full and proper rights and representation in the governing structures and systems of Sudan at all levels. These rights must apply to both northern and southern Sudan and be demanded from those who have taken up arms to fight for them as much as to those they have taken up arms against. A just peace is not about replacing one form of domination with another.

This issue, of rights and their link to a sustainable peace, is as important for many Sudanese people as dealing with the consequences of the conflict, important though that is. There is a danger in any peace process that aims simply to end the war, offers to reconstruct Sudan, yet does not address its fundamental reform. To invest in the former and neglect the latter is to misinterpret the nature of the

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conflict and therefore to misunderstand the solutions. It is to risk entrenching abusive regimes in power and rewarding them for their intransigence.

The challenge to IGAD and the troika, as facilitators of the peace process, therefore, is to ensure that patterns of marginalization and oppression are addressed in any peace agreement and resulting peace-building process. It is to put the issue of justice and rights ahead of all other demands – before other kinds of peace dividend – including quick-impact projects, debt rescheduling, normalization activities, sectoral investments, even basic service provision. It is to provide for the establishment of systems that are transparent, accountable and responsive to the diverse interests and needs of the whole Sudanese population. In fact, those things themselves depend on good governance if they are to be effective tools of rehabilitation and reconstruction. To undertake these tasks without good governance in place is both bad principle and bad practice. It is to encourage abuse and to leave the door open to manipulation and mismanagement and thus to disillusionment and dissatisfaction – and thereby risk a return to conflict.

It takes time to build good governance. But serious efforts to begin the process of reform must be visible to all Sudanese from the outset if they are to have confidence in a peaceful future, and in those monitoring that peace. The approach of all external actors including IGAD, the troika, the EU and others is thus key in the establishment of good governance in Sudan. Policies and programmes need to be well thought out, well sequenced and comprehensive. Planning those policies should begin immediately.

**Promoting good governance**

To promote good governance, effective mechanisms need to be established which systematically work towards the required outcomes of political stability, equitable justice and sustainable development. These mechanisms have to be deliberately put in place and not left to chance. Unless people experience real change for themselves in these areas a sustainable peace will not only remain fragile – it will remain elusive. Clearly these are long-term goals that will take time to reach fruition. But they are so key to peace that it is vital that efforts begin now to ensure these mechanisms are embedded in the peace process.

Christian Aid believes that these governance reform processes must be put in place as a first step. They must be articulated and provided for under any peace agreement and implemented as the foundation for everything else. It is these processes and mechanisms that will define the ways in which the Sudanese address their chief concerns and problems.

At the recent donor’s meeting in the Netherlands it was stated that soon after a peace agreement is signed:

the quick-impact programme will aim at building public confidence by providing tangible results at the community level; the programme will be based on the existing humanitarian and development assistance and prepare the ground for longer term recovery and development efforts. Priorities formulated for the quick-impact programme and beyond include: capacity-building; return and re-integration of displaced people and refugees; development of the economy and infrastructure and rehabilitation of basic services such as health, education, water and food security. A major priority that demands immediate action is capacity building for all levels of the authorities in Sudan to prepare for peace, especially for the emerging civil administration in the South. Sudanese civil society, including NGO’s,
should be fully empowered to engage in the quick-impact programme and in planning for longer term development.  

Interventions such as these must first build confidence in good governance, its principles and practice, at all levels. It is primarily in the area of justice and rights that there is a need for tangible results. Only then will it be possible to have an owned and principled implementation of other activities. This is much more fundamental and comprehensive than rebuilding infrastructure or creating administrative capacity.

How those good governance processes should be set up and function is the task of a wider Sudanese constituency to determine – with the help of external assistance. Christian Aid’s concern is to ensure that systems for good governance are established in a responsible and comprehensive way, and that they are well conceived in a clear and coherent strategy. As an agency involved on both sides of the north-south divide, Christian Aid’s concern is that the transition to peace is not left to ad hoc, inadequate and reactive responses to governance. Such a piecemeal approach would undermine political stability, equitable justice and sustainable development – and thus undermine peace. Governance must be a focus in and of itself – not an add-on. It is the very centre of reconstruction and rehabilitation. It is the lynchpin which holds everything together.

While acknowledging the complicated and difficult nature of the good governance task, frameworks for addressing and improving governance need to be developed in a participatory fashion. This must not be delayed until the peace negotiations are over and a peace agreement is signed. That would make any agreement vulnerable to rejection by people excluded from the process. The active participation of ordinary Sudanese in formulating the framework for addressing governance issues needs to be developed immediately, as part of the peace process. This is the task of a wider Sudanese constituency. Christian Aid’s concern is that the transition to peace is not left to ad hoc, inadequate and reactive responses to governance. Such a piecemeal approach would undermine political stability, equitable justice and sustainable development – and thus undermine peace. Governance must be a focus in and of itself – not an add-on. It is the very centre of reconstruction and rehabilitation. It is the lynchpin which holds everything together.

