

What Did Sudan Vote For?

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Theme: Sudan held national elections in April 2010 for the first time in many years. The elections were part of the peace process which began in 2005. This paper discusses the context of the elections and the multiple problems which affected them, and at how the events of the election will affect the final stages of the peace process.

Summary: The national elections held in Sudan in April 2010 involved multiple levels of government: candidates stood for the position of national president; for the presidency of the autonomous Government of Southern Sudan; for the position of governor in each of Sudan's 25 states; for the National Assembly; for the assembly for the autonomous Government of Southern Sudan; and for legislatures in each of the states. This was, apparently, a feast of democracy, but the elections proved to be profoundly problematic. Media reports on the elections spoke of 'chaos' in the first day or two, as the complex demands of these multiple ballots stretched resources and organisational capacity to the limit. Once the ballots had been cast, the process of counting came close to complete collapse. When results were finally, belatedly, declared, they showed an overwhelming victory for the two parties which rule northern and southern Sudan respectively. Other parties rejected the results entirely and observers announced that the elections did not meet international standards for freedom and fairness. The people of Sudan were supposed to be voting for a national democratic transition; instead the election entrenched the division of the country between two authoritarian regimes, and it is now widely expected that the referendum due to be held in January 2011 will –if it goes ahead– result in a vote for southern secession.

Analysis:

The Comprehensive Peace Agreement

The elections in April 2010 were one of the milestones in the Comprehensive Peace Agreement (CPA), which brought an end to the prolonged civil war in southern Sudan. The CPA was actually a collection of connected agreements which were negotiated and signed over a protracted period; the final elements were agreed in January 2005, and a detailed timetable was agreed for implementation over an 'interim' six-year period, during which southern Sudan would have an autonomous government.

Though it was described as 'comprehensive', the agreements only involved two parties: the Government of Sudan, controlled by the National Congress Party (NCP), and the Sudan People's Liberation Movement (SPLM), the political arm of the Sudan People's

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Liberation Army (SPLA), which had been fighting the government since 1983. The negotiations were heavily 'facilitated' –that is financed, guided and in some cases pressured– by the US and various European governments, as well as the regional Intergovernmental Authority on Development (IGAD). The political settlement resulting from the process reflected its exclusive nature as a negotiation between two parties: the national government, in Khartoum, was dominated by the NCP but with SPLM representation; the autonomous Government of Southern Sudan, was dominated by the SPLM. In each case, however, there were some appointed representatives of other parties.

The CPA was, however, comprehensive in its aims. It was predicated on the assumption that the civil war was not simply a struggle between north and south, and was not solely a matter of culture or religion. Conflict in Sudan was driven by economic inequality and the crucial lines of tension were between centre and periphery. The SPLM itself had always insisted that its struggle was not for southern separatism, but for an economic and political transformation for the whole country –'the new Sudan' was the aim–. This goal, and the idea of the SPLM as a national movement, existed in tension with a longer history of southern separatist politics; the tension was made all the more acute by the military reality, which was that the SPLA's effective military campaigns were largely confined to the south. Separatist sentiment and ambitions provided the inspiration for many of those who fought for the SPLA, despite the SPLM's national agenda.

Located as it was in this analysis, the CPA was explicitly intended to transform Sudan, economically and politically: sharing wealth, building national institutions and creating a new kind of governance. National elections were to be held by July 2008. This transformation would 'make unity attractive', which was the agreed aim of both parties to the CPA. There was, however, an alternative –in effect, a test of quite how attractive unity had become–. At the end of the CPA timetable, the people of southern Sudan would be offered the chance to choose, through a referendum, whether they wished to be part of a united Sudan or to secede and become independent.

Within a few months of the signing of the CPA, implementation was already falling behind the timetable in almost every area. The accidental death of John Garang, the leader of the SPLM, shortly after the signing of the CPA may have contributed to these problems, for Garang was the real inspiration behind the SPLM commitment to the 'new Sudan'. Some profound difficulties with the human resource base in southern Sudan have also affected the timetable: there have simply not been enough trained people available to the Government of Southern Sudan to do the things which it should be doing. Most of all, however, the NCP had no will for a wholesale political or economic transformation, and intentionally delayed the CPA process.

