

ABSTRACTS

“Good Governance”: New voices from the Islamic World

By *Gudrun Krämer*, Berlin

Can Muslim majority states and societies move towards a greater degree of freedom, participation and good governance than is presently to be observed? The issue is highly charged and contested. What is at issue is not the compatibility of Islam, good governance and human rights, but of Muslim interpretations of their Islamic legacy and identity, and Islamist interpretations more particularly. A Reform Initiative published by the Egyptian Muslim Brotherhood in March 2004 offers interesting insights into core elements of contemporary Islamic discourse as endorsed by the pragmatic wing of the wider Islamist movement: in it, the Muslim Brothers call for a “constitutional, parliamentary and democratic republican order” to be established in Egypt, that guarantees equal rights and duties to all citizens within the framework of the Sharia, the comprehensive moral and legal code commonly presented as Islamic law. This goes well beyond more conventional conceptualizations of a Sharia based “Islamic order”, but leaves important questions to be resolved, especially in the field of human rights and liberties.

Peace-Process and Constitution-Making Progress in Sudan

By *Hatem Elliesie*, Heidelberg

Since independence in 1956, Sudan has been in search of a constitutional formula acceptable to the various contending political forces. Unfortunately, the endeavor has not been very successful for many reasons. Despite of an 11-years timeframe, the peoples of post-colonial Sudan have been continuously convoluted in one of the longest lasting internal armed conflicts on the African Continent. Hence, the recently signed Comprehensive Peace Agreement on January 9, 2005 between the Government of the Sudan and the Sudan People’s Liberation Movement may inaugurate a historic moment of great opportunity for a solid and long lasting peace. This article offers a brief summary of the peace process between the major protagonists and diverse mediation efforts; demonstrates more detailed the path of significant protocols and their pertinent content for a genuine constitutional framework; examines relevant aspects of Sudan’s past, current and upcoming constitutional

debate; and gives comparatively references to regional/African constitutions in order to illustrate alternative concepts of constitutional implementation suitable to Sudan's domestic, heterogenic needs.

Australia on the road to a Bill of Rights?

Background and Composition of a first Bill of Rights in Australia

By *Martin Kment*, Münster

Australia is occupied with an intensive trend-setting debate about a Bill of Rights (either statutory or constitutional) for Australia. Many arguments have been made for or against it. Some think a Bill of Rights would actually restrict rights, because to define rights is to limit them. Others argue a Bill of Rights would recognize and protect universal rights, including many that are not currently protected by Australian law. The discussing is fierce.

Despite all obstacles, Australia has its first Bill of Rights now. On 2 March 2004, the Australian Capital Territory parliament passed the *Human Rights Act*. This historic new Act came into force on 1 July 2004 and applies to more than 300,000 people who live in the Australian Capital Territory (ACT). The primary purpose of the Bill of Rights is to protect the rights of the people as listed in the International Covenant on Civil and Political Rights. The Bill of Rights is not part of the constitution. As an ordinary Act, the ACT Bill of Rights can be amended in the future to extend or contract the protected rights, or it could be repealed. All that would take a majority vote in the Legislative Assembly. Furthermore, the Bill of Rights is limited to the ACT and is not applied throughout Australia. None the less, it may mark the beginning of wider change by providing a model for others to follow. This makes the Bill of Rights so important and worth looking at. Its historical and legal context as well as its content will be subject to the article.

Bureaucratic State, Rural Powers and Development in Africa: The Emergence of Peasant's Power

By *Jean Njoya*, Yaoundé

The article refers to new phenomena generated by international disorder in the closed structure of the state: The emergence of local (communal) powers that some authors refer to as the "rebellion of the social". In fact, rural organisations which have for long been

structured by the state and closed within the confines of bureaucratic hierarchy have found a new landscape in the new “world system” characterised by deregulation and liberalisation. They appear as rebellions categories to the englobing propensities of the state thereby trying to construct its own identity in a language that belongs to reception of western culture. However, this emancipation must take into account peripheral constraints, mainly the heterogeneity of situations and peripheral rationalities generated by organisational diversity of the rural (community) and the articulation between different geotemporal scales; in such a way that the interventions of the state and international donors takes into account the various time scopes that enable adaptation of objectives, the modes of organisation, methods and financial resources to time constraints.