International support to any peace agreement and peace-building process must consider and address:

- **Continued engagement with, and investment in, the peace process.** Given the history of bad governance in both north and south and the lack of trust between the two sides (in part based on a history of reneging on agreements), it is important that the external actors stay committed to the peace process for many years to come. The peace agreement needs to be watertight with regards to addressing governance issues, with international guarantees backed up by verifiable benchmarks for monitoring the peace process. Equally important is the ongoing external investment of time, effort and political will to support that agreement. The final peace agreement must incorporate the ways in which these stated intentions are to be implemented and that those post-agreement mechanisms are put in place as the first element of any peace dividend. This will mean a dedicated and sustained investment from the international community, the troika in particular.

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7 'Preparing for Transition in Sudan', report of the public meeting on the future reconstruction of the Sudan held on 4 April 2003 in The Hague, organised by the International Dialogues Foundation (IDF) and the Institute for Social Studies (ISS).

8 The international community should not undermine Machakos process by overlooking, for reasons of political expediency, serious violations of the cessation of hostilities and monitoring. It is vital that the international community holds the parties to the peace publicly accountable for violations.

9 See the European Coalition on Oil in the Sudan for further consideration of the benchmarks. www.ecsonline.org
The need for political stability. Stability implies a process of democratisation and decentralisation which itself requires the development of a democratic culture and institutions and the peaceful resolution of conflicts, expression of interests and opposition, and sharing of power. There must be guarantees of universal rights and representation, whatever the politics and character of a democratically elected government. Support to the democratic development of the many different Sudanese organisations is also needed.

The importance of effective justice and the rule of law. The clear definition and guarantee of individual and collective rights and the establishment of effective independent institutions to uphold the rule of law are fundamental to the peace process. These rights define the framework within which all other peace building activities can or cannot take place. They protect individuals and groups, and provide for recourse and redress should that protection fail. Strong institutions, especially of the judiciary, are needed to ensure the equal treatment and rights of all Sudanese citizens. These provisions must encourage and protect an open and tolerant political environment, and ensure that it is not dominated by considerations of ethnicity, nationality, race or religion.

The demand for equitable and sustainable development. A strong social contract between government and citizens is essential for the development of strategies for broad-based and equitable development. In the absence of such a contract, governments are likely to rule in the interests of certain elites (economic, ethnic, religious or social). If not explicitly addressed as part of the process, chronic poverty and marginalisation will continue, with the attendant risks of sparking new conflicts and re-igniting old ones.

The ingredients of good governance in Sudan
Here we lay out some of the issues to consider in planning a true peace for Sudan. These are especially relevant for the troika and IGAD Partner’s Forum, given their obligation to creating a sustainable peace, during the interim period. They are too important to be left until after a peace agreement is signed.

Power politics

• Good governance based on the rule of law requires a clear separation of powers, including the separation of the military and security services from the running of government, and separation of the executive from the legislative and judiciary. This can only happen if reform is underpinned by the principles and practices of transparency, accountability, efficiency and participation. It will take time. But a governance ‘plan of action’ for the first, immediate steps is needed now. These will allow space for the subsequent (participatory) development of independent institutions and regulatory frameworks.

• Reform of the security sector to make it professional, accountable to civilian authorities and separate from other spheres of governmental and non-governmental activity. Such reform would encourage a strong and responsible state and the development of an active and independent civil society. Preliminary measures could include timetables for lifting the state of emergency (in the north), dialogue on security issues, and efforts to rehabilitate, reform and hold accountable the security forces, army, popular defence forces and police. In addition, there should be the cessation of all support for militia activities with enhanced international monitoring of areas in which the militias have traditionally operated.

• Concrete moves towards the development of democracy, including religious and cultural freedoms, a free press, the development of a free and independent judiciary, a constitution that protects the rights of all individuals and minorities, human rights and civil liberties. Effort should be made to encourage Sudanese monitoring, with international support, of the development of political pluralism as ad hoc projects carry the risk of political manipulation. The free formation of political parties and civil society organisations must be guaranteed alongside freedom of expression, association, assembly and movement. This process must begin now in order to open
new channels for dialogue, reconciliation and nation-building, and to ensure that all Sudanese can have confidence and invest in a genuine peace.

- **Initiation of broad-based and inclusive processes dialogue within the north and south, and between north and south** on the establishment of democratic institutions and better governance systems. Provisions for such processes should be built into the peace agreement and interim constitution (ie statutes for the development of a constitution (with the constitution for the unity government clearly distinct from that of the northern entity). Such a dialogue should aim at reconciliation to counter the threat of fragmentation within both the north and south.

- **Encouragement of civil society’s role to hold government accountable** is paramount. But to do this requires that civil society organisations operate in an enabling environment, that there is sufficient transparency so they know what the governments are doing and that they have sufficient capacity. Support from all sides is needed for this to succeed. Urgent interim measures to guarantee the enabling environment are needed for the independent formation and functioning of political and civil society groups. This means introducing legal and administrative provisions regarding movement and activities and safeguarding civil society organisations from the interference of security services. International political and financial assistance will be essential in achieving effective monitoring.

**Legal and administrative frameworks**

**Commitment and guarantees for human rights and fundamental freedoms**, the rule of law and principles of tolerance, equality of citizenship and equality of opportunity. International human rights instruments should be ratified without reservation or derogation. Clear definition of rights and their protection is needed as these rights define the framework within which all other activities take place.

- **Commitments and guarantees must be built into the final peace agreement and interim constitutions** to protect human rights and democratic freedoms. Freedom of expression, association, organisation and movement should be explicitly guaranteed.

- **Encouragement of the free formation of political parties, trade union associations and civil society** and an atmosphere in which they can speak freely and contribute their ideas. It is important to re-introduce legislation that allows independent voluntary organisations, trade unions and professional associations to be formed and operate freely. This will involve cancelling and later replacing existing legislation. This process could begin with the relaxation of security restrictions on movement and organisation. One possibility is a memorandum of understanding on what is permissible for non-governmental activity in the next few months, with a view to a comprehensive future participatory process of legal reform related to the functioning of political parties, trade unions and voluntary organisations. Key provisional criteria for organisational rights could include principles of non-violence, transparency and tolerance.

**Interim measures should be put in place, which will pave the way for comprehensive reform.** Key first steps include the repeal of the State of Emergency and urgent review of the National Security Act in the north (with priority review of those provisions which contradict Sudan’s obligations under the International Covenant on Civil and Political Rights).

- **Future laws will have to be drafted based on an agreed framework and interim constitutions**, dealing with a permanent constitution, human rights, elections, anti-corruption and reform of public administration, social security, land rights and communal land ownership, taxation, revenue allocation and security. Effective and independent interim commissions with practical working methods will be urgently needed. Participatory processes to design accountable and transparent legal and administrative systems should begin as a priority.

- **Ensure that legislation and administrative procedures are reformed** to allow peaceful activities to be regulated and monitored in a way which protects citizens and the environment from
obstruction, exploitation and abuse, paving the way for democratic practices and effective independent institutions to uphold the rule of law.

Security arrangements

Proper engagement with the peace process by the wider Sudanese community is essential to ensuring that the peace is comprehensive and locally owned.

- Seek a comprehensive peace, with all armed groups and support reconciliation, particularly in areas of instability. It is vital that northern and southern governments signal willingness to devolve economic and political power to state and municipality level. This is key to avoiding unrest and rebellion from the many marginalised areas of the Sudan.
- Include the excluded in peace-building to ensure that those Sudanese constituencies currently excluded are brought into the broader peace-building environment (everybody from civil society to political parties, militia and other armed forces). This will need mechanisms for information sharing, regular consultation and feedback to ensure that Sudanese people and organisations are informed, empowered and heard (not only other political parties, but also other marginalised groups including religious and cultural groups, traditional leadership and women).
- Rationalise, professionalise and hold accountable the security, military and police forces. In the north this implies immediate measures to limit the immunity of the security services, police and government-backed armed militia. In the south this implies immediate measures to develop civilian-based and civilian-focused law enforcement agencies and judiciary (with serious consideration of how to deal with the militias and the Ugandan Lord’s Resistance Army). Major international political pressure and support programmes will be needed.
- Initiate dialogue on internal security and power-sharing within both the north and south. Comprehensive inclusive security arrangements will need to be pursued.
- Intensive and effective international monitoring of the cease-fire and human rights is crucial for a peace agreement to succeed. Monitoring should be expanded and comprehensive - not limited to a few central locations. The international community should advocate and support civil society’s role as in monitoring agreements. In the marginalised areas of the Nuba Mountains, Southern Blue Nile and Abyei, in particular, an effective independent international monitoring system is vital to ensuring a peace agreement will not unravel, and must be built into the broader peace agreement. International monitoring should also be extended to regions such as Darfur and Eastern Sudan where instability and armed resistance continue.
- De-militarisation and demobilisation of security forces, tribal militia and popular defence forces and parts of the respective armies will be a slow and difficult process. Research must begin now to attempt to understand the aspirations of those who have taken up arms (whether by choice or force) so that appropriate and attractive alternatives can be programmed. Demobilisation should be as voluntary as possible.

Economics and finance

Clear commitments from both sides are needed affirming that the agreements currently being negotiated translate into concrete mechanisms to apply the principles of wealth and power-sharing at all levels and in all corners of Sudan. It is a major challenge to see that the final peace agreement itself incorporates ways in which these stated intentions are to be implemented. Agreed mechanisms for ensuring that resources are used accountably and equitably at state level must be put in place as the first priority of any peace dividend.

- Definition of transparent systems for resource allocation and government expenditure, not only between north and south but also from the northern and southern interim governments to
the regions within the north and within the south. The World Bank and the IMF in particular should sustain commitment to facilitate the agreements on the distribution of resources and continue to play a role on developing verifiable indicators for change which should be public.

- **The participatory PRSP process of the World Bank** and the EU’s involvement of non-state actors under the Cotonou agreement in particular should at involving and strengthening the role and capacity of a broad based and fully representative Sudanese civil society in monitoring government development policies and programmes.

- **Suspension of the Civil Transaction Act** and review of land settlements via an independent interim committee should be a priority. In addition legislation will be needed to prevent predatory business practices and stop companies from exploiting the fragile peace to buy up cheap land and concessions.

- **Ensure a governance focus within international aid programmes** so that they look not only at social service provision or poverty reduction but at the broader governance environment to ensure a social contract and participatory processes between ordinary people and local government and sustainable and ‘owned’ development. Donor support must address the complexity of the situation and not be limited to sectoral ‘poverty alleviation’ interventions and ad hoc governance projects. Quick impact programmes are important. But projects and programmes should not replace policy reform and participatory processes that create fundamental change.

A phased approach to international assistance rather than flooding the country with funds. Donor funding that reinforces the process of capacity building and simultaneously encourages policy reform should be designed before programmes begin. ‘Quick start’ should thus focus first on governance issues such as monitoring and Sudanese-led participatory programming for rehabilitation and development at the local level and should strive to ensure coherence and coordination between various assistance programmes. Efforts to strengthen the human and management capacity of civil authorities and civil society in Sudan begin now.

- **Develop mechanisms for assessing the impact of increased development assistance.** The absorptive capacity of government structures in Sudan is grossly insufficient and an influx of foreign funds could be diverted to powerful elites. There are no current safeguards to prevent misappropriation of funds and the destruction of nascent trust between groups by competition for resources. Funding should aim to enhance processes of collaboration, dialogue and partnership among both local and international organisations.

### Social and cultural

- **Value and protect cultural and religious diversity and equal opportunities** and ensure these rights are explicitly enshrined in the interim constitutions and protected under law. An interim race relations act could be an important peace dividend in the interim period.

- **Promote and open and honest dialogue about issues of race, religion, gender and cultural identity.** Civil society groups have pointed to the need for peace, good governance, human rights and reconciliation to be understood as inseparable in Sudan.

- **Political, financial and moral support to an enabling environment** for good governance to develop, including the free formation of civil, political, economic, social, cultural and religious organisations and guarantee of freedom of expression, association, assembly and movement.

- **Support to building the capacity of civil society** is urgently needed and should emphasise principles of transparency, democratic management and representation of diverse Sudanese groups and interests.

- **The return of Sudan’s displaced population must be strictly voluntary** and will require a comprehensive framework with co-ordination between internal and external development actors, and extensive consultations with the many displaced communities. Those who do not wish to return must be guaranteed equal residence rights wherever they are in Sudan.
• A focus on women’s empowerment and participation is needed urgently to overcome current inequalities.

Conclusion and recommendations

The lessons from other countries emerging from years of conflict - Bosnia, Kosovo, Angola, East Timor, Afghanistan, and now Iraq - is that post-conflict reconstruction is often difficult and messy. External donors and actors often underestimate the size and complexity of the challenge, instead focusing on inputs needed from the international community rather than on the outputs needed from ordinary people themselves. The emphasis then falls on reconstruction, not reform.

The current momentum for peace is a long-awaited opportunity to address the enduring crisis of governance in Sudan. Christian Aid believes that the challenge to all actors - internal and external - is to turn the history of bad governance into a present of good governance. A just and sustainable peace characterised by democracy, justice and human rights, however, has to be worked for and created, clear principles have to be established and followed, good practice owned and implemented. This opportunity demands a comprehensive and concerted effort from all actors in order to create a better future for Sudanese people. This includes those external actors with the most influence and most responsibility - those brokering and supporting a peace agreement and peace process. Good governance applies to the way those actors intervene as much as to the creation of new structures in a post-conflict Sudan.

Recommendations

International involvement needs to be guided by a clearly articulated set of principles as well as supported with appropriate resources, including the development and provision of strong international guarantees and commitments and by effective monitoring to ensure compliance and tackle violations. This implies the development of public benchmarks and verifiable indicators of progress on key governance issues including civil liberties, human rights, access to basic services, democratisation, utilisation of resources, governance practices and equal representation.

External actors need to be aware of what is possible now - given the lack of capacity and education - and what needs to be done over the longer term to improve and increase the effectiveness of Sudanese participation and ownership.

The challenges to reform are huge and varied. Some of these range from the logistical challenge of gaining access to isolated communities in a vast country virtually without infrastructure, high levels of illiteracy and low educational abilities (especially in the south) and the challenge this poses to democratisation and decentralisation, the existence and challenge of spoilers (not least, government-sponsored militias) being used to undermine good governance, of opportunistic 'carpetbaggers' including multinational investors, and the balance between deliberately encouraging political pluralism and accidentally fostering political fragmentation. All these issues require careful handling.

Before a peace agreement

The donor community and in particular the facilitators of the peace process should:

1. Support strategies aiming to influence and shape the final peace agreement so it ensures future governance reform. These strategies need to articulate an explicit definition of goals and objectives - on, for instance, justice and rights - and set out the processes and mechanisms by which reforms are to be implemented.

2. Start a comprehensive process that allows a broad spectrum of Sudanese to participate and identify, through a national dialogue, governance issues and a framework for addressing them
thereby ensuring maximum Sudanese ownership. The process may include addressing constitutional issues, separation of powers, democratic and representational issues, the training and accountability of the public administration, policy and legal frameworks, institutional and organisational development and the empowerment of civil society. There are already many insightful contributions on the issue of reform and how it can be structured and organised emerging from Sudanese civil society that should be carefully considered and integrated into the peace talks.10 This national dialogue is the foundation upon which all thinking, planning, policy reform and effective institution-building will be built.

3. Support the development of governance reform benchmarks. The final peace agreement itself should be backed up by international guarantees, including verifiable benchmarks for monitoring the governance reform process. These should be openly agreed in advance with visible and measurable indicators of progress defined for all areas – for peace building, the ceasefire, human rights, democratisation and the overall governance process of change. These benchmarks may be especially important in the oil-producing areas and other areas in which the militias pose the greatest threats and where recent agreements have been violated.

4. Support the linking of international support and assistance to peace-building interventions to governance reform - from quick-start to longer term programmes in a comprehensive manner to prevent ad hoc, or unintentional harmful approaches that undermine long term goals.

5. Ensure accountability and transparency from all stakeholders, internal and external. There is a need for mechanisms to assess impact and adherence to agreed principles and provisions to prevent bad practice. This implies a commitment to good coordination by all actors and a willingness to listen and learn.

During the Pre-interim and interim period

6. Create a formal, open and dynamic dialogue between governing authorities, other political actors, military groups, the private sector and civil society. The dialogue may include issues such as religious and cultural diversity, land rights and reform, the exploitation and utilisation of natural resources (oil, land and the Nile waters), local democracy and governance, pluralism and political space, gender and empowerment. This dialogue needs to take place at local, regional and national levels.

7. Support the development of accountable and transparent mechanisms to ensure that political, financial, administrative and other governance institutions in the interim period are themselves properly reformed (or established) and that they deliver on stated objectives. This should encompass the ways in which the interim arrangements will become the future permanent and independent democratic institutions required for a well governed state.

8. Promote the availability of public information and civic education on the roles and responsibilities of political and civic institutions. People need to be well informed if they are to participate fully, especially in the early months after an agreement.

9. Financial assistance (debt relief and budgetary support) should also be sequenced and phased and tightly linked to genuine processes of governance reform, based on transparent benchmarks and verifiable indicators agreed through a participatory process.

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10 See the reports from civil society meetings facilitated by the New Sudan Council of Churches, and the work of the committee of the Civil Project supported by Justice Africa with a diverse range of Sudanese civil and political organisations.