Registration and Campaigning

Under the CPA, a National Election Commission (NEC) was to be appointed by February 2006; it was not actually appointed until October 2008. Once it was appointed, there were constant rumours of disagreements among its members. The Commission oversaw a complex structure of committees at state level, and a separate but subordinate southern commission, and there were significant problems of coordination in this structure. The NEC received considerable amounts of advice and support from external bodies, notably the United Nations Mission in Sudan (UNMIS) and the United Nations Development Programme. But the elections were a national process, and there was a constant

possibility of tension over the role of international bodies, with the NEC and the Sudanese government resentful of attempts at interference.

Voters had to register individually. This was a challenging requirement for a vast country with a poor communications infrastructure and a large population, a substantial proportion of whom are illiterate and have very little familiarity with bureaucratic procedure, and ensuring a substantial and accurate registration was widely understood to be key to the success of the 2010 election. In a number of places registration began very slowly, due to logistical problems and to low levels of awareness among potential voters; the registration period was extended and the final figures were an impressively high 79% of the estimated eligible population, with the exception of Darfur.

Some problems lay behind these figures, however. Observers reported little obvious malpractice, but there were many errors in the register, and the appeals and amendments process worked poorly. There were surprisingly high registration figures in some parts of southern Sudan in particular, and it seems possible that registers were inflated. In some parts of northern Sudan the NCP encouraged and coordinated voters to register, and subsequently collected voters' registration cards and recorded their details. This exemplified one consistent aspect of the election process as a whole: that weaknesses in the formal systems allowed the NCP –by far the most organised, and best resourced, party in the country– to act as an intermediary and effectively take over some parts of the process. In the south, there was a measure of clumsy intimidation –with lorry-loads of soldiers reportedly touring some areas, threatening to arrest anyone who failed to register–. Overall, there was an evident element of competition over registration, which was quite unconnected with the desire to make sure that people could exercise their rights: both the NCP and SPLM wanted high registration figures to show their own efficiency, and their command over the population.

More serious problems with the NEC's oversight were apparent in the supervision of campaigns. The legislation established a procedure for monitoring campaign expenditure, and for ensuring equal access to the broadcast media, and it provided for legal sanctions against the abuse of state resources in election campaigns by parties. Access to broadcast media was granted (and some Sudanese suggested that the open criticism of the NCP in some broadcasts was one of the most impressive aspects of the whole process). But there were widespread and persistent reports that NCP and SPLM candidates were using state resources in their campaigns, and that that parties other than the NCP (in the north) and the SPLM (in the south) had difficulty campaigning outside the major cities: their activists were intimidated, their travel was obstructed and they were unable to hold rallies.

Their difficulties partly reflected the lack of any local organisational structures –genuine, open oppositional political activity had been more or less impossible all over Sudan for some two decades–. In northern Sudan, where other parties had once been strong, local networks of activists had atrophied. But it also reflected a widespread fear of the state security apparatus, and neither the SPLM or NCP, nor the NEC itself, made any effective attempts to dispel the belief that oppositional activity would be punished. It was not only opposition parties who were affected by this. In southern Sudan, where the formal opposition parties were extremely weak, the real political contest was for SPLM nomination –especially for the state governorships–. The nomination process turned out to be less than transparent, and in several cases disappointed aspirants left the SPLM and ran as independent candidates. These independents reported both that their own

campaigns were obstructed by soldiers and officials, and that SPLM candidates were using state resources in their campaigns.

Boycotts

Shortly before the election, a meeting between various SPLM figures and the leaders of northern parties –with some of which the SPLM has had an uneasy, off-and-on, alliance over the years– announced that they would entirely boycott all levels of the elections in northern Sudan, because of these problems in campaigning. This announcement was followed by considerable confusion. The SPLM, evidently internally divided over the issue, eventually boycotted all elections in Darfur and the presidential election in the north, but participated in all other levels of the election. Some northern opposition parties insisted that they were maintaining a total boycott; others that they were boycotting only the elections in Darfur or the presidential election; others announced that they would, after all, be participating. The lack of internal discipline and organisation in the northern opposition parties was vividly revealed by this confusion, which was made worse because the formal deadline for withdrawing candidates had anyway passed, so the names of all candidates, including those whose parties said they had withdrawn, appeared on the various ballot papers.

It seemed clear that the SPLM –and some northern opposition parties– had come under substantial pressure not to boycott the elections, both from the NCP and from various external supporters of the CPA. Representatives of the US government, amongst others, were convinced that a failure to hold the elections would endanger the CPA, and that this in turn might lead to a resumption of conflict. The NCP, certain that it would do well in the elections, had become increasingly enthusiastic about the process. The SPLM's attitude to the boycott suggests developing disengagement from the politics of northern Sudan; many within the SPLM were now openly saying that their real interest was in the referendum, not the elections, and that they were looking forward to secession, not to the 'new Sudan'.

Polling and Counting

Polling finally began on 11 April. The complexity of the operation was compounded by the use of different electoral systems for different levels of government: the secret ballot was used throughout, but the outcomes were decided on an outright majority (national president and president of southern Sudan); simple majority (state governors); first-past-the-post constituency basis (60% of the members of assemblies at national and state level); and proportional representation from party lists (the other 40%). Voters in southern Sudan thus found themselves casting 12 ballots (with four different systems determining the result); voters in northern Sudan had a modest eight ballots to deal with.

If this all sounds a little confusing to the outsider, it also proved very challenging for those directly involved. And there were other difficulties. Constituency boundaries remained uncertain up to the last minute in some areas. Lack of staff and resources meant that there were fewer polling stations than had been planned; this, and some mistakes, meant that some voters were simply not able to find their names on the register. In some constituencies in both north and south there were problems with candidates' names appearing wrongly on ballot papers; voting in some constituencies was stopped, and the elections postponed until June in view of these problems. Elsewhere, many polling stations opened late, as staff and voting materials were delayed. Some voters visited several polling stations, trying to find their names; at other stations, officials allowed those who could produce registration cards to vote, even if their names were not on the list.

There were a substantial number of reports of violations of voting regulations: mostly involving the presence of security personnel; and there were some examples of direct intimidation and violence against party agents or voters, especially in southern Sudan.

Despite these problems, there was a substantial turnout, after the voting period was extended by two days. In the north, the weaknesses in the process again allowed the NCP to serve as an intermediary: they brought coach-loads of voters to polling stations and offered them instructions on how to vote. There were no major outbreaks of violence, and in many areas observers were impressed by the patience of the voters as well as the efforts of the polling staff to ensure that people were able to vote. The counting process, however –or rather, the tabulation of votes, since the multiple systems involved required more than a simple count– led to widespread frustration. A computerised system for tabulating the votes had been devised, but –either because it was misused, or because staff had not been properly trained– it broke down. Polling staff resorted to hand-counting and tabulation; there was confusion between the different levels of the electoral structure, as results –or delays in results– were announced or contradicted at constituency, state or national level.

When the final results were announced, they gave a clear win to the NCP candidate (the incumbent president, Omer el-Beshir) as national president, with 68% of the vote across the country, and to the SPLM candidate (again, the incumbent, Salva Kiir) as president of Southern Sudan, with 93% of the vote there. In northern Sudan, the NCP won overwhelmingly, taking all but one of the state governor's seats, and more than 80% of the seats in all but one of the state legislatures. The NCP also won 312 of the 432 seats in the National Assembly for which results were announced. The SPLM won in similarly sweeping style in the south, winning all but one state governorship and more than 80% of seats in all but one state legislature. In the Southern Sudan Legislative Assembly, the SPLM won 160 of the 170 seats. Ironically, political diversity was actually reduced by the elections –there had been more opposition politicians appointed under the CPA arrangements than won seats through the elections–.

Conclusion

What did the Elections Achieve?

Within Sudan, the elections were denounced as a fraud by most opposition parties in north and south –denunciations which were lent force by a YouTube video showing electoral staff stuffing ballot boxes–. In southern Sudan, one defeated candidate for a governorship refused to accept the result and launched a minor local insurrection. But despite this rejection by Sudanese parties, and despite multiple criticisms made of the elections by observers, the results have been accepted internationally: the Russian special envoy's ingenuous remark that they were good by African standards, while less subtly phrased than those of some other observers, seems to capture the mood.

This acceptance was not because the elections have served the original purpose for which they were intended. They did not act as tools to transform governance; instead they provided a mechanism for the NCP and SPLM to pursue the partly-competitive, partly-collaborative process of dividing Sudan into two spheres, one controlled by each of the CPA partners. In the wake of the elections, it seems absolutely certain that, if the referendum is held, the south will vote overwhelmingly for secession. The idea of a 'new Sudan' died with the elections.

The two parties approached the elections in different ways: the NCP, with their superior organisation and established control over state resources (including the security apparatus), saw the elections as an opportunity to demonstrate their control of public life, to the Sudanese public themselves and to an international audience. For the international audience, this was intended as an avowal of President Omer Beshir's legitimacy, in defiance of the International Criminal Court warrant against him. For a northern Sudanese audience, the election was a lived reminder of NCP dominance: only through the intermediacy of the NCP could people play a part in political life, or be sure of voting. Ballot-box stuffing was a clumsy form of electoral manipulation: much more effective for the NCP was their ability to use their resources to marshal voters into a vote which became a performance of subordination, rather than a moment of political choice. Popular acquiescence in this may have been encouraged by a cynical belief that the secret ballot could never be a successful tool against the regime: there is a colourful popular repertoire of stories about how votes had been stolen, changed, destroyed or falsified in previous elections run by the NCP. There is no way of knowing how far the NCP intervened in the chaotic vote-counting process to ensure overall high figures, or to ensure a respectable victory in the presidential election: but the elections in the north show how ineffectual the secret ballot can be as a tool for political change.

For the SPLM, the elections were more of a nuisance. The other political parties in the south have no significant history of popular support or organisational ability and were never likely to pose a challenge. For the SPLM, the challenge was to demonstrate that Southern Sudan had the capacity to manage the election, with a reasonable registration and turn-out: this would offer a rehearsal for the referendum and an assertion of Southern Sudan's readiness for statehood. Lacking the established structures –and the financial resources– enjoyed by the NCP, the SPLM found itself relying on clumsier means to secure high levels of participation: inflating registration figures and bullying voters to turn out. Some southern voters explicitly saw the election as no more than step on the way to the referendum, so that they were voting not for the SPLM as a party, but for the idea of secession. Those who tried to use the election to make other political choices were sometimes frustrated: the overall push for numbers occasionally came into conflict with the agenda of individual SPLM candidates who, faced with popular local independent candidates, fell back on intimidation to discourage voters, or on vote-tampering or interference in the counting process (the most dramatic example being the hijacking and burning of two lorry-loads of ballot papers).

The international supporters of the CPA found themselves tied to the election process, even though they were well aware that it was running into problems. The logistical problems, the lack of training and planning, were apparent well before the elections; so too were the problems faced by opposition parties trying to campaign, and the abuse of state resources by the NCP and SPLM. But because the elections had been built into the CPA, it was feared that abandoning them might end lead to a return to war. The CPA process had become more important than the end it had been designed to achieve. As time went on and more and more resources were provided to try and get the electoral process back on track, the elections developed a momentum of their own. Once they were allowed to go ahead, the results had to be accepted: to refuse to do so would be to accuse one or both of the main parties of cheating, or of incompetence, or both. Instead, observers were forced to a grudging acceptance of the result: which was the effective division of the country between two authoritarian regimes. The suggestion that the elections may at least have represented a 'first step' towards democracy seems wildly optimistic. With a few exceptions, most Sudanese did not experience the elections as a

moment of orderly political choice, but as an affirmation of authoritarian power and –in many cases– the erratic and uncertain nature of the state.¹

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¹ For further reading on the topic and sources for this paper see, for example, ‘Sudan: Hollow Victory’, *Africa Bulletin*, nr 47 (4), April 2010, p. 18351-53; M. Gustafson (2010), *Electoral Designs. Proportionality, Representation and Constituency Boundaries in Sudan’s 2010 Elections*, Rift Valley Institute, London; J. Willis & A. el-Battahani (2010), ‘We Changed the Laws: Electoral Practice and Malpractice in Sudan Since 1953’, *African Affairs*, nr 109, p. 191-212; and ‘European Union Election Observation Mission, 2010 – Final Report’, http://www.eucom.eu/files/pressreleases/english/final-report-eu-eom-sudan-2010_en.pdf.