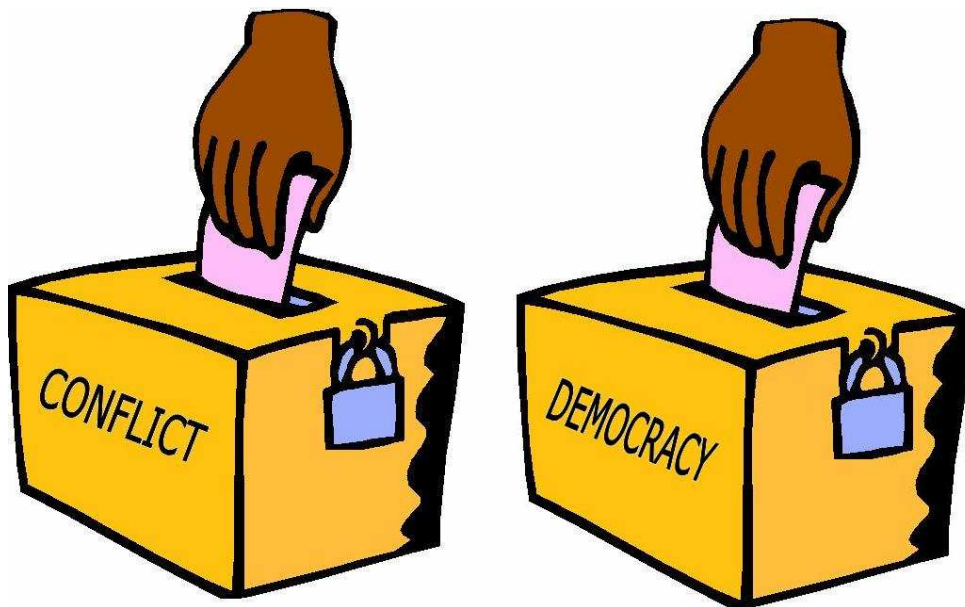


# The electoral endeavour in post-conflict countries

*Elections in Sudan:  
a stepping stone to conflict and violence  
or  
a milestone towards democratic transformation?*



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## Executive summary

An important issue of debate in contemporary foreign politics and academics is the tension between democracy and democratization. Whereas the democratic state system is generally considered desirable due to its peaceful nature, and hence is promoted and exported enthusiastically, time and again the process towards establishing a democracy (democratization) has proven to be marred by conflict and violence. Within this debate a special position is awarded to elections.

This research is set at this interface of peace and violence: the elections in Sudan. The elections were commissioned by the peace agreement in order to contribute to a durable and peaceful system of governance in the war-torn country. But from the start they entailed the dangers of a new eruption of conflict. The aim of this research is twofold: firstly, to use the case of the recent elections in Sudan to shed light on the academic debate concerning the relation between elections and violence. Secondly, to use the case of Sudan to analyse what various actors to the electoral process can do to ensure the peaceful conduct. In order to do this I will analyse the case of Sudan from two points of view by way of an actor analysis. Firstly, I will argue that the elections have been a mistake, a fraud which have only led to violence and have done nothing to further the democratic transformation of Sudan. Secondly, I will argue that the elections have been a good development, that they were calm and orderly and that they have been a first step in the democratization of Sudan. I have chosen to use one case-study to increase the usefulness of the results and provide an in-depth analysis of the complex dynamics of elections and democratization.

In relation to first aim of the research it can be said that the recent elections in Sudan support the argument of the various authors writing on the dangers of elections in post-conflict situations. It is the relation between the development of social forces and the government that determines the democratic and peaceful nature of elections. In Sudan this was even more visible due to the differences between the political and social development of the North and South of the country. In the North where the government has a strong control on political institutions and civil society is weak, the lack of democracy in fact provided for the peaceful, but also undemocratic, course of the elections. In the South where the governing party holds a less secure position there was more democratic competition but, consequently, also more violence.

Consequently, if you want to increase the democratic level of elections it is important to strengthen *both* social forces and political institutions. Based on the elections in Sudan several observations can be made. Concerning strengthening of political institutions it is firstly of essential importance to establish an independent electoral commission in charge of the official conduct of the elections. Secondly, national legislation should not contradict electoral laws and semi-legal solutions should be prevented. Thirdly, clear complaint procedures considering all stages of the electoral process should be established. Fourthly, the electoral system should prevent a 'winner-takes-all' outcome to prevent violence. Concerning strengthening of social forces it is firstly important to increase resources and capacities of civil society organizations, media and opposition parties. Secondly, presence of local observers increases the transparency of the entire process and at the same time strengthens democratic capacities for the future. Thirdly, the presence of the international community can increase transparency and the democratic nature of elections provided it is guided by the democratic conduct of the elections and not by political motives.

## List of Abbreviations

AU EOM	African Union Elections Observation Mission
CC	Carter Center
DRI	Democracy Reporting International
EU	European Union
EU EOMS	European Union Election Observation Mission Sudan
CPA	Comprehensive Peace Agreement
GoNU	Government of National Unity
GoSS	Government of South Sudan
ICG	International Crisis Group
IDEA	Institute for Democracy and Electoral Assistance
IDP	Internally Displaced People
IGAD	Intergovernmental Authority on Development
LRA	Lord Resistance Army
NCP	National Congress Party
NEA	National Electoral Act
NEC	National Election Commission
NGO	Non-Governmental Organization
SPLA	Sudanese People's Liberation Army
SPLM/A	Sudanese People's Liberation Movement/ Army
SPLM	Sudanese People's Liberation Movement
SuGDE	Sudanese Group for Democracy and Elections
SuNDE	Sudanese Network for Democratic Elections
UN	United Nations

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## Introduction

*Thus, the process of democratization can be one of its own worst enemies, and its promise of peace is clouded with the danger of war.*  
- Jack Snyder 2000:21 -

It is this quote from Jack Snyder which will be the starting point of this research: the paradox of democracy. Whereas established democracies have come to be seen as 'the end of history', due to their peaceful character and legitimacy, states in the process of democratization on the contrary, have proven to be especially prone to conflict. One specific and very visible phase of the democratization process, the holding of elections, can be seen as the embodiment of the paradox. When conducted free, fair and peaceful they are the ultimate example of democracy: the voice of the people. However, when this is not the case, they represent democratization in its worst form: leading to tensions and violence. In theory elections provide the peaceful mechanism for solving societal conflicts; in practice they often fuel these. 'Ballots instead of Bullets' as is often said, is easier said, than done.

The aim of this research is twofold:

*Firstly, to investigate the relation between democratization and violence with a special focus on the phase of elections.*

*Secondly, to make practical recommendations in identifying what various actors can do to make sure that elections are conducted as peacefully, freely and fairly as possible.<sup>1</sup>*

The central question guiding this research will thus be:

*How are elections, democracy and violence interrelated and how can various actors contribute to the peaceful conduct of elections in order to establish a peaceful governance system both on the short and long term?*

Hereby this research puzzle is situated within the larger debate of democracy and violence. It focuses both on the short term: the peaceful conduct of elections; and the longer term: the establishment of a democratic form of governance. In order to answer my central question I will first look into the academic debate concerning the relation between violence, democracy and elections. The aim is to gain insight into why democracy is so avidly promoted, why elections are seen to contribute to democratization and, most importantly, how various authors explain the violence which accompanies democratization and especially the process of elections.

In the second part of the research I will use the case of the recent elections in Sudan to analyse the process of elections in post-conflict situations. As can already be seen from the title of this thesis, the elections in Sudan have been interpreted differently. Whereas the Sudanese civil society organization Sudan Democracy First concluded that they opened the way to "an eruption of conflict and violence" (4 May 2010) the African Union observation mission stated that they were a "milestone towards realizing the democratic transformation of the country" (18 April 2010). On the one hand it can be said that they have been conducted

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<sup>1</sup> The various actors include the most important actors involved in the electoral process; they include the electoral commission; political parties; the media (newspaper; radio; television); civil society organizations and international actors such as the European Union and the African Union; and international non-governmental organizations. Please see chapter 1, methodology and major concepts, for a further explanation and conceptualization of these actors.

above expectations. No major violence has erupted and they have given many Sudanese the chance to participate in a democratic process for the first time in twenty-four years. On the other hand the elections have been regarded as a fraud. International observers stated they failed to meet international standards and both before and during the elections charges of intimidation and violence have been made. Hereby the elections in Sudan are an excellent case in point to investigate the relation between elections, democracy and violence, the role of various actors and the possible negative and positive effects of elections on establishing a democratic form of government.

The second part of the research is structured as follows. In the third chapter I will briefly discuss the democratic history of Sudan and the context of the current elections in order to provide a situational awareness. In the fourth chapter I will analyse the elections in Sudan from a negative point of view, examining how various actors have negatively influenced the process. In the fifth chapter I will do exactly the opposite, examining the elections in Sudan as a positive case in point. In the latter I shall argue how elections have positively influenced the democratization process and how various actors have contributed to the peaceful, free and fair conduct of the elections.

In the sixth chapter I will combine all previous analyses to address both formulated aims. Firstly by using the case of Sudan I shall reflect on the academic debate on the relation between elections, violence and democracy by analyzing to what extent the Sudanese elections either support or reject the theoretical arguments. Secondly, I will use the analyses on Sudan to see the possible positive and negative roles internal and external actors can play during the election phase of the democratization process. Lastly I will shortly reflect on the overall desirability of elections in a peace building process. In the seventh and final chapter I shall reflect on the implications of the chosen methodology.

Although much has already been written on the relation between democracy, elections and violence this research contributes to that in several ways:

- 1) Elections in post-conflict countries like Sudan are still at the order of the day. However, the question still remains whether elections are the best course of action. This research will reflect on this.
- 2) There are many theories on the relation between elections and violence. This case study analysis provides a test of an important line of argumentation within this debate.
- 3) With respect to the aim of testing a theory the one case study method prevents selecting a case that suits your purpose, the one case study approach is therefore a more solid test.
- 4) The one case study approach provides a more in-depth analysis of the dynamics of elections; furthermore it shows the importance of interpretation and the subjectivity of analysis of case studies. Something which is important to realize when making and implementing policy measures.
- 5) In relation to the second formulated aim of the research, practical recommendations on the role of various stakeholders in the free and fair conduct of elections will be offered.

The research thus intends to contribute to the academic debate on democratization, elections and violence by way of case-study analysis. Hereby I hope to answer the main question of why elections are so prone to conflict and how this can be avoided by various actors on the short term, thus improving chances of peace on the long term. By doing this I hope to drive away the cloud of war and embrace the promise of peace.



## 1. Methodology and major concepts <sup>2</sup>

Within this research I have chosen to focus on one case study and approach this from two different perspectives. Hereby one case will serve two very different goals. It remains to be seen how feasible this will be in practice, something which I will reflect upon at the end of this research. Nevertheless, there are strong arguments in favour of this approach. A more common method is to use two different case studies, each representing an opposing point of view. For this research that would have meant selecting one case in which elections turned into violence and one in which they were conducted free and fair. Although this is a valid method, there are some problems with this. Firstly, in the case of democratization there are a lot of factors at play: the political, social, economic history and context, political parties, political leaders and the power of civil society and the media, to name but a few. Of course it is possible to analyse for each case to a certain extent *why* elections were conducted free and fair or not. But then to compare two cases with each other trying to explain why in the one case they did and in the other they didn't, already becomes more complicated and less conclusive, precisely because of the large amount of factors and actors at play. By comparing two cases that have a completely different history and context and share only the fact that they are holding elections is a very small basis for comparison and is to me problematic. You run the risk of comparing the incomparable. It remains to be seen how useful possible conclusions or recommendations are in such a case, other than the conclusion that they were two entirely different cases to begin with.

Therefore I have chosen to use the same case study to increase comparability and usefulness of results. With the case of Sudan the context for the application of the two perspectives is identical. When the results differ, arguing in favour for elections on the one hand and against in the other, this will not be because of diverging points of departure before the elections. Furthermore, as added value, it will lead to a more in-depth analysis of the dynamics of the Sudanese elections. Since the elections have been interpreted so differently it appears to be more useful to analyse them from both points of view and hereby examine both the positive and negative dynamics rather than artificially choosing one side in the debate.

### 1.1 Data

This research will be based on the analysis of primary and secondary literature. Important sources will include newspaper articles, academic studies and international reports of both the lead-up, course and aftermath of the elections. Hereby I will try to gather as much first-hand observation as possible. With respect to the electoral observation reports I will use reports of both the international western community, like the Carter Center and the European Union reports, and reports from more regional and local sources, like the African Union mission and domestic observation missions. This in order to guarantee a balanced analysis. Concerning the newspaper articles I will take the same approach, using both international sources and more regional and local. Furthermore, I will make use of analyses of the Sudanese elections that were conducted by several knowledge institutes, also both from the western world and Sudan itself.

### 1.2 Internship

Simultaneously with writing this master thesis I did an internship with the Sudan team of the sector emergency aid and reconstruction with Cordaid in The Hague. In principle the internship and the thesis are two separate undertakings. Nevertheless, since the subject of

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<sup>2</sup> Part of this methodology was also described in the research proposal submitted in the course of the Master Conflict Studies and Human Rights as part of the course Preparing Social Research II (200900128).

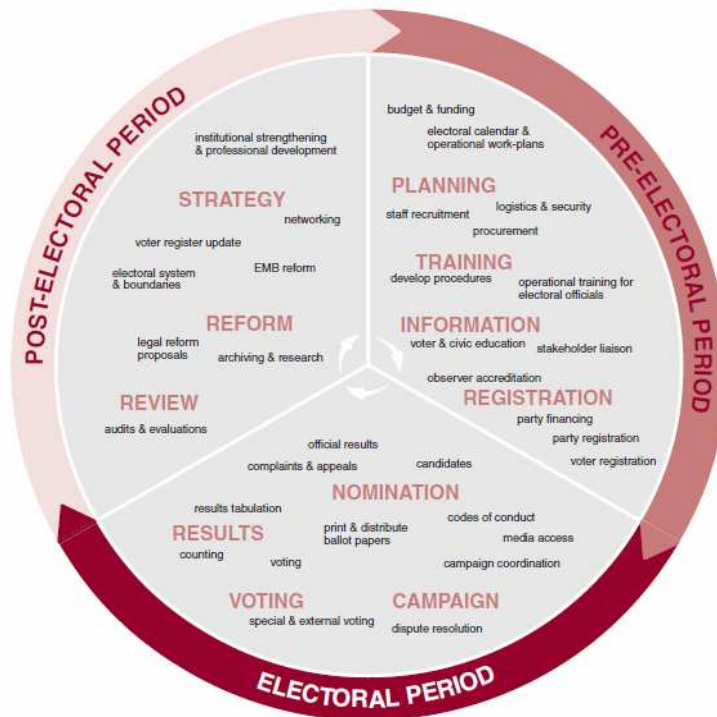
my thesis showed so much overlap with my internship I was in the position to collect a large amount of data. Especially since my tasks consisted of (amongst other things) following the latest news on Sudan, specifically concerning the elections, and writing a background paper on elections and violence in post-conflict countries. Furthermore, the internship provided me with the possibility to attend several seminars on the elections in Sudan. Also, working on issues in Sudan on a daily basis helped me in keeping up with the everyday developments and greatly contributed to my increased understanding of the situation. As a result I gathered a large amount of data which led to a larger research than was initially anticipated.

### **1.3 Conceptualization of important concepts**

Actors: the various actors or stakeholders refer to all actors actively involved in the election process. The most important actor in the elections in Sudan is the National Election Commission (NEC) who is in charge of the entire endeavour. Secondly, the most essential active participators in elections are political parties. In addition to that both the media and civil society organizations are vital elements of elections by representing the democratic checks and balances. The term civil society organizations can refer to non-governmental organizations (NGOs) but also to churches, unions or other interest-based groups. The media refers to both written and audio-visual media such as radio, television and newspapers. Since most of current day elections are held at the behest and under auspices of the international community they too form a stakeholder in the post-conflict election process.

Democratization: as the term already shows, a democratizing state is a state moving towards democracy. In line with Jack Snyder and Edward Mansfield I discern three different types of states: a democracy; a mixed regime and an autocracy. Within a democracy the government is accountable to the entire adult population; in an autocracy the government is only accountable to a narrow elite and in a mixed regime the government is accountable to a mixture of these two. A democratizing state is thus either an autocracy or a mixed regime moving towards democracy and thereby becoming accountable to the entire population. An accountable government is subject to control for instance by the media and by the judicial system (2005: 40-41). In addition to that I would argue that a true democracy isn't only characterized by accountability but also by representation and participation. Thus people are free to choose their representatives and to substitute them and to participate in the political process by forming political parties or civil society organizations.

Elections: in essence elections are an institutionalized form of changing social power relations. In this research elections are not conceptualized as a one-day event of casting a ballot but rather, based on the 'electoral cycle approach' developed by International Institute for Democracy and Electoral Assistance (IDEA) and the European Commission, as a cycle. Within this approach elections are seen to be "composed of a number of integrated building blocks, with different stakeholders interacting and influencing each other" (Ace Project n.d). Electoral phases and stakeholders are interdependent. This approach has now been generally accepted and is in use by organizations such as IDEA and the United Nations (UN).



- Figure 1 "The electoral cycle" (Wall et al. 2006:16) -

As can be seen from the figure, the process is divided into three phases, I will focus solely on the pre-electoral and the electoral period since the post-electoral period will largely take place after this thesis is due.

Free and fair: there is no universal checklist that describes the qualities of free and fair elections. The most important principles relating to free and fair elections are the right of everyone to take part in government by elected representatives, to vote by secret ballot, to stand as candidate and the freedoms of expression and association (Inter-Parliamentary Union 26 March 1994). Most of these rights are included in the Universal Declaration on Human Rights and the International Covenant on Civil and Political Rights (1948: article 21:1; 1966 article 25:1 and 25:2). International observation missions also use these documents to establish whether the elections were up to international standards. In addition to the more general prerequisites of universal suffrage and secrecy other factors can be added. Eric Bjornlund argues for instance that for elections to be *free* people should not only have the right to choose, but also of assembly, association, movement and speech. Furthermore the political environment should be "free of intimidation." For elections to be fair, the balloting and counting should be without fraud and malpractice and monitored by an impartial electoral authority. In addition, a "level playing field" should be present whereby public resources cannot be used for campaign intents and all parties and candidates should be able to campaign freely and speak to their prospective voters, for instance by guaranteeing equal access to the media (2006:3). When talking about free and fair elections, or international standards, in this research, these are the qualifications that are referred to.

## 2. Democracy, Violence and Elections: the academic debate

*The core problem facing post-war elections in the contemporary era is the ideologically driven belief that all good things go together – a belief which ignores a great deal of contrary evidence regarding the interaction between post-war politics and democracy.*  
- Benjamin Reilly 2008:180 -

To put it crudely, contemporary foreign policy appears to be based on exactly this assumption: democracies are peaceful, elections lead to democracy, hence holding elections will lead to a peaceful democracy. Unfortunately, as Benjamin Reilly is right to point out, all good things do *not* go together. Exactly how good or bad democracy, elections, peace and violence go together will be the focus of this chapter.

### 2.1 Democracy as magic formula

The first question is why the promotion of democracy has become such an important aspect of international and national foreign policy efforts, especially in post-conflict societies.

This is because democracy is seen as key in preventing war on the one hand and furthering development and respect for human rights on the other. This firm belief in the benefits of democracy is based on the so-called 'democratic peace thesis', which stipulates that there is a clear link between democracy and peace. The thesis is based on the assumption that the democratic state system is more peaceful than other systems, due to institutional constraints and democratic norms and culture. The institutional explanation states that democratic leaders are less inclined to go to war because they have to answer to their citizens and because decisions are debated openly in a democracy, thereby making the leaders more sensitive to the expected costs of fighting. In addition to that, checks and balances such as open political competition and a free press make it more difficult for a democratic leader to blatantly start a war (Layne 1994:8-9).

The democratic norms and culture argument holds that the culture, perceptions and practices of the democratic state system are inherently inclined to the peaceful settlement of conflicts. Democratic states extrapolate these expectations to other partner democracies; all democratic states are expected to subscribe to the same democratic (peaceful) norms and values: "democracies externalize their internal norms of peaceful dispute resolution" (Layne 1994:14). Hereby a 'community of interest' is created in which democracies don't fight each other. The conclusion that follows is that democracies never go to war with other democracies and that they are also more peaceful internally. It is assumed that this is explicitly due to the very nature of the political system. Or, as one author noted: "the absence of war between democracies comes as close as anything to an empirical law in international relations" (Levy 1988:661-662 in Paris 2004:43). The democratic state system thus gains an enormous peace dividend and has become a goal worth pursuing in international policy.

### 2.2 Elections lead to democracy

The second question that emerges is what the relationship is between democracy and elections. Why are elections seen as contributing to the establishment of a democracy?

The popularity of elections is not surprising when realizing that many of these peace agreements are strongly influenced by the UN. Although democracy is not stated in the Charter or Universal Declaration of Human Rights, it is one of the core values of the UN. At the World Summit in 2005 it was stated for instance:

*We reaffirm that democracy is a universal value based on the freely expressed will of the people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives (United Nations General Assembly 2005: article 135).*

Democracy is thus seen as a universal value which, in turn, is based on “the freely expressed will of the people”: elections. Moreover, this right to determine one’s own government, the right to elections, is part of the Universal Declaration as well as of the Covenant for Civil and Political rights (United Nations 1948: article 21:1; United Nations 1966: article 25:1 and 25:2).

### **2.3 Rejecting the magic formula**

These assumptions are not uncontested however, on the contrary. The idea that democracies are more peaceful internally and externally, the democratic peace thesis, has received severe critiques in recent years. Christopher Layne for instance argues: “But this ‘zone of peace’ is a peace of illusions” (1994:44). He argues that form is confused with substance, just because a state chooses not to fight and *is* a democracy, doesn’t mean it doesn’t fight *because* it is a democracy. Based on four case-studies of two democratic states with incompatible goals Layne states that war was avoided based on realist arguments concerning state interests rather than a democratic spirit. Hence, according to Layne, the democratic peace theory reverses the link between the international state system and domestic political institutions. Rather than extrapolating a domestic democratic norm of peace to the international level (as the democratic peace theory holds) it is the international system that determines the national possibilities. The more realistic an external threat, the more autocratic a regime will become. Furthermore, according to Layne all nations are unlikely to fight wars. Thus, the assertion that democracies don’t fight each other loses much of its strength. Especially when you realize that democratic interrelations only form a small proportion of all possible nation-state relations. Hereby the fact that democracies ever go to war should be more surprising than that they don’t (1994:39).

### **2.4 Rejecting electing**

Whereas Layne completely rejects the democratic peace thesis, other authors such as Roland Paris, Jack Snyder and Edward Mansfield, drawing on the work of Samuel Huntington, argue that it is need of some revision.<sup>3</sup> As Paris argues:

*Although well-established market democracies may be more peaceful in their internal and international affairs than non-democracies, the policy of promoting democracy necessarily involves **transforming** a state into a market democracy. (...) So while we have learned a great deal in recent years from debates about the relative peacefulness of liberal states, these debates have largely skirted the relationship between **liberalization** and conflict (2004:44. Emphasis added).*

According to Paris, liberal peace authors seem to have overlooked the fact that although established democracies are more peaceful, *democratizing* states are not.

One reason for this, according to Paris, is that the democratic peace thesis takes the existence of a functioning state as a given, something which is not the case in contemporary post-conflict situations. To build a lasting peace, Paris argues, requires two things: the protection of individual freedom and the existence of effective governmental institutions. Hereby the

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<sup>3</sup> Within this research I have chosen to focus attention on a limited amount of authors; Jack Snyder; Edward Mansfield; Roland Paris; Christopher Layne; Benjamin Reilly and Samuel Huntington. Since the subjects of democratization and elections are so widely debated the list of authors could be infinite, the choice has therefore been made to focus on these authors since they are considered authorities on the subject and represent the main lines of argumentation present within the field.

power of the state needs to be both limited, in order to protect individual liberties, and strengthened in order to uphold the law and protect itself from foreign threats. Thus a well-functioning state which upholds the difficult balance between the need to both limit and strengthen its power is a precondition for the democratic peace thesis. But it is exactly this process of *state-making* which causes problems that are not addressed by the democratic peace thesis (2004:50).

Based on both statistical analysis and case-study analysis of cases ranging from Weimar Germany and revolutionary France to Rwanda and Burundi, Snyder and Mansfield agree with Paris. They too state that indeed established democracies are more peaceful, but that exactly the process of democratization itself is dangerous. They argue that democracies are more peaceful for several reasons. Firstly, democratic institutions (such as elections and political competition) make governments accountable to their voter. Secondly, the democratic system is characterized by predictability and continuity of its institutions. Thirdly, democratic regimes enhance their legitimacy by promoting civic nationalism or a sense of common purpose. This form of nationalism is strengthened by political participation such as a well functioning parliamentary system and press. However, it are exactly these characteristics that democratizing states lack and which therefore make them more war-prone. In transitional systems, the democratic checks and balances are weak and are threatening to the elite, since well-developed democratic institutions limit their power. Therefore elites have both motive and opportunity to prevent full democratization. Something which usually leads to exclusionary nationalism according to Mansfield and Snyder (2005:52-53;61; Snyder 2000).

Thus, in relation to the democratic peace thesis, Paris, Mansfield and Snyder argue that indeed the goal of pursuing democracy remains worthwhile because established democracies are indeed more peaceful than other state systems. Within their argumentation all three authors follow the institutional line of argumentation rather than the norms and culture assumption. As Snyder and Mansfield state:

*Here, too, well-institutionalized accountability to the median voter and well-institutionalized scrutiny of policy ideas both tend to moderate deliberations about war and peace in mature democracies (2005:53).*

But, the reverse is also true as Paris argues:

*In the absence of political institutions capable of processing societal demands and ensuring compliance with the rule of law, the stimulating of political mobilization can lead to civil strife and unrest (2004:186).*

By focusing on the benefits of established democratic states and institutions, international policy makers have neglected the problems that arise in creating them.

As said, all three authors draw heavily on the work of Samuel P. Huntington: *Political order in changing societies*, which he wrote already in 1970. In this book Huntington too argues that the political community (or governance) of a state is the relationship between political institutions and organizations and social forces. As Huntington argues, historically institutions have emerged out of the interaction and disagreement between social forces. Hence, when social forces strengthen so must political institutions. However, writing on modernization in the twentieth century, Huntington states:

*It is precisely this development which failed to occur. (...) Social forces were strong, political institutions weak (...) the development of the state lagged behind the evolution of society (1970:11).*

Hereby Huntington describes exactly the same process as Snyder, Mansfield and Paris when they write on democratization and elections. When Huntington states:

*It is not the absence of modernity but the efforts to achieve it which produce political disorder (...) In fact, modernity breeds stability, but modernization breeds instability (1970:41).*

It is but a small step to replace the word modernity with democracy.

## **2.5 Sequencing electing**

Thus, the democratic peace thesis is not quite the empirical law it was stated to be. Democratization in fact increases the likelihood of conflict. Many authors have argued that elections, being part of the democratization process, also entail a great and in fact special risk of violence and thus often don't contribute to democracy at all.

As Snyder and Mansfield argue, especially in the electoral phase of democratization the lack of institutionalization becomes dangerous. Freedoms like mass participation and a free press are enlarged whilst at the same time democratic institutions have not yet been fully developed, therefore functioning checks and balances are lacking. This provides elites with the opportunity to 'capture' the democratization process and exploit it to the behest of a nationalist ideology, increasing the risk of conflict (2000; 2005). Another author, Benjamin Reilly, also supports this argument. In addition to this he adds that because elections are intended to create peace, they bring with them high expectations which they cannot meet. Rather, as Reilly argues, holding elections after conflict often entails difficult problems concerning coordination, lack of information, hardening of societal divisions and fears for the future. Hereby elections often become a source for extremism (2008:160; 2002:121; n.d:4).

This critique on the possible negative effects of elections has led to a discussion concerning the sequencing of elections. In line with their institutional approach Snyder and Mansfield argue that elections should be postponed until "thick-networks" have been firmly established (2005:16), or "institutionalization before liberalization" as Paris calls it (2004:179). Mansfield and Snyder argue strongly for "getting the sequence right." As a general rule they state that the process should start by building the institutions that democracy requires, before encouraging mass political participation and electoral competition (2005:16). On what these institutions entail or how the level of institutionalization can be measured, they remain somewhat vague. They mention a consensus on the national identity, the development of rule of law, administrative power and institutions of public debate like the media.

Once again it is illustrative to take a look at their source of inspiration: Huntington. He describes political organizations and procedures as "an arrangement for maintaining order, resolving disputes, selecting authoritative leaders and thus promoting community among two or more social forces" (1970:8-9). Examples are political parties, the legislature, bureaucracy, the media and elections. Institutionalization in turn is "the process by which organizations and procedures acquire value and stability" (1970:12). Furthermore, the level of institutionalization can be measured by adaptability, complexity, autonomy and coherence of the organizations and procedures. This means for instance that political leaders should be replaceable (adaptability); that the system should not rely on one person but on several institutions (complexity), that the state and parties shouldn't be susceptible to outside

influences or represent one single social group (autonomy) and agree on the boundaries of the group and on the procedures for resolving boundary disputes (coherent) (1970:12-23).

Although debate remains on exactly when elections should be held there seems to be a growing consensus that at least some degree of institutionalization is desirable.

## **2.6 Accepting electing**

The final question now is *why*, despite all the evidence to the contrary, elections are still such an important part of foreign policy efforts?

Elections are still a central element of peace deals and often form one of the most important preconditions in peace building processes. One reason for this is that democracy is still the end-goal and it seems difficult to create a democratic state without holding some form of elections. Furthermore, as Reilly argues, when “sufficient forethought” is given to elections, concerning timing, effects and for instance the electoral system, it is possible to conduct them peacefully (2008:160). A second reason why elections are still such a major part of international policy is that they provide the international community with a perfect opportunity to withdraw and hand over power to the newly elected government (Reilly 2008:168; 2002:118). Elections are a very visible, relatively cheap and easy way-out

In conclusion and answer to the central question of this paragraph, it has been argued that although democracy is indeed a valuable end-goal and elections can be a means in reaching this, the processes of democratization and elections are prone to violence due to the distorted balance between social forces and the development of political institutions. This is especially problematic in post-conflict situations. Due to a history of conflict, inter-group-relations are often hardened, with ethnic, religious or other group-relations being severely disturbed. Trust between social groups is low and enemy images prevail, consensus on national identity is lacking. Therefore, the dangers of the discrepancy between the development of political institutions and social forces become even more evident. Nevertheless, elections remain a main feature of the contemporary world, as can be seen in Sudan last April. In the next section the elections in Sudan will be used to reflect on the discussion presented above, as well as to further investigate the positive and negative roles of various actors. All this in order to see how elections can be conducted as peaceful as possible in order to try and get all good things going together.



### 3. Sudanese elections then and now

*I always believed that there was no election which was not rigged. All of them, it just depended on how.*

*– Adlan Hardallo Sudanese academic in Willis, el-Battahani and Woodward 2009:54 -*

Although the recent elections in Sudan can rightfully be called ‘historic’, they are the first multi-party elections in twenty-four years; Sudan does in fact has a rich electoral history. It is this history of elections which will be the focus of this chapter in order to put the recent elections into perspective. Furthermore, the run-up, context and course of the April elections will be dealt with.

#### 3.1 Electoral history

Since independence Sudan has held seventeen national elections and referenda. These elections have mainly served to demonstrate the effectiveness and legitimacy of the ruling party and were troubled by serious forms of malpractice and a lack of resources and organization (Hemmer 2009:4; Willis, el-Battahani and Woodward 2009:10). In all of these elections large parts of the country, mainly southern Sudan, were omitted from participating and none of the elections has been able to establish a well-functioning multi-party democracy. There have been three short periods of elected government; 1956-1958; 1965-1969 and 1985-1989, all of which were ended by a military coup (Democracy Reporting International and Centre for Peace and Development Studies University Juba 2009:10;17).<sup>4</sup>

In total seventeen elections have been held in Sudan, however, they have all been characterized by the same problems: a lack of resources and organization, intended malpractice like stuffing of ballot boxes, bribing voters, lack of voter education, misuse of state resources and exclusion of large parts of the population by tampering with constituencies and voter registration. High voter turnout has generally concentrated along the centre of the country. The main goal of each election has been to demonstrate the efficiency and legitimacy of the government rather than representing the will of the people. Furthermore, there is no real tradition of an institutionalized voting system. Rather, there is a tradition of “intermediacy” whereby local powerful people, party agents or polling staff enable people without formal registration to vote by bending the rules (Justin Willis during PRIME community of practice 29 April 2010).<sup>i</sup>

#### 3.2 Comprehensive Peace Agreement

The recent elections of 11-13 April 2010 (later extended with two days until 15 April) were held under the provisions of the Comprehensive Peace Agreement (CPA). The CPA was signed on 9 January 2005 between the National Congress Party (NCP) of President Bashir and the Sudanese People’s Liberation Movement (SPLM), the two main opposing parties during the Sudanese civil war which lasted twenty-two years. The CPA ordered for an interim period of six years in which a government of national unity (GoNU) was established, based on power sharing between the two parties. During this interim period national elections were to be held before July 2009. The interim period would result in a referendum on southern independence scheduled for January 2011 (Hemmer 2009:3). The elections have been postponed from July 2009 to February 2010, but were held at last in April 2010.

The Sudanese state system is made up by executive, legislative and judiciary powers. The April 2010 elections related to all executive and legislative branches. The executive exists of

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<sup>4</sup> To improve the general readability of the text from now on the abbreviation DRI will be used to refer to the report of Democracy Reporting International and Centre for Peace and Development Studies University Juba.

the Presidency (President, first vice president, second vice president) and the Council of Ministers. Until elections the Presidency and Council were composed of the SPLM and NCP. The legislative is formed by the National Assembly (450 seats) and the Council of States, the latter of which is composed of two representatives of each of the twenty-five states. Furthermore, under the CPA the Government of southern Sudan (GoSS) has been established. This too consists of a Presidency, Council of Ministers and southern Sudan Legislative Assembly (170 seats). Under the CPA both the Council of Ministers of Sudan as a whole and southern Sudan and the legislative assemblies have been formed on the basis of power sharing arrangements (DRI 2009:13-16). In the National Assembly the NCP was allocated fifty-four per cent of the seats and the SPLM twenty-eight per cent.<sup>5</sup> These are important numbers since a 66.7 per cent majority is required to pass legislation and a seventy-five per cent majority to make constitutional changes (Gustafson 2010:24). Hence, at the moment the SPLM can prevent the NCP from making constitutional and legislative changes.

The scheduled elections for April 2010 differ from past elections in several ways. Firstly, they are imposed by external actors. Secondly, because they are the result of a peace agreement, in addition to establishing a stable government, one of their most important aims is to prevent a relapse into war. Thirdly, in contradiction with previous elections they can be seen as a two-party event. Although there are seventy-two parties participating, based on their capacities and resources there are only two serious competitors, the NCP and SPLM (Einas Ahmed at IS Academy Seminar).<sup>ii</sup>

### **3.3 Political culture and context**

One of the main features of the Sudanese context is its violent history. Sudan has suffered two civil wars in which the North and South were on opposing sides. The first civil war lasted from 1963 until 1972 and was very much a consequence of British colonial rule. With independence approaching all power and wealth was concentrated in northern Sudan, with South Sudan being excluded from decision making power and influence. After independence however, the government in Khartoum refused to grant the South the promised federal system. This led southern states to start a civil war aimed at creating an independent South. In 1972 the conflict ended with the Addis Ababa Accords and southern Sudan was granted regional autonomy on internal matters. The second civil war was actually a prolongation of the first. It started in 1983 when the Sudan People's Liberation Movement/ Army (SPLM/ A)<sup>6</sup> under the leadership of the late John Garang started a southern based rebellion against the Khartoum-based government. The SPLM/ A fought for a united socialist Sudan. The conflict came to an official ending in January 2005 when the CPA was signed, under the auspices of which the April 2010 elections were held (Uppsala Conflict Data Program 2008).

In addition to the two civil wars Sudan is heavily affected by the Darfur conflict which started in 2003, when two rebel movements took up arms against the government in a struggle for a more democratic Sudan. Characteristic of the Darfur conflict is the one-sided violence used by the government to repress the rebels by way of the 'Janjaweed' militia, men on horses who plunder and attack villages. In addition to the two civil wars and the Darfur conflict Sudan has suffered from many more non-state conflicts and one-sided violence (Brosché 2008:5). As a result of its violent history most of the Sudanese population has been affected by some form of conflict. As of May 2010 4.9 million people in Sudan are internally

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<sup>5</sup> The remaining eighteen per cent of seats was awarded to the Darfur region.

<sup>6</sup> The SPLM/ A is the military arm of the SPLM, the current governing party in the South.

displaced. And in the first four months of 2010 60,000 new people were displaced due to inter and intra-tribal violence and attacks by the regionally operating Lord's Resistance Army (LRA). In recent months violent conflicts between pastoralists and refugees and residents have increased due to drought and food shortages. Violence in Darfur also remains at the order of the day (Internal Displacement Monitoring Centre and Norwegian Refugee Council 2010).

Concerning the political climate Sudan has a dominant but unstable political centre which is based in Khartoum, northern Sudan, and to a lesser extent in Juba, southern Sudan. Political institutions are weak and political conduct revolves around a so-called "marketplace of loyalties based on patronage" (Hemmer 2009:7). This system has led to chronic instability and insecurity and policy is based on short-term problem solving and financial or violent co-optation of opponents rather than long-term development policy. Furthermore, because market conditions shift, there is a continuous renegotiation of deals, making Sudanese politics both uncertain and time-consuming. In the North the NCP is the dominant actor on the market and in the South the SPLM holds this position. The SPLM has less experience in this area and fewer resources which increase the possibility of recourse to violence instead of financial means to demanding loyalty. Survival appears to be the main concern for both NCP and SPLM (Hemmer 2009:7).

It was against this background that the April 2010 elections took place.

#### **3.4 Context and course of elections**

The elections were originally scheduled for 11-13 April but voting was extended by two days to 15 April due to many logistical problems (McDoom 12 April 2010). The main body concerned with the conduct of the elections was the NEC which was in charge of executing the National Electoral Act (NEA). The NEC was composed of nine members who were appointed by President al-Bashir with the consent of Vice-President Salva Kiir and the National Assembly. The NEC formed so-called High-Committees for South Sudan and all twenty-five states of Sudan, each committee consisted of five members and was in charge of the local conduct of the elections. Furthermore, the NEC appointed a "returning election officer" for South Sudan and all states and heads of polling centres. Moreover, the NEC was in charge of the rules and electoral framework and it led the 2008 census and 2009 voter registration process (National Elections Commission Factsheet 01). The NEC had a budget of \$315 million, forty-three per cent of which was paid for by international partners (International Crisis Group 2010:10 footnote 83).<sup>7</sup>

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<sup>7</sup> To improve the general readability of the text from now on the abbreviation ICG will be used to refer to the International Crisis Group.

The elections covered several levels of Sudanese governance, both executive and legislative as can be seen in figure 2:

	<u>Executive</u>	<u>Legislative</u>
Sudan	President 50% +1 of valid votes. If not, second round run-off between two highest-scoring candidates	National Assembly ('Lower House')* 60% of seats Single-Member Districts, First-past-the Post (FPTP); 25% of seats proportional elections from party lists at the level of the states, reserved for women candidates; 15% of seats proportional elections from party lists at the level of the states.
Southern Sudan	President 50% +1 of valid votes. If not, second round run-off between two highest-scoring candidates.	Assembly of Southern Sudan 60% of seats Single-Member Districts, First-past-the Post (FPTP); 25% of seats proportional elections from party lists at the level of the ten states of Southern Sudan, reserved for women candidates; 15% of seats proportional elections party lists at the level of the ten states of Southern Sudan.
25 States of Sudan	Governor One round, simple majority.	State Assemblies 60% of seats Single-Member Districts, first-past-the post (FPTP); 25% of seats proportional elections from state-wide party lists, reserved for women candidates; 15% of seats proportional elections from state-wide party list.

\* The Council of State, the second chamber of the National Legislature, is elected indirectly.

- Figure 2 "Overview elections Sudan" (DRI 2009:28) -

As can be seen in figure 3, the electoral framework consists of a mix of majority, plurality and proportional representation systems:

**Election System that will be used for each of the Sudanese elections**

	ELECTION	ELECTORAL SYSTEM		
		Majoritarian		Proportional
		Absolute	Relative	
1	President of Sudan	✓		
2	President of GoSS	✓		
3	Governor		✓	
4	National Legislative Assembly		✓	✓
				✓
5	Southern Sudan Legislative Assembly		✓	✓
				✓
6	State Legislative Assemblies		✓	✓
				✓

FACTSHEET 03: ELECTORAL SYSTEMS

- Figure 3 "Electoral systems Sudan" (National Electoral Commission Factsheet 03) -

In 2008 a national census was conducted on the basis of which the electoral constituencies were drawn, determining the amount of seats allocated to each state. Based on the census the southern states received twenty-one per cent of the National Assembly seats, in comparison to their current twenty-eight per cent. However, since a 66.7 per cent majority is necessary to pass important legislature and seventy-five per cent to amend the constitution, based on the census southern Sudan would thus be unable to block major constitutional changes. But in February it was agreed between the NCP and SPLM to allocate forty extra seats to southern Sudan whereby it gained twenty-eight per cent of the seats. The northern states will receive fifty-four per cent and Darfur eighteen per-cent of the total seats (BBC News 27 February 2010; DRI 2009:23-24).

Due to the electoral framework people in the North had to fill in eight ballots and people in the South twelve. Furthermore, 1,268 different types of ballots had to be printed. In total twelve people were registered to run for the President of Sudan, of which current President Bashir of the NCP and Yasir Arman of the SPLM were the main candidates. Two people ran for the office of President of South Sudan, including current President Salva Kiir (National Electoral Commission Final list of presidential candidates; Miraya FM 13 February 2010; Reuters 13 March 2010). In total seventy-two parties entered the elections and over 16,000 people ran at some level of which 1,400 as independent candidates (European Union Election Observation Mission Sudan 2010:2).<sup>8</sup> The international community was heavily involved in the electoral process: the European Union, African Union, Arab League, Intergovernmental Authority on Development and the Carter Center sent observation missions for instance. In total there were approximately 750 international observers and 20,278 domestic observers from 232 civil society organizations (EU EOMS 2010:9; CNN Wire staff 18 April 2010).

With two weeks to go before the elections the SPLM announced on 31 March 2010 that it withdrew its candidate Yasir Arman from the Presidential race (Reuters 31 March 2010). One day later five other opposition parties announced that they too would withdraw their

<sup>8</sup> To improve the general readability of the text from now on the abbreviation EU-EOMS will be used to refer to the European Union Election Observation Mission Sudan 2010.

candidates from all levels of elections in the North. All parties accused the NCP-government of rigging the process and claimed that the circumstances in which the elections were held were neither free nor fair and that the situation in Darfur prevented a credible election (Gettleman 1 April 2010; McDoom 1 April 2010). In the end only two parties were left to contest the elections in the North. Since the withdrawal of the other candidates was done on such short term basis, the names of the candidates remained on the ballots (Carter Center 17 April 2010:11).<sup>9</sup> The withdrawal of the main opposition parties led to a severe decrease of the competitive nature of the elections in the North. Furthermore they led to disappointment amongst voters.

After several days of delay the results were announced. Omar al-Bashir was declared the winner of the Presidential race with sixty-eight per cent of the votes, Yasir Arman, even though he withdrew his candidacy, received twenty-one per cent of the votes. Salva Kiir was re-elected as President of South Sudan with ninety-three per cent and runner-up Lam Akol received seven per cent of the votes. In the South the SPLM managed to retain governorship in nine out of ten states, only in Western Equatoria an independent candidate was chosen. In the North the NCP won thirteen out of fourteen state governorships (National Elections Commission Elected Governors of the States). In the National Assembly the NCP gained 72.7 per cent of the seats and the SPLM 22.3 per cent. Hereby the NCP can pass legislation without opposition and is close to the majority it needs to make constitutional changes (Miraya FM 26 April 2010).

Concluding it can be said that Sudan has a rich but troubled history of elections, none of which have been able to create a form of democratic government. The April 2010 elections are nevertheless another attempt. In the next chapter I will analyse the 2010 elections from a negative point of view; examining what went wrong with a special focus on the roles various stakeholders played in this.

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<sup>9</sup> To improve the general readability of the text from now on the abbreviation CC will be used to refer to the Carter Center.

#### 4. Elections in Sudan: a stepping stone to conflict and violence

*On 2 December in South Darfur, the National intelligence security services arrested Tifour Al Amin, 29, an accredited Communist Party observer, while he monitored the Central Nyala Town registration centre at the Abo Sufian School. Prior to this, he had been arrested and detained for 12 hours on 4 November. He was released on 27 December after being subjected to torture and ill-treatment during his detention.*

- African Centre for Justice and Peace Studies 2010:8 -

*Registration officers were trained very late in the process, in many cases only days before registration began.*

- CC 17 December 2010 -

*In January, security forces in Raja, Northern Bahr el Ghazal, arrested three candidates from the Southern Sudan Democratic Forum (SSDF). The party's head, Dr. Martin Elia, told Human Rights Watch that security forces beat, arrested, and held them in a detention centre for a number of weeks before they were released without charge. By this time, they were unable to submit their applications for nominations since the window for doing so had expired on January 22.*

- Human Rights Watch June 2010:16 -

*Members of the Popular Congress Party reported that national security officials prevented them from holding meetings and rallies on at least 10 occasions.*

- Human Rights Watch 21 March 2010 -

*In March, the government press council summoned and interrogated the editor of Ajras al-Hurriya, as well as the editor of a second opposition paper, Rai el-Shaab, in connection with articles that had criticized al-Bashir.*

- Human Rights Watch June 2010:14 -

*April - In Omdurman across the River Nile, a polling official was confronted by scores of Young NCP workers with dodgy registers. He accepted 32 but rejected the rest since so few of them could say where they lived. The NCP agent in the polling station complained but the official stood firm. A few hours later a menacing troika – the local election commission's head, the local popular committee boss and the same NCP agent – came back to order him to accept "every voter with a popular committee certificate".*

- The Economist 15 April 2010 -

*Access to the Sudan Vote Monitor website, a collaborative platform created by Sudanese civil society with the aim of facilitating independent monitoring and reporting of the current elections and their results, has been partially or totally blocked for the past six days.*

- Reporters without Borders 20 April 2010 -

*On April 24, state authorities in Yambio, Western Equatoria state took control of the Sudan High Commission premises and the guards, including the personal guards of the Chairman, were replaced by other policemen including soldiers in police uniforms. (...) Subsequently, the head of the data center and one of his assistants were arrested by the Sudan People's Liberation Army (SPLA) and taken to the barracks where they were manhandled. After their release, the two staff members went into hiding.*

- CC 10 May 2010: 8 -

*Northern Bahr el Ghazal - Carter Center observers interviewed a polling station head who was detained during polling by the SPLA and showed visible signs of being beaten. This electoral officer reported more than a hundred other detained polling staff and party agents at the barracks where he was detained.*

- CC 10 May 2010:8-9 -

As the list of examples presented above shows, the elections in Sudan were troubled by many incidents of malpractice, intimidation and fraud. The aim of this chapter is to regard the elections in Sudan from a negative point of view. The main argument will be that they have entailed a negative step in the democratization process. Central focus will be on the roles of various stakeholders in the electoral process. In order to do this I will analyse the electoral process by way of actor analysis. I will examine how the various stakeholders in the electoral process: the national electoral commission, political parties, the media, civil society and the international community have negatively influenced the electoral process and failed to contribute to their free and fair conduct and the overall aim of establishing democracy. Hereby addressing both formulated aims of this research.

## **Actor Analysis**

### **4.1 The national election commission (NEC)**

*The election management body, the NEC, was established to administer elections impartially, transparently and independently, but it did not always meet these objectives.*

- CC 17 April 2010:7 -

As Benjamin Reilly argues, a national electoral commission should preferably consist of "apolitical civil servants" (2002:125). It should be an independent organ. In theory the commission in Sudan was just that: it was financially, technically and administratively independent and members could not take part in the elections as candidate or party agent. Nevertheless, there has been heavy critique on the composition of the committee. With opposition parties claiming that it was dominated and influenced to a large extent by the NCP (CC 17 April 2010:7). It is remarkable for instance that many members seem to have had previous political engagements. The chair of the committee, Abdel Allier, is former vice President of Sudan. Deputy Chairman Abfallah Ahmed Abdallah was once the National Islamic Front's ambassador to the United States and Aslir Ahmed Almke, president of the High Committee for northern Darfur, was director general of governmental affairs in northern Darfur. Furthermore, the high committees in Darfur placed NCP members in committees at the local level and there has been evidence of NEC members sharing political information with governors (ICG 2010:8). As a result the NEC didn't live up to international best practices (CC 17 April 2010:7).

Despite its disputable status, the NEC has played a crucial role in the elections in Sudan since it was the main responsible for the conduct of the elections. The NEC was actively involved in the preparations of the elections by conducting a census on the basis of which constituencies were drawn, it was responsible for voter registration and had a large role in the polling exercise.

#### Census

*The vote in Darfur will be an electoral atrocity; victims of the conflict have been ethnically cleansed from the voting rolls while Arab tribes allied with Bashir have been over-counted.*

- Dan Morrison 12 April 2010 -

Although this might be an overly strong articulation, the census of 2008 has indeed been one of the most controversial aspects of the recent elections. In June and July 2008 the NEC conducted a national census on the basis of which electoral constituencies were drawn and seats for the National Assembly were allocated (DRI 2009:30-31). There have been many allegations that Bashir's NCP has manipulated the census in order to inflate the number of constituencies which support the party and purposively omitted large parts of southern



Sudan and the Darfur population who are less loyal (Norbert Braakhuis at IS Academy Seminar<sup>iii</sup>; Délétroz 2010; The Economist 8 April 2010). Some results of the census have been remarkable, to say the least, and would indeed indicate fiddling with numbers. The population of South Darfur has increased significantly since the 1993 census for instance and the Arab nomads along the North-South border and in northern Sudan have grown exponentially. All of these groups are generally believed to support Bashirs' NCP. However, only 500,000 southerners were registered as living in the North whilst the SPLM claims this figure must lie more in the regions of several millions (DRI 2009:5). Furthermore, newcomers from Chad and Niger have been given identity papers enabling them to vote, whilst most of the 2.6 million Internally Displaced People (IDPs) living in camps and people living in rebel-controlled areas have been left out of the count. Western Darfur has been reported to have a population decrease of 200,000 rewarding fifteen seats to the area in comparison with twenty-four for northern Darfur. Furthermore, the rebel-held Jebel Marra area in southern Darfur is estimated to have 350,000 inhabitants based on the census, awarding it no seats at all, whilst critics claim the population constitutes at least a million (ICG 2010:1;8). In addition to that, many villages haven't even been assigned to constituencies, boundary descriptions were vague and entire pieces of land have been omitted from the census altogether. Moreover, there were no provisions to enable Sudanese living abroad to vote (DRI 2009:5;30).

Also, according to the NEA constituencies shouldn't deviate more than fifteen per cent of the national dividend. Meaning that the calculated population per constituency shouldn't be fifteen per cent larger or smaller than the national average, hereby guaranteeing the equal size of constituencies. In practice however this was frequently not the case. In Jonglei state for instance constituency numbers ranged from thirty-two per cent under and fifty-two per cent over the national dividend (CC 17 April 2010:7). Many opposition parties have complained about the census results, stating that they could not circulate freely in the country and could therefore not verify the results (DRI 2010:30). If population figures have indeed been tempered with, this undermines one of the key aspects of elections: the equality of the vote. As mentioned in the previous chapter the disagreement on the disputed census jeopardized the entire electoral process. It was resolved finally in March 2010 when the SPLM and NCP reached an agreement to allocate forty extra seats to southern Sudan (BBC News 27 February 2010; DRI 2009:23-24).

#### Voter registration

*This process could easily be referred to as dead on arrival.*

*- Anne Itto secretary general SPLM for South Sudan to IRIN news 5 November 2009 -*

Voter registration was undertaken from November until December 2009. In total thirteen of twenty-five states fell short of NEC registration targets of eighty per cent (CC 17 December 2009). The registration process was severely complicated due to the fact that many people had no official documentation by which they could prove their age or citizenship. The NEC established the rule that a person could be registered if two witnesses could testify for the person's identity and age. Therefore traditional authorities played a significant role in identifying people. This has raised concerns as to the objectivity of the process (DRI 2009:31). Furthermore, the NEA didn't deal with people that were internally displaced, which meant that many IDPs from Darfur couldn't register, thereby undermining the right to universal suffrage (ICG 2010:1; EU EOMS 2010:6). In addition to this, the NEA didn't allow people to object when they were not included in the voting list (DRI 2009:32).

In some states, registration exceeded 100 per cent of the census count, thereby casting doubt on both processes (CC 17 April 2010:8). The CC, the ICG and the EU EOMS have all detected

severe flaws in the registration process. Registration slips were seen to be traded and sold, there were insufficient checks on data entry and there have been reports of security personnel deployed in remote areas which have been registered in these areas rather than their place of residence which is against NEC regulations. Furthermore, the NEC is said to have failed to inform local populations about where and when to register and registration monitors have been harassed, voters have been intimidated and data has been tampered with. Despite all these complaints the NEC refused national and international observers to audit the voter registration list (ICG 2010:10; CC 17 December 2009:9; EU EOMS 2010:6).

#### Printing of Ballots

*We want a serious investigation into this matter (... )They have given the sheep to the fox.*

*- Yasir Armin, presidential candidate SPLM to Reuters 17 March 2010 -*

Another issue of controversy, just before election day, was the decision by the NEC to print the ballots on government printing presses instead of with the previously agreed upon Slovenian printing house. The Sudanese company charged \$4 million whilst the Slovenian company only charged \$800,000. The NEC defended its choice by stating that the Sudanese company was experienced in printing in secrecy, thereby reducing the risk of fraud. Nevertheless, the remarkable decision only increased suspicion and undermined national trust in the process (ICG 2010:4; BBC News 30 March 2010; McDoom 17 March 2010). Furthermore, just before election day the number of voting sites was reduced from 21,200 to 16,500 which meant that an average of 1,000 voters had to change sites making it difficult to find the right polling station (Jimmy Carter 2010).

#### Electoral framework

*Like the CPA itself, it is a product of complex, multi-year negotiations between the SPLM and the NCP, modified to satisfy the concerns of both sides.*

*- Gustafson 2010:8-9 -*

As said the electoral framework covered six different offices for which people had to cast a vote and used a combination of majority, pluralistic and proportional systems. The electoral system has raised some doubts as to what extent minority views will be represented (Hemmer 2009:v). Even though the proportional representation system used for the National Assembly can promote a more equal distribution of regional power in the sense that it provides more seats to more parties, the allocation of seats is said to favour the large parties. Since, based on the census, most states have a small number of seats, the victorious parties in each state, which will likely be the most organized and largest parties, are likely to win all the party and women's seats (Gustafson 2010:23). In addition to that, the electoral system is said to be way too complicated for Sudan. In a country in which the illiteracy rate is forty per cent (with ninety per cent of the women in South Sudan being illiterate) and the majority of the people having never voted, asking them to fill in twelve ballots might be a bridge too far (DRI 2009:7)

#### Voter education

*Education efforts, while worthy, were insufficient to meet the needs of an electorate unfamiliar with elections, dealing with a particularly complex electoral exercise.*

*- EU EOMS 2010:10 -*

All observation missions agree that despite its importance, voter education was too little too late. It only became visible a week before the elections and most initiatives only reached people in state capitals and urban centres. Furthermore material was published solely in Arabic and English and not in regional or local dialects (EU EOMS 2010:10; CC 2010:9; Reuters 11 March 2010). The ability to inform voters was also impaired due to the delays in

the publication of voter information (The Sudanese Group for Democracy and Elections and the Sudanese Network for Democratic Elections 2010:7).<sup>10</sup> The electoral commission failed to provide education and the political environment was not conducive to educational efforts. The Carter Center for instance reports that voter education activities were disrupted by state authorities in Darfur because the NEC failed to contact relevant authorities to lift security measures. When the NEC did conduct voter education activities they were seen to use the same slogan as President Bashir and used the NCP party symbol hereby balancing on the thin line between voter education and outright campaigning (17 April 2010:9).

### Polling

*In Tonj North County in Warrap State, party supporters brought guns into the polling station in an attempt to steal ballot boxes.*  
- SuGDE-SuNDE 2010:25 -

Many problems which can be contributed to the NEC arose during the voting process itself. Firstly, there were enormous logistical problems with ballots being delivered late or not at all, polling stations opening late or voting which continued without all ballots present, incomplete and inaccurate voter lists, misprinted ballot papers with wrong symbols or missing names and election booths being set up in such a way as to undermine the secrecy of the ballot. Furthermore, voter registers and ballot papers were printed exclusively in Arabic, causing problems mainly in South Sudan. Ballot boxes weren't sealed properly, ink proved to be removable and underage voters were reported to have been able to vote. In addition to that high illiteracy meant many people had to be assisted in casting their vote, with polling officials not always following the voters' desires (CC 2010: 13-15; EU EOMS 2010:11; AU EOMS 2010: 4-5; IGAD 2010; SuGDE-SuNDE 2010:8).<sup>11</sup> Secondly, as was made clear in the beginning of the chapter, there was a lot of intentional malpractice and violence. Remarkable was that most complaints in the North were related to malpractice, fraud and vote rigging, whilst in the South most incidents related to intimidation and violence (CC 2010:3; EU EOMS 2010:1; SuGDE-SuNDE 2010:2).

### Legal framework

*Sudan's legal framework is contradictory and does not ensure adequate respect for essential political rights and freedoms prescribed in Sudan's constitution, including freedoms of expression, assembly and association.*  
- CC 17 April 2010:2 -

Many international observers have pointed to the fact that the Sudanese legal framework was incompatible with the conduct of holding free and fair elections to an international standard. Although the NEA provided a solid legal basis, other national legislation severely undermined it. Most problematic were the 'Criminal Procedure Code' from 1991, the 'Organization of Humanitarian and Voluntary Work Act' of 2006, the 'Journalism and Press Publications Act' from 2005 and the 'National Security Act' of 2009. These acts provided for, amongst other things, detention of journalists without arrest or judicial recourse to a court, limitation to freedom of assembly, increased monitoring and surveillance power of the national intelligence and security services, the power to dismantle newspaper printing presses and the imposition of fines and sanctions against media and journalists (CC 2010:2; CC 19 August 2009; DRI 2009:20; EU EOMS 2010:5; ICG 2010:3). As can be seen from the

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<sup>10</sup> To improve the general readability of the text from now on the abbreviation SuGDE-SuNDE will be used to refer to the Sudanese Group for Democracy and Elections and the Sudanese Network for Democratic Elections, both of which are local Sudanese NGOs.

<sup>11</sup> To improve the general readability of the text from now on the abbreviation AU EOMS will be used to refer to the African Union Elections Observation Mission and the abbreviation IGAD will be used to refer to the Intergovernmental Authority of Development. This is an international election monitoring mission of six eastern African countries: Djibouti, Eritrea, Ethiopia, Kenya, Somalia, Sudan and Uganda.

descriptions of the political and media environment later on, these acts severely undermined the free and fair conduct of the elections.

In addition to the NEA the NEC issued several 'circulars' on electoral conduct, however the legal status of these circulars was not entirely clear. One circular was issued for instance which ordered political parties to give a seventy-two hours notice when they were organizing political activities (NEC 2010 Circular on Campaign activities). The Carter Center reports that this intervened with many political activities in southern Sudan where state authorities interfered at political rallies (17 April 2010:11). The constitutional basis for the elections has been undermined by these semi-legal circulars, as well as by the habit of solving problems by bilateral political arrangements (like the extra forty seats allocated to southern Sudan).

Furthermore, the NEA did not provide for a correct complaints procedure. There was no possibility to file a complaint against unfair treatment of a party or candidate. Parties and candidates could only complain about the results, not on election officials or lower-level election bodies. Moreover, individual voters could not file a complaint (DRI 2009:42; IGAD 2010).

#### Tabulation

*Votes were often determined to be invalid when the marks upon them were not placed exactly within the circle, even when the intent of the voter seemed clear.* - CC 10 May 2010:2 -

On 10 May 2010 the Carter Center issued a report on the many failures arising in the tabulation process. According to the centre the process was "highly chaotic, non-transparent, and vulnerable to electoral manipulation" (2010:1), leading the organization to express concerns on the accuracy of the preliminary results.

The tabulation system was implemented inconsistently due to untrained staff, inadequate resources, a lack of transparency and logistical problems. Although the NEC had an electronic tabulation system, in some polling stations staff switched to manual tabulation. The Carter Center reports many mistakes ranging from mathematical miscalculations to forms lacking vital information like location of the polling centre or the results. In seven states Carter Center observers were completely denied or given only limited access to the tabulation process. Domestic observers' accreditation only lasted until 18 April thereby prohibiting access. Furthermore, especially in southern Sudan, security agents tried to interrupt counting and alter results and electoral officials were threatened to falsify results (10 May 2010).

#### Results

*According to the election commission, Deng garnered 137,362 votes against 63,561 for Teny. An earlier partial count had showed Teny with a lead of 24,000 votes.* - AfrikaSpeaks 25 April 2010 -

The announcement of the results caused a different set of problems altogether. They were delayed by almost a week and with the large discrepancies between preliminary results and final results, suspicions of fraud increased.

In Juba the independent candidate Mou Kuan Adim was leading, but in the final results he was said to have lost (Garang 11 May 2010). In Unity state Angelina Teny, defeated candidate for the governorship, also accused her rival, the incumbent governor Deng, of cheating. In the preliminary polls Teny had been leading the polls. The announcement of the results led to protests in which two of Teny's supporters were shot (AfrikaSpeaks 25 April

2010). There were rumours that the victorious governor had threatened the electoral staff to declare him the winner (Sudan Tribune 20 April 2010). Tong Lyal Ayat, leader of a southern opposition party, has rejected the presidential election results in the South, accusing the SPLM of rigging the vote (Sudan Tribune 3 May 2010). Furthermore, in numerous polling stations the turn out was said to be 100 per cent with a 100 per cent of the votes being cast on one candidate or party, especially in east and south Sudan (The Economist 8 April 2010).

Several issues stand out when looking at the NEC activities. Although it is very difficult to ascertain to what extent these are to be seen as intentional malpractice, fraud or honest mistakes, I think the difficulties can be categorized to some extent. Firstly, there are the problems that can be grouped under the heading 'lack of time and resources.' The delineation of constituencies for instance had to be performed in a period of thirty days under very difficult circumstances. In general logistics proved to be an overall returning problem with the delivery of electoral material and voter education and registration information in more remote areas. Another set of issues can be grouped under the heading 'procedural mistakes'. These include the lack of regulations enabling Sudanese living abroad to vote, the disputable status of the circulars, the lack of correct complaint procedures and the problems with identification for registration which could have been foreseen. Lastly, there are the mistakes, or rather malpractices, which can be grouped under 'intentional misconduct'. Like the refusal to provide an international audit of the voter lists, the use of the same slogan and symbols of Bashir in voter education programs and the decision to change the printing house of the ballots at the last moment.

A truly independent and especially a-political committee as recommended by Benjamin Reilly indeed appears to be crucial for the correct conduct of elections.

#### **4.2 Political parties**

*On October 22, in Aweil, Northern Bahr el Ghazal, authorities arrested Tong Lual Ayat, head of the United Democratic Party. The authorities alleged that his party was not properly registered, detained him in a safe house for two weeks, and then transferred him to a military prison at Wunyiiit where he said soldiers tied him to a tree for another 16 days.*

*- Human Rights Watch June 2010:15 -*

The political environment in Sudan was all but conducive to a fair and competitive political campaign. First of all, the withdrawal of the main opposition parties from the electoral race in the North severely undermined the competitive nature of the elections. Secondly, the above described legal framework further compromised the circumstances and the parties in charge of government power (NCP and SPLM) abused their control on the security services. By enforcing the various legal acts the NCP clearly had no intention to level the playing field; on the contrary, it gratefully used its legal instruments of repression (ICG 2010:4). As a result campaigning was difficult in northern States. In South Sudan too there was little room for opposition due to state interferences, sometimes accompanied by acts of violence and intimidation. (CC 17 April 2010:3;6; EU EOMS 2010 5;8).

Another aspect which reduced the competitive nature of the elections were the significant differences in financial and logistical capabilities (EU EOMS 2010:2; CC 17 April 2010:11). In northern Sudan opposition parties were unable to compete due to years of government repression which severely limited their development, leading them to be unable to take on the highly organized NCP. The NCP's campaign was well funded and orchestrated. Voters were transported by buses, assisted with finding their names and food and drinks were provided to people waiting in line, with the compliments of the NCP (The Economist 15 April 2010; PRIME Community of Practice 29 April 2010). Furthermore, due to a lack in resources and institutional weakness, political parties in both northern and southern Sudan

weren't capable of providing voter education to party members. In addition to that, the NEC was supposed to put a ceiling on campaign expenditures. Something which it only did with five days left before the election. The ceiling it put in place was so absurdly high that the measure was in effect meaningless. In addition to that there were many incidents reported in which candidates of the NCP used state resources like vehicles, contrary to the electoral rules (CC 17 April 2010:9-12).

The superior positions held by both SPLM and NCP were also an example of the tension of political parties campaigning for gaining power, whilst at the same time being the current power holders. This power position provided the SPLM and NCP with superior means and resources in comparison with other parties. The NCP could use the existing legislation to its advantage and state security personnel was widely used to obstruct political rallies in northern and southern Sudan. This is also seen in the dubious relation between the NCP dominated government and the NEC, with the NEC using NCP slogans to conduct voter education for instance (CC 17 April 2010:10). The fact that the NCP and SPLM both held government positions and could use the accompanying benefits and resources led to unequal competition and a diminishment of the democratic process.

Political parties are the pillars of the electoral process: without political parties no elections. In theory political parties are the institutionalized form of the divergent views on society. However, as Benjamin Reilly argues, when elections are held for the first time in ages, political parties haven't fully developed yet. Rather, they have a narrow basis upon which they are organized and lack strong cohesion (n.d:10). What we can see in Sudan is that the struggle for the vote was between two major parties, the SPLM and NCP. The power positions of both SPLM and NCP in the 'marketplace of loyalties' made political competition very limited. This was only increased by the withdrawal of most of the opposition parties in the northern electoral race.

In addition to their market position, the conduct of both the NCP and SPLM throughout the elections has been harmful to the entire process. Remarkable herein is that they both had a distinctly different 'modus operandi.' Where the NCP mainly influenced and manipulated the elections indirectly by way of the census, constituencies, total control of the media, co-optation of tribal leaders and its strong ties with the NEC, the SPLM seems to have relied more on direct confrontation, intimidation and violence (Jimmy Carter 2010; CC 17 April 2010:17-18; EU EOMS 2010:1; SuGDE-SuNDE 2010:25). This difference in tactics also relates to the difference in their financial and governmental strength.

### **4.3 The media**

*3 March – armed security officials stormed the offices of Bakhita FM and Liberty FM and arrested the two directors at the stations. The incident occurred after Liberty FM aired an interview with the campaign manager of an independent political candidate in Juba.*

*- Human Rights Watch June 2010:17-18 -*

The media environment in Sudan during the elections was tense and cannot be said to have subscribed to international guidelines on freedom of speech and expression. An NEC media committee was established to control the media environment and ensure equal access. However, all opposition parties quit the committee, stating that it was dominated by the NCP and didn't allow them equal air time. Political parties did not have equal access to the state-owned broadcast media. Presidential candidates were allowed twenty minutes per day of air time. The NEC media committee did not control the stations' normal programming however, which meant that this was severely abused for campaign activities by the NCP. The NEC furthermore censored an opposition campaign speech of Umma presidential candidate

Sadiq al Mahdi on the radio, stating that it was 'incitement' when he touched upon issues such as Darfur, the International Criminal Court and the 2011 referendum (CC 17 April 2010:12).

In South Sudan too, the media environment was far from free:

*February – soldiers from the SPLM picked up and detained Lonya Banak, a station manager working for Internews radio station in Unity State, after the radio hosted a debate in which a caller criticized the GoSS delivery of public services. The soldiers repeatedly beat and kicked Banak at the station before they took him to Leer prison where he was subjected to further beatings and detained for five days. He was hospitalized for two days after his release (Human Rights Watch June 2010:17).*

The EU monitoring mission also reports that there were financial and logistical constraints for the press that was critical of the government. They were denied access to advertising market shares, printing facilities, experienced difficulties with distribution and had to pay high taxes on ink, paper and revenues (2010:8).

Furthermore, numerous newspapers and individual journalists faced court cases and condemnation by the NEC. In addition to that: "the freedom of expression has been further curtailed in recent months and newspapers have been forced to cancel issues. Beyond the legal restrictions and actual obstructions, the media also suffered from serious practical limitations, in particular a lack of financial resources and trained staff" (DRI 2009:20). In both northern and southern Sudan the print media had little reach beyond state capitals and there were only a few non-governmental radio broadcasters (CC 17 April 2010:12-13; EU EOMS:7-8).

Although independent media are essential in every democracy and especially during elections to provide checks and balances to the government, there were no effective media in Sudan. As the EU monitoring mission also concludes: "effective pluralism in the media environment was not obtained during the election period" (2010:2).

#### **4.4 Civil society**

*16 December 2009 - in Kosti, White Nile State, a symposium organised by the Sudan Monitor for Human Rights and the Sudanese Youth Union on elections and democratic transition was cancelled minutes before it was scheduled to begin. NISS [national intelligence and security services] officers broke up the symposium and dispersed the crowd gathered. Conference materials were confiscated.*

*- African Centre for Justice and Peace Studies 2010:9 [addition mine] -*

The impact of external intervention on democratization, especially in post-conflict situations, is limited. The international community can influence first-time elections in terms of design, security and observation, but in the end democracy is a domestic affair dependent on local actors. Hence the incredible importance of local civil society actors in contributing to the elections in light of the overarching framework of democratization. In essence civil society organizations are seen to perform three functions in society and the electoral process alike: education, checks and balances (monitoring and observing) and fuelling of inter-group respect (Reilly n.d: 23-24; Paris 2004:156). During the Sudanese elections, civil society failed to perform all these three functions to an adequate standard.

Historically northern Sudan had one of the most well developed civil society sectors from Africa and the Middle East, whilst southern organizations were weak and dominated by chiefs and churches. The 'Organization of Humanitarian and Voluntary Work Act' of 2006

however, has severely compromised the work of civil society agents in North Sudan. According to this act all non-governmental organizations have to receive approval for their activities from the General Registrar of Organizations which is appointed by the President. This meant that all domestic observation missions had to have been previously registered. According to the Carter Center civil society organizations faced “significant challenges” in this accreditation process due to delays with the NEC, a lack of clarity in requirements, inconsistency in application of rules and late release of badges. In addition to that some national observers were obstructed from gaining access to the polling process (17 April 2010:19-21). The SunDE-SuGDE local observation mission also reports that twenty-one of their local observers were arrested and detained in southern Sudan (2010:7).

Concerning voter education most observation missions state that it was too little too late, both from the side of the NEC and civil society. One reason for this were the delays in the publication of voter information by the NEC and the disruption of activities by state authorities. Furthermore, civil society organizations were not up for the challenge, they were too inexperienced and lacked institutional development (CC 17 April 2010:10; EU EOMS 2010:2; IGAD 2010). As the Carter Center also notes: “While some civil society organizations conducted voter and civic education activities, their lack of experience in democratic exercises meant these activities had little impact” (17 April 2010:10).

Just like media agents, civil society was unable to perform its democratic duties due to both a lack of resources and experience and a hostile environment in which they faced gross opposition and obstruction.

#### **4.5 The international community**

*It is also obvious that by permitting Bashir to openly commit electoral fraud without repercussions, the international community is damaging its own credibility, setting a very concerning precedent for democratic transitions across the world and legitimizing the use of violence and intimidation.*

*- Louise Roland-Gosselin 27 April 2010 -*

The elections were not just a national affair, in fact if it wasn't for the international community, the elections might not have been held at all. It was the international community that decided during the peace talks that elections could provide a means of promoting unity. This same international community was widely present during the electoral process by way of observation missions.

One key mistake of the international community in the entire process was that by their presence they risked both undermining and legitimizing the entire process. The elections were to be the end of the transitional period, the end of major international involvement and had to be the culmination of the international effort into the Sudanese democratization project. The elections simply could not fail and the international community has proven that it was prepared to go very far in accepting the course of the process no matter what. When US-representative Scott Gration stated a few days before the elections that: “They [National Election Commission] have given me confidence that the elections will start on time and they will be as free and fair as possible” (Scott Gration to Reuters 3 April 2010 [addition mine]) he completely neglected the many complaints of Sudanese civil society organizations and opposition parties that under the circumstances no free and fair elections could be held. But the elections proceeded and the international community observed and monitored. As the Sudan Democracy First Group (a coalition of several civil society organizations) states in their position paper of 4 May 2010, the international community observed a clearly flawed process, as they knew already when it started, hereby they legitimized a failed event.



Furthermore, by neglecting the calls of Sudanese opposition the international community undermined the democratic character but at the same time, simply by their presence and involvement, legitimized the entire endeavour.

#### **4.6 Summing up**

In conclusion it can be argued that the activities and attitudes of the various stakeholders to the Sudanese elections have indeed had negative impacts. Several noteworthy aspects stand out from this actor analysis:

- The National Electoral Commission appears to have been the single most important actor. Questions concerning its independence, partiality and transparency severely damaged the correct conduct of the elections.
- Pre-electoral processes such as the census, constituency drawing and voter registration were highly susceptible to malpractice and undermined the entire endeavour even before one vote had been cast.
- The discrepancies between preliminary and final results were a main source for disturbances and violence.
- National legislation contradicted the electoral law, creating a very unaccommodating political and media environment.
- Semi-legal solutions like bi-party political negotiations or 'circulars' undermined the legal basis of the elections.
- No correct complaint procedures had been established.
- Lack of resources and experience of civil society organizations, media and political parties negatively impacted the electoral process.
- The international community was guided more by the wish to have elections than by their democratic conduct and result.

## **5. Elections in Sudan: a milestone towards democratic transformation**

*Elections are better than no elections, even if it has shortcomings. (...) The NCP cannot win everything, and the mobilization that has happened is in of itself a gain.*

- Sulemein Hamid PCP activist to Isma'il KushKush 14 April 2010 -

*You have to start somewhere and at least in the south things are starting. There is a genuine hunger among southerners to vote. (...) And in a genuine flicker of democracy, the SPLM leadership has been shaken by the emergence of strong independent candidates for governor in three states.*

- Dan Morrison 12 April 2010 -

*The election gave rise to the creation of several domestic observation networks in both northern and southern Sudan.*

- CC 17 April 2010:20 -

*Progress has been made on gender equality in Sudan as a minimum of 25% of all legislative seats will be occupied by women.*

- EU EOMS 2010:3 -

*They [the elections] enabled an unprecedented political debate in a war-torn country.*

- Anna Gomes member of European Parliaments' monitoring mission to Sudan to Opheera McDoom 17 April 2010 -

*Together with the interim constitutions, the media section of the NEA, NEC's regulations and code of conduct protect the freedom of expression and make sufficient provisions for the election period.*

- EU EOMS 2010:8 -

*The just-completed elections, though imperfect, are historic and are building-blocks for the future elections. These historic elections have indeed afforded the majority of the Sudanese citizens the opportunity to exercise their civic and democratic rights by electing representatives of their choice for the first time in 24 years. The Mission believes that the just-concluded multiparty elections will enhance the peace and democratic processes underway in the country.*

- AU EOM 18 April 2010 -

*The counting process was very transparent for all practical purposes as both the polling officials and agents agreed on the figures.*

- IGAD 2010 -

*The Sudanese government has opened up space of democracy and we must make the most of it.*

- Salah Halima Arabic League Observation Mission to IRIN news 20 April 2010 -

*Sudanese citizens demonstrated their desire for democracy without a doubt through their registering, voting and participating in lively political debate in these elections.*

- SuGDE-SuNDE 2010:1 -

*The AU recognizes that the holding of the just concluded elections were an important milestone in the implementation of the Comprehensive Peace Agreement (CPA) and that the overall peaceful and orderly manner in which they were conducted will contribute immensely to the democratization process, despite isolated incidents and challenges.*

- AU EOM observation mission statement 28 April 2010 -

*And so part of our goal was to try to empower opposition parties, empower people to go out and vote. Thousands and thousands did.*

- Hillary Clinton US Secretary of State Foreign Affaris to AllAfrica.com 4 May 2010 -

The aim of this chapter is to analyse the recent elections in Sudan from a positive perspective. For the negative discourse on the Sudanese elections as presented in the previous chapter is just one side of the story. I will argue that when taking into account the enormous complexity and political pressure surrounding them, the elections have been a positive endeavour. As with the previous chapter I will argue my case by way of actor analysis, examining how the national elections commission, political parties, the media, civil society and the international community together turned these elections into a positive first step towards the democratic transformation of Sudan.

## **Actor Analysis**

### **5.1 The national election commission (NEC)**

*Moreover, the NEC deserves credit for administering an extremely complex election, requiring the transport of thousands of tons of materials and the participation of approximately 16,000 candidates on multiple ballots for multiple races in Africa's largest country.* - CC 17 April 2010:14 -

All the electoral observation missions included congratulations towards the NEC in their reports. The various missions all acknowledged that considering the brief period of time, the NEC was only established in November 2008, and the sheer size of its tasks, the commission did a commendable job (AU EOM 2010:2; CC 17 April 2010:14; EU EOMS 2010:2; IGAD 2010; SuGDE-SuNDE 2010:7). Furthermore, the Carter Center stated that it welcomed the decision made by the NEC to extend the voting process with two days until the 15 April due to the many logistical problems, thereby enabling more people to vote (17 April 2010:18). In addition to that the IGAD mission confirmed that the NEC was financially independent. In reaction to the discussion on how the NEC was chosen, the Carter Center states that this process was indeed disputable, but that nevertheless all the NEC members were elected by consensus amongst the political parties. Both government and opposition parties nominated candidates and after negotiations between the president and first vice president all candidates were unanimously accepted by the National Assembly (17 April 2010:7).

#### Voter registration

*We will have over one million people registered and ready to take part in the next national election scheduled to take place in April 2010. (...) I am telling you that we really committed our resources for proper mobilization of our people during registration.*

- Mawien Kuc National Electoral Commission Chairperson Northern Bahr el Ghazal to Sudan Tribune 9 December 2009 -

One positive aspect of the voter registration was that despite the logistical and security challenges it reached citizens in most areas of the country. Furthermore, according to the NEC more than fifty per cent of the women registered. This is a major step forwards towards the realization of universal suffrage (CC 17 April 2010:8; SuGDE-SuNDE 2010:10).

#### Electoral framework

*By combining elements of majoritarian, plurality, and proportional representation systems, the hybrid system enables power-sharing compromises between the national government and the government of Southern Sudan. It also extends new levels of representation to Darfur, Southern Sudan, and other marginalized regions.*

- Gustafson 2010:42 -

Despite critiques, there were also some positive features about the complicated electoral framework. Firstly, it promoted a more equal distribution at a national level because it provides more seats to more states. Hereby it can lead to better regional representation. Secondly, as said, due to its hybrid nature it promotes power-sharing between the national and southern government and increases representation of Darfur and other marginalized

regions. Thirdly, as a consequence the chances on election violence were decreased because it was very difficult for just one party to gain a majority in the National Assembly. Fourthly and finally, the system allowed for an increase in the amount of women seats in both the National Assembly and State legislative assemblies (Gustafson 2010:42).

### Polling

*There were long queues in some of the polling stations, especially during the first two days of voting.*  
- AU EOM 18 April 2010:3 -

The polling process developed way more smoothly and peacefully than expected beforehand. All missions highly praised the conduct of both voters and polling staff that were enthusiastic, patient and worked very hard. At polling stations officials generally followed the rules and procedures correctly. Especially polling staff was commended because they often had to work without proper food and drink supplies and without being paid (AU EOM 18 April 2010:3; CC 17 April 2010:18; SuGDE-SuNDE 2010:3). Furthermore, the EU adds that polling was conducted in a secure environment (2010:2). The African Union adds that at each polling station educational materials on the voting process were present (18 April 2010:3).

Another positive feature was that assistance was provided to voters who didn't know how to cast their ballots. According to the Carter Center this was done in line with international standards aimed to ensure universal suffrage (17 April 2010:16).

### Legal framework

*The National Elections Act establishes a progressive and comprehensive electoral framework for Sudan's elections, and lays a foundation for credible elections that is bolstered by the broad protections for human rights established in the Constitutional Bill of Rights.*  
- CC 17 April 2010:6 -

Again all observation agencies agree that the general legal framework for the elections, exemplified by the NEA, was conducive to the holding of elections (CC 17 April 2010:6; EU EOM 2010:2; IGAD 2010; SuGDE-SuNDE 2010:10).

Furthermore as the local mission of SuNDE and SuGDE argues, in the CPA, under which the elections were held, it was also stated that a democratic system of governance should be established and according to the Interim Constitution, the authority and power of the government should express the will of the people by way of free elections (2010:10). In addition to that, the NEA also provided an appeals procedure which did give people the right to raise objections after the drawing of constituency boundaries. The legal frameworks under which the elections were held thus provided for the free and fair conduct, they confirmed the importance of free and fair elections and guaranteed respect for human rights of expression and association (Gustafson 2010:18).

### Tabulation and Results

*In Thanksgiving prayers on the 1<sup>st</sup> May at his residence the governor-elect of CES [central equatorial state] extended a hand of peace and reconciliation to his opponents. He apologized if he had crossed others during the elections campaign. The governor-elect urged people to unite as the door to freedom has become closer than before in our history of the struggle.* - Sudan Tribune 4 May 2010 [addition mine] -

This is a good example of how issues of controversy surrounding election results can be managed and prevented from escalating into violence. Another such example was the decision by nine South Sudanese opposition parties to challenge the southern Sudan

Presidency and state governors in court (McDoom 27 April 2010 Sudan Tribune 28 April 2010). By taking the case to court instead of to the street violence is prevented and a true democratic spirit is shown.

The IGAD missions states that the counting or tabulation process was carried out in a transparent manner free from violence or intimidation (2010). Furthermore, it was the first time people were able to vote for their governors. Hereby making their local leaders accountable to them rather than to Khartoum. And some shifts in power did take place; both the NCP and SPLM lost a governor-post for instance (Justin Willis PRIME Community of Practice 29 April 2010).

Thus, all things considered, the NEC did a commendable job. It took on a process that appeared to be a set up for disaster and turned it into a “calm, orderly and peaceful” affair (EU EOMS 2010:2). It made an important and positive decision by extending the voting process with two days, enabling people to vote, solving some of the logistical problems and maybe even preventing violence. Furthermore, despite allegations of partiality the NEC was in fact chosen by a National Assembly majority and it created a sound electoral system focused on the prevention of violence and worked within a genuinely democratic legal framework (the NEA).

## **5.2 Political parties**

*After a long period of dormancy, Sudanese parties and civic groups across the country began to mobilize.* - CC 17 April 2010:2 -

The nomination process of parties and candidates was considered to be free. A positive point was that many (1,400) independent candidates registered to stand for election (CC 17 April 2010:10). In total seventy-two parties registered to run in the elections. All parties were registered with the NEC on the basis that they would “abide by democratic and consultative principles” and that the “manifesto does not conflict with CPA or Interim constitution” (NEC Factsheet 08). Hence the elections saw the emergence of a lot of new political parties which abided by general democratic principles. Hereby the elections were more than just an NCP-SPLM affair, even after the withdrawal of opposition parties in the North.

The EU mission also states that the legal limitations imposed by one of the infamous NEC circulars, on the basis of which parties had to register activities seventy-two hours in advance, did not in practice hinder parties in their activities (2010:7). Furthermore, party and candidate agents were widely present during the polling process, hereby increasing the transparency of the process (AU 18 April 2010:4; EU EOM 2010:11; SuGDE-SuNDE 2010:8). In addition to that, it was the first time that people were able to vote for local representatives. Hereby, despite their party-affiliation, local politicians will become accountable to the people and not the (party) President (Alye Verjee PRIME Community of Practice 29 April 2010).<sup>iv</sup>

One major issue of critique on political parties has been their decision to boycott the elections in the North, thereby effectively ruining democratic competition. However, the opposition itself stated: “having fixed the vote, the NCP could only be defeated on moral grounds” (AfricaConfidential 30 April 2010). Although the decision to withdraw from elections negatively influenced the democratic level of the elections, participating in them would have done the same. Furthermore, even without the other opposition parties, the participation of the SPLM was in and of itself a step forwards. For the first time a non-Islamic, non-northern party was an important player in the political arena (Einass Ahmed IS Academy Seminar 26 May 2010).

Not all democratic benefits were lost by the withdrawal. The Carter Center notes for instance that in the campaign period and run-up to the elections there was an important, albeit limited, political opening (17 April 2010:2). This in fact did enable opposition parties and civil society to participate in the political process. And this in itself is democratic profit, even if people couldn't vote for the parties in the end. Democratization after all is more than just the casting of a vote on election-day.

### **5.3 The media**

*The public broadcaster Sudanese Radio TV Cooperation (SRTV), consisting of Sudan TV and Omdurman Radio provided, in accordance with the regulations, equal access for presidential and gubernatorial candidates (100 minutes in total each).* - EU EOMS 2010:8 -

The legal framework concerning the media secured free access and distribution of media time to candidates and political parties and it guaranteed the freedom of expression. Moreover, as the EU mission states, in comparison with previous legislation the new Press and Publication Act was an improvement for the press. The new act abolished pre-print censorship and the suspension of a paper now had a time limit. Furthermore a National Press Council was established. These rules were also followed to some extent, as can be seen from the example of on Sudan TV and Omdurman radio station where candidates and political parties were granted equal access (17 April 2010:8).

Again, although the circumstances weren't perfect, there was in fact improvement. Non NCP and SPLM candidates did get airtime and a glimpse of political competition did emerge. People were exposed to different opinions, albeit on a small scale, for the first time in years.

### **5.4 Civil society**

*This election saw the development of the capacity of civil society: hundreds of groups, encompassing thousands of individual citizens, displayed high levels of commitment and engaged in election observation for many days.* - EU EOMS 2010:8 -

The elections have clearly increased civic participation. One such example, were the domestic observation organizations and networks that were created. According to the European mission some 20,278 domestic observers from 232 civil society organizations were deployed (CNN 18 April; EU EOMS 2010:9). The Carter Center reports that the domestic observers were present in no less than eighty-two per cent of polling stations visited by the international community (17 April 2010:20). By observing the elections the capacity, working space and experience of civil society organizations increased, especially amongst youth activists (SuGDE-SuNDE 2010:27). Hereby domestic accountability, legitimacy and most importantly ownership of the electoral process strengthened: something which is essential for elections yet to come and the overall democratization of Sudan.

### **5.5 The international community**

*The Center's presence demonstrates international interest in Sudan's electoral process while providing an impartial assessment of the overall quality of the elections.* - Jimmy Carter in CC 8 April 2010 -

The international community was widely present during all phases of the elections. The African Union, the Arab League, IGAD, Carter Center and European Union all sent missions. The NEC invited several international missions both from the countries sponsoring the CPA and regional organizations. The election observers were allowed to observe all stages of the electoral process (NEC Factsheet 09). The international presence can be seen as a good thing: the various missions observed the electoral conduct and hereby increased transparency.

Furthermore, by its presence the international community clearly stated that it found the elections worthwhile, that they were taken seriously. Hereby they gave Sudan an honest chance of democratization. They also gave the Sudanese people the reassurance that they were there to watch out for them, to monitor the process and speak up when there was malpractice. They reported all the mistakes that were made. Hereby the international community firmly took the side of the Sudanese citizens and did all it could to ensure them free and fair elections. Furthermore, in the reports they published they also gave recommendations for future elections, constructively contributing to the democratization process. International presence meant that the elections mattered, that they were taken seriously, that the chances of misconduct decreased and that the electoral process and all the stakeholders were held accountable.

## **5.6 The positive account**

*The elections can be said to have been, in theory, an opening of democratic space, instilling in people that participating in their country's governance is a possibility.*

*- Guy Gabriel 14 May 2010 -*

This is exactly the positive effect that the elections in Sudan have had. When making an actor analysis from both a positive and a negative point of view, the evidence is much more extensive for the negative account. Without making up the overall balance of the elections in Sudan, this will be part of the next chapter, it is necessary to put the positive and negative actor analyses into perspective in order to do the positive account justice. Because when writing an actor analysis you inevitably focus on the direct technical or material issues, whilst the best argument in favour of the Sudanese elections is an immaterial, indirect and much less straightforward development of 'democratic spirit.' This can also be seen in the reports made by various observation missions. They produce an entire list of malpractices that are indeed worrying. But of course they do not list all the instances in which there were no problems, in which ballots were cast correctly and intimidation was absent. Therefore, what is not mentioned in the reports is in fact more telling than what is.

Furthermore, the methodology used by observation missions is worth taking into account. They base their judgment on objective measures. An election meets international standards or not. Hereby the electoral process is valued on its direct merits on standards such as universal and equal suffrage, the secrecy of the ballot and the freedom of assembly, association, movement and the presence of a 'level playing field' where parties and candidates can adequately campaign. However, as a consequence elections are not weighed according to context and history of the country concerned. Hence, perspective is lacking in electoral judgment. Thereby the elections are regarded and observed as some kind of isolated process, independent of time or circumstances. Reports on the elections in Sudan document the problems with registration, the delivery of ballots and underage voting for instance, but they do not *weigh* this against the circumstances. To give a fair judgment the errors and malpractice should be judged according to a measure of 'all things considered'. Because what could realistically be expected in the Sudanese circumstances? Is it really fair to judge the elections in Sudan by measures also used to judge elections in the Netherlands for instance? Should you not judge the elections in Sudan against their own history and context? By taking objective standards you indeed guarantee a solid measurement methodology, but you risk comparing apples with oranges and blaming the orange for not being green.

It is thus too easy to discard the elections on the basis that they did not meet international standards, rather the Sudanese elections should be judged on their own merits. If this assertion is taken as point of departure it becomes apparent that the elections did in fact bring the Sudanese people a first taste of democracy.

A major positive feature of the recent elections is the absence of large-scale violence. Beforehand the elections appeared to be a recipe for failure. To hold elections in the biggest country of Africa for the first time in twenty-four years with high illiteracy rates and the most complex electoral system there is. The fact that no large scale violence broke out is in and of itself proof of democratic progress. Secondly, the elections did open up democratic space. There were possibilities for campaigning, 1,400 people ran as independent candidates, both the SPLM and NCP lost a governor seat, people were able to choose their direct local leaders for the first time and civil society organizations monitored the elections on a large-scale. Moreover, people were able to talk about politics in public for the first time. And these political and societal dynamics will last long beyond election day.

Democratization is so much more than the technical process of casting a vote and counting them: it is the fact that people queued up to vote, it is the fact that domestic organizations observed on a large scale, it is the fact that polling officials worked without proper payment, it is the fact that 'losers' challenged the results in court, it is the fact that different opinions were heard on the radio and television, it is the fact that politics became an issue that was talked about by everybody on the streets. It is the fact that people for the first time in twenty-four years felt that there was the possibility to participate in their own country's governance.

### **5.7 Summing up**

In conclusion it can be argued that the activities and attitudes of the various stakeholders to the Sudanese elections have indeed had positive impacts. Several noteworthy aspects stand out from this actor analysis:

- The decision to extend the electoral process due to the many logistical errors proved to be a good move since it enabled more people to vote and increased the credibility of the process, thereby decreasing the risk of violence.
- The electoral system prohibited the possibility of a 'winner takes all' situation in the National Assembly, thereby improving cooperation and power-sharing between parties and decreasing the risk of violence.
- The legal framework consisting of the CPA, Interim Constitution and NEA was favourable to holding elections.
- The presence of political party agents and candidates at polling stations during all phases of the electoral process increased transparency.
- Access to the media increased political debate.
- The many domestic observation organizations increased transparency, legitimacy and ownership. This also strengthened civil society's capacities and created 'democratic capital' for the future.
- The presence of the international community increased transparency.



## 6. Conclusion

*Thus, the process of democratization can be one of its own worst enemies, and its promise of peace is clouded with the danger of war.*  
- Jack Snyder 2000:21 -

This quote from Jack Snyder was the starting point of this research because it embodies the overarching paradox on which this research is based and is seeking to contribute to. The contradiction between the peacefulness of established democracies on the one hand and the proneness to violence of the process leading to democracy on the other. Within this research I have focused on one specific aspect of democratization: elections.

The aim of this research has been to shed light on this important discussion in two ways. Firstly to further investigate the relation between democratization and violence and secondly, in relation to the first aim, to identify the various roles stakeholders of the electoral process can play to positively influence the process. In order to answer these questions I have used the case study of the recent elections in Sudan. In this chapter I will reflect on the findings of this case study analysis. Hereby the aim is to both examine *why* democracy can be its own worst enemy but also *how* this could be prevented. Or as formulated in my main question:

*How are elections, democracy and violence interrelated and how can various actors contribute to the peaceful conduct of elections in order to establish a peaceful governance system both on the short and long term?*

In this chapter I will firstly reflect on the elections in Sudan, resulting in a final conclusion on their conduct. Secondly I will use the analyses of the elections to address the two aims formulated, reflecting on the relation between elections and violence and the role of various stakeholders herein. Hereby, I will answer my main question and attempt to shed light on blowing away the cloud of war and showing the promise of peace.

### 6.1 Striking a balance: the elections in Sudan

If anything has become clear after the presented analyses of the Sudanese elections, it is that they were complex. Both in their administration, results and analysis. Nevertheless, some general conclusions can be drawn.

Firstly, it is important to state that the recent elections show great similarities with other elections in Sudan's history. Similar problems re-emerged, like the lack of resources and organization, the enormous logistical problems, the misuse of state resources and the lack of voter education. Secondly, also in correspondence with historical elections, the main goal of the recent elections has appeared to be to show off the effectiveness of the regime and gain legitimacy for the current government.

Secondly, question remains whether the elections were a good idea in the end. Were they a stepping stone to conflict and violence or were they a milestone towards the democratic transformation of Sudan?

From a negative point of view, the elections were a disaster: it was clear from the beginning that they could only have negative consequences and it was apparent that they wouldn't meet international standards. The way the census and voter registration were manipulated should have disqualified them before they even started. The legal framework and political and media environment were highly unfavourable and the international community should

never have given the elections the appearance of legitimacy and approval. Moreover, the elections were marred by incidents of malpractice, intimidation and harassment. They have been nothing but a 'sham affair', a fraud from the start and do not deserve the title of democratic transformation.

From a positive point of view, the elections can be seen as a real step towards democracy. Power relations did change. The electoral framework provided for more regional power-sharing and both the NCP and SPLM lost a governor post. Moreover, all things considered, the elections were conducted above expectations. There was no large-scale violence as has been seen in other post-conflict elections and people showed great enthusiasm to vote. Many people participated, whether as a candidate, observer or voter. There was a small democratic opening, for the first time politics were debated openly and that in and of itself is a sign of democracy that will last long beyond election day.

Question is now what the elections in Sudan tell us about the larger debate on democracy, violence and elections, as was one of the main questions posed in this research.

## **6.2 The Sudanese elections: the academic debate**

As argued in chapter two the main reason for holding elections is the strong belief in the democratic peace thesis. The idea that democracies are more peaceful than other forms of government. Elections are seen as the ultimate way of establishing a democracy, since they are the "freely expressed will of the people" (United Nations General Assembly 2005: article 135). As argued, this assertion is not unequivocally accepted. It remains to be seen whether it is in fact the democratic *nature* of the state system that makes states more peaceful. Also, a great lack in the research appears to be that although democratic states are generally more peaceful, states in the *process* towards democracy are not. On the contrary, democratizing states are especially prone to violence, which is often shown during elections. Nevertheless, elections remain a popular tool for foreign policy since they are a clear exit-strategy. Furthermore, as Benjamin Reilly argues, when "sufficient forethought" (2008:160) is put into them, elections can be a success.

I will now use the case of the Sudanese elections to draw conclusions on this relation between elections and violence in order to see to what extent they support or rather reject the arguments made by Paris, Snyder, Mansfield and Huntington. Since the elections in Sudan were held last April we have passed the stage of discussing whether democratic states are in fact more peaceful and whether elections are the correct instrument to establish a democracy. Hence, I will side-step the discussions on the democratic peace thesis and the relation between elections and democracy and take the discussion on the dangers of the process of democratization, embodied by elections, as point of departure.

## **6.3 The Sudanese elections: rejecting electing**

As presented in the first chapter, the authors Snyder, Mansfield, Huntington and Paris have been hesitant in their enthusiasm for elections and their supposed peaceful democratic effects. Rather, they argue that it is exactly the process of liberalization in which institutional developments lag behind societal evolution which results in a potentially dangerous situation. When institutional 'checks and balances' haven't been fully developed yet, elites are provided with the opportunity to 'capture' the democratization process to the detriment of nationalist exclusionist ideology. Therefore, it can be recommendable to postpone elections until so-called 'thick networks' or a higher level of institutionalization have begun to take root.

When taking a look at Sudan it is clear that indeed there was a lack of institutionalization of democratic 'checks and balances.' As can be concluded from the actor analysis, key democratic agents such as the media, political parties and civil society suffered from a severe lack of resources and experience. Furthermore, few institutions were able to operate independently from the state and ruling parties. The biggest problem of the democratic actors was the hostile environment in which they had to operate.

This brings us to the discussion of the state. As Paris argues, it is the relation between a functioning state exercising its power and the protection of individual freedoms which makes a democracy work. When this relationship is out of balance, problems occur. This can be clearly observed in Sudan. Individual liberties and freedoms were not protected whilst the state aggressively executed its power. There was a strong state authority or regime based mostly on one party, the NCP in the North and the SPLM in the South. As has been shown by the actor analysis these parties were the dominant players in the market-place of loyalties and thus controlled the political environment. It was within the power of both NCP and SPLM to control the media and civil society activities to a large extent, although they differed somewhat in their approach. Whereby the NCP's main source of influence was the NEC and the SPLM resorted to more violent means. Furthermore, the control of both parties on the functioning of the state, especially the legislature and security forces was essential. As was shown in the actor analysis the various legal acts on the freedom of press and conduct of civil society proved to be spoilers to the entire process.

Although the Sudanese elections thus correspond to the arguments made by Snyder, Mansfield, Paris and Huntington, there remains one major difference. The elections in Sudan did not cause a large outbreak of violence based on nationalist rhetoric, which the authors would predict under the circumstances.

The crux to this lies within the statement made by Huntington that "the development of the state lagged behind the evolution of society" (1970:11) and the arguments by Mansfield and Snyder that it is the increased liberalization and opening up of democratic space that creates the opportunity for violence. I would argue that the reason that the elections in Sudan didn't lead to large scale violence, was because the opening of democratic space wasn't big enough, the evolution of society was too little and the balance of state authority compared to the protection of individual liberty still tilted too much towards the state. In other words, the autocratic regime was still powerful enough to control the little democratic space it did allow to prevent an outbreak of violence. The northern elite also didn't need nationalist violence precisely because they could retain control by other means (such as controlling the census and the registration process). In the South however, the tension between increasing liberties threatening the balance between society and state was bigger, with the SPLM holding a more fragile position and hence resulting in a more violent approach. It is thus no surprise that the elections in the South were largely considered to be both more democratic *and* more violent than those in the North. Hereby the situation emerges that the fact that no large-scale violence broke out during the elections in Sudan isn't a sign of democratic progress, but rather a lack of it.

However, as was shown by the one case-study method, the negative and positive account revealed the different 'levels' of democracy. The dynamics described by Snyder, Mansfield, Paris and Huntington focus on democracy at an institutional level. This neglects democratic norms and cultural factors of democracy that *were* present and contributed to the absence of an outbreak of large scale violence. As can be seen from the actor analysis one reason for the relative peaceful character was that various losing candidates opted for the 'democratic'

rather than the violent route in fighting their opponent. They chose to challenge the electoral results in court rather than on the street. Furthermore, the average Sudanese voter was willing to put up with a lot, waiting in line, not finding one's name on a voter list, in order to vote. These are examples that violence wasn't only prevented due to the strength of the state system, but also due to genuine democratic considerations.

Nevertheless, the elections in Sudan do support the mechanism described by Snyder, Mansfield, Paris and Huntington on the dynamics between the development of the state and society. It is the balance between the power of the state and the opening of democratic space to society that influences the chances of violence in the democratic process. The main solution offered by Snyder, Mansfield and Paris in order to prevent violence during this process is to postpone elections until institutions are firmly established. The question is to what extent this would have improved the elections in Sudan.

### **6.3 The Sudanese elections: sequencing electing**

As said before, these 'institutions' aren't adequately described by the authors. Huntington however does explain what he means by institutions. He refers to the adaptability, complexity, autonomy and coherence of political parties, the legislature, bureaucracy, the media and elections. When taking a look at Sudan, it is clear that the level of institutionalization according to Huntington's measures was low. Political parties and the media were weak, political leaders were not easily replaceable, politics were still very much based on persons and in light of the referendum there was major disagreement on group and land boundaries. Interestingly, in Sudan it was precisely the weakness of the development of societal forces in comparison with the parties in power that decreased the likelihood of violence. Here, a lack of institutionalization on the side of society compared with stronger institutionalization on the side of the government (the NCP control over state resources, the NEC and legislature) at least prevented large scale violence. In South Sudan where the balance between society and the state was more balanced, more violence occurred.

Hence the everlasting contradiction returns: either you hold elections under (semi) authoritarian rule under a false premise of democracy which will result in sham elections (like in Sudan generally), or you hold elections under democratizing circumstances and hence increased liberalization with the danger of violence erupting. Or, as a possible third option you will hold no elections at all, de facto supporting the same authoritarian ruler, hoping on some sort of 'enlightened dictatorship.'

This is where the actor analysis becomes important; because you want a bit of both, democratic elections but without the violence. So what can you take from the peaceful but non-democratic authoritarian elections to the more democratic and consequently more violent electoral process? Or put differently, what did various actors do to increase the free and fair character of the Sudanese elections and what should be prevented?

### **6.4 The Sudanese elections: accepting electing**

As Benjamin Reilly argues, when sufficient forethought is put into them it is possible to conduct peaceful elections in post-conflict situations. Question is now, based on the actor analysis, what preparations and actions during the Sudanese elections can be considered well-designed or sufficient forethought and which can't? What lessons can be drawn from them?

If you want to increase the democratic level of elections it is important to support social forces such as the media and political parties. However, you should refrain from investing in these social forces when these are not matched by investments in political institutions.

As was argued by Snyder, Mansfield, Paris and Huntington and was reaffirmed by the case-study analysis of Sudan, it is essential to strike a balance between the development of social forces and state institutions. State power has to be both limited (to protect individual liberties) and strengthened (to uphold rule of law). In the recent elections in the North social development lagged behind state institutions. Furthermore, state power was not limited to protect civil liberties, resulting in non-violent but undemocratic elections. In the South state institutions were less secure due to the more fragile position of SPLM and consequently there was more democratic space for social forces. This resulted in more democratic but also more violent elections.

Hence, when attempting to conduct free and fair elections it is important to strengthen both social forces and political institutions. Based on the elections in Sudan the following observations can be made:

Concerning strengthening of political institutions it is firstly of essential importance to establish an independent electoral commission in charge of the official conduct of the elections. Especially due to the large amount of tasks it has to perform and their importance to the credibility of the process. It was visible in Sudan that the credibility of the elections was severely undermined due to the mal-functioning and partiality of the NEC. Secondly, national legislation should not contradict electoral laws and semi-legal solutions should be prevented. Thirdly, clear complaint procedures throughout all stages of the electoral process should be established. Fourthly, the electoral system should prevent a 'winner-takes-all' outcome in order to prevent violence.

Concerning strengthening of social forces it is firstly important to increase resources and capacities of civil society organizations, media and opposition parties. Secondly, presence of local observers increases the transparency of the entire process and at the same time strengthens democratic capacities for the future. Thirdly, the presence of the international community can increase transparency and the democratic nature of elections provided they are guided by the democratic conduct of the elections and not by political motives.

## **6.5 The Sudanese elections and the academic debate: conclusion**

In conclusion, to return to the main question guiding this research:

*How are elections, democracy and violence interrelated and how can various actors contribute to the peaceful conduct of elections in order to establish a peaceful governance system both on the short and long term?*

In relation to the theoretical arguments presented in chapter two concerning the relation between democracy, violence and elections, the Sudan case presents an interesting picture. The main surprise of the elections consisted of the things that didn't happen, most importantly the absence of large-scale violence. As summed up, the elections in Sudan appeared to be nothing but a recipe for disaster. But disaster did not happen. As I have argued the case of Sudan supports the arguments made by Snyder, Mansfield, Paris and Huntington on the relation between democracy and violence and elections by extension. It is the balance between the development of social and democratic forces and the institutionalization of the state that determines the level of violence. They require

simultaneous increase in civil liberties and state institutions. In Sudan the absence of violence can be explained by the fact that the balance tipped more to the extension of state power than to civil liberties. The democratic opening in Sudan generally was not enough to pose a serious challenge to the power of the state. In the North it was clearly visible that the party in power, the NCP, didn't have to use violence to control the democratic liberalization. They had such a firm grip on the state apparatus, controlling state resources and benefiting from national legislation and their influence on the national electoral commission, whilst at the same time civil society, opposition parties and the media lacked resources, capacity and experience, that there was no serious threat to their power. In the South the elections were characterized by more incidents of intimidation and harassment by security forces. Even though democratic institutions in the South struggled with the same lack of resources and capacity, the more fragile position the SPLM holds in comparison to that of the NCP resulted in the use of violence.

The analyses of the Sudan case thus confirmed the democratization dynamics described by the various authors. The ultimate dilemma thus resurfaced. How to avoid the cloud of war that hangs over the promise of peace? How to circumvent the conflict-prone phases of democratization to reach the peace-full end stadium? Although elections in post-conflict situations indeed entail the danger of violence, there are certain measures that can be taken to reduce this. There are ways to 'steer' or influence the process into more peaceful channels. As can be seen in Sudan several factors can contribute to this, for instance by establishing a truly independent, objective and inclusive national electoral commission, to ensure that national legislation doesn't contradict the electoral law, to strengthen democratic checks and balance, support domestic observation and ensure that the international community is committed to the democratic conduct of the elections.

In conclusion, one over-arching question underlying the research is whether elections should be held in post-conflict societies like Sudan. In my opinion, if you want to change something in the power relations of a country and if you want a more accountable and legitimate government, like in Sudan, there are few other options.

When looking at the case of Sudan it was clear when the decision to hold elections was made that they would entail a major risk. Furthermore, in the course of the preparations it became apparent that they would not be free and fair. Actually, Sudan was expected to lose rather than gain from holding elections. They would either lead to violence or result in a sham affair. And in fact, this was exactly what happened. Still, I would argue that in general the elections have been a good development. The elections were not democratic but they also weren't extremely violent and realistically that was the best you could have asked for. Paradoxically, because the opposition parties withdrew and because the democratic institutions weren't fully developed yet, the elections didn't result in the catastrophe they could have been. It was a lack of institutional democracy that prevented the outbreak of large-scale violence and that opened up space for a democratic spirit, however small it maybe.

Elections are and always will be only a first step on the long way to outright democracy and therefore they shouldn't be considered as a one-day event. The context for elections will never be optimal; you will never create the perfect circumstances and environment. In Sudan the circumstances were enormously difficult and this led to many instances of malpractice and fraud. But you cannot let this withhold you. The perfect situation will never arise and by waiting for this you risk supporting an even worse alternative, the continuation of authoritative rule. And as the case of Sudan shows, some mistakes could have been

prevented by better preparation, the credibility and legitimacy would have increased a lot with a more accountable national electoral commission and a more critical international community beforehand. But it is too easy to allow the malpractices to conclude that elections under such circumstances cannot and should not be held.

In Sudan from the side of the government there was no democracy or democratic development, but from the side of the people there was. And that is where it starts.

## 7. Reflection on Methodology

With the research concluded a short reflection on the experimental approach taken is justified. The main reasons to use the case of the Sudanese elections to argue both in favour of and against the holding of elections in post-conflict situations were firstly to increase the comparability and usefulness of the analysis and secondly to unravel more clearly the dynamics of elections. Question is to what extent this proved to be a successful method. Is presenting two different accounts of the same story better than two different accounts of two different stories?

I would argue that it is. In relation to the comparability the method was worthwhile. The main objection to comparing two elections was that the usefulness of the results is diminished by the conclusion that the overall context and circumstances were so different to begin with. In this research I was able to avoid this particular quarrel by taking a different approach. Secondly, in my opinion the method used gave a clear insight into the dynamics of the Sudanese elections. Rather than analyzing it solely from a positive or negative point of view, both sides were shown. Hereby giving an in-depth account of the process. In the case of Sudan it would have been impossible and misleading to qualify it as either 'positive' or 'negative.' That would have meant telling just one side of the story and neglecting all the evidence to the contrary.

In addition to that an important benefit of the method is that it has shown the importance of interpretation. Based on the same situation two entirely different stories can be told. This also showed the downfalls and political nature of electoral observation. Firstly, what was shown by the two analyses was the different character of the positive and negative discourses. Whereas the negative account was a long body of mistakes, errors and malpractices, the positive account was much shorter. This showed both that the negative account was more 'materialistic' and direct and that the positive aspects were of a much more indirect or even symbolic nature. This also showed that the method used by election observers, based on 'international standards' is much more inclined towards a negative discourse. This revealed the narrow interpretation of elections and democracy that are still in use. The focus is still on the one-day, technical event of casting a vote, not on democracy as a more holistic concept. Elections are judged by using a 'check-list' and are compared with elections elsewhere under completely different circumstances. They are not considered with respect to their own history, circumstances and context. Without resorting to (cultural) relativism, I would argue that this should be taken into account. This problem with the conceptualization of democracy was also shown in the arguments made by Snyder, Mansfield, Paris and Huntington. In their theories on democracy and violence they all take an institutional approach and hence disregard democratic developments on a more indirect, immaterial or symbolic level.

Secondly, concerning the political nature of electoral observation there were clear differences between the various reports. The domestic observer mission and the Carter Center were most negative in their judgments. The EU, the AU and especially IGAD were much more positive. This also reflects their political positions. The EU mainly emphasized the symbolic importance of the elections and their contribution to the fulfilment of the CPA. The reasonably peaceful conduct was enough for them to informally see them as a success and start focussing on the referendum, although formally they admitted that international standards were not met. The domestic observers and the Carter Center appeared to judge the elections more on their own merit and less on their contribution to the CPA. Although former President Mr. Carter was much more positive in his interviews with the media, the



report itself was extensive in its enumeration of incidents and hence more in line with the critical role of independent electoral observation. Facts are fluid and can be presented in various ways, depending on the end they serve, as is also shown by the two divergent accounts presented in this thesis.

However, this would mean that in fact comparing a case with itself doesn't necessarily entail more benefits than comparing it with another separate case. Indeed, if interpretation is everything, as the Sudan case shows, results based on positive and negative accounts are not necessarily more meaningful than results based on two different cases. However, by comparing a case with itself, the differences in the nature of the arguments used are exposed. Furthermore, in my opinion the main benefit is that by comparing a case with itself you can more clearly identify the positive and negative aspects of the process under examination. As said earlier, when comparing elections in two different cases the object of comparison is very small whilst the factors of influence are widespread. The method used ensures a 'ceteris paribus' until the elections take place. In addition to that, by arguing a case from both points of view you escape the artificial classification into 'positive' or 'negative' case in point.

In conclusion, the main result of the approach taken is that the process or event that is researched can be analysed more 'isolated' from other factors at play, hereby increasing possibilities of comparison. Furthermