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New constitution edges Sudan onto democratic road

Anis Kamil

AFTER nine years under military rule, the people of Sudan overwhelmingly voted for a new constitution that will return democracy to their country. The constitution was signed into law on July 1 by Sudanese President Omar al-Bashir.

However, there is ambiguity over the right to form political parties and the implementation of the constitution. At the signing, Bashir said that it would "open a wide door for power sharing".

The constitution automatically invalidates all presidential decrees including a ban on political parties. Justice Minister Ali Mohamed Osman Yassin had said that political activity was still illegal pending a new law on party formation.

Since its independence in 1956, the country has gone through nine different governments. The international community has been hoping for Sudan - which is the largest country in Africa - to return to democracy.

Sudanese Foreign Minister Dr Mustafa Osman Ismail says since independence the country has had three military governments, three transitional governments and three elected governments.

"The problem of a multi-party system in Sudan is that it has been based on religious or tribal affiliations. This is dangerous for national unity.

"When they come to power, they want to help their tribes or religious followers and this leads to corruption.

"So people get angry and they revolt and the military comes in. The military does not end democracy, democracy by its marred practice destroys itself. The military comes in to issue the death certificate.

"Once the military comes in, they get rooted and want to continue to rule the country. Then people get tired of them and the cycle continues. We wanted the constitution to tackle this problem," explains Dr Mustafa.

The constitution establishes a President who is democratically elected and is entitled to serve two five-year terms. It also says that Parliament is the highest legislative authority and members of parliament are elected based on a multi-party system.

Dr Mustafa clarifies the question on political parties: "In the past there were no political parties. The constitution says there should be political parties, but they must be based on certain criteria.

"First, each party should be open to all Sudanese. Second, the party should not be based on ethnic, religious or tribal affiliations. Third, the party itself must have a democratically elected structure.

"This means that the president of the party is there not because he is a religious leader's son, but because the members have voted for him. This way you ensure the party has a programme and the people can vote for the programme."

Another sector defined in the constitution was the judiciary. A judicial council would be appointed by Parliament and should be independent.

Sudan is a multi-religious and multi-ethnic country. While it is predominantly Muslim, there are those who are Christians or animists.

According to the constitution the source of legislation is "Islamic law and the consensus of the nation, by referendum, Constitution and custom".

"The constitution made it clear that the source of legislation is first the syariah, second is customs, which is secular and third will be consensus reached by referendum or other means," says Dr Mustafa.

"With this we hope that no citizen will think themselves a second-class

citizen. We are not going to call Sudan an Islamic state ... we can all live in a united Sudan," he explains.

As to how long before these changes take place the Minister says Parliament established a committee to propose laws that will allow the constitution to be put into practice.

"All this should be completed by December. By early next year, parties will be established. The constitution said this government has to finish its term. So in two years we will have multi-party elections."

During the signing of the constitution Bashir had called for opponents from abroad to return and help build the country. Dr Mustafa reiterates Bashir's call: "Those who are inside regardless of their affiliations and those who are interested in returning are most welcome to join in the drafting of the laws.

"The current Minister of Transportation is in fact one of the top five people who were against the Government, so was the Minister of Telecommunications, and the Minister of Irrigation is a member of the Umma party."

During his visit to Sudan in May, Prime Minister Datuk Seri Dr Mahathir Mohamad met with Dr Riak Machar who was once considered Sudan's "Public Enemy No 1". He is now chairman of the Southern Co-ordination Council and an Assistant to the President, since the signing of the Khartoum Peace Agreement which ended four decades of civil war.

"Since independence the south has been asking for self-determination. There will be an interim government for four years, then a referendum on whether the south will want to secede.

"The Government and the parties are working towards the unity of Sudan but giving the south the self-determination they want," he says.

Until Dr Mahathir's visit, the impression most Malaysians had of the country was one of war and famine.

Dr Mahathir said then there has been tremendous progress and his impression of the country had changed. He added that the International Monetary Fund had also acknowledged Sudan's progress.

"When this government came to power, the economy was in a bad state. Our relationship with the IMF was disrupted. There was a shortage of everything and at the time we had a centrally-controlled economy.

"We adopted a 10-year programme which depended mainly on Sudanese resources and changed to a liberal economy. It was very difficult for our people. But we have reduced inflation from 168 per cent to 13 per cent. We are working to reduce it to one digit. We have stabilised the currency and renewed our relationship with the IMF," says Dr Mustafa.

Sudan has 120 million head of cattle. In a country of 26 million people, that is five head of cattle for each person. It exports meat to the Gulf states and is considering exporting to Southeast Asia.

Sudan expects to export oil by June next year. Petronas is part of a consortium that is building what will be the longest pipeline in the Middle East and Africa. Malaysia is also the second largest investor in Sudan, after China.

On Sudan's foreign policy, the Minister says some countries in the region are afraid because it is a "strong and independent country".

"We want to be independent politically, to have our own assessment of the issues in the region or internationally, and some countries are not happy with that.

"The fact is you cannot choose your neighbour. The challenge is how to behave with your neighbour.

"We believe that stability is important and that we have to solve our problems through negotiations not through confrontation."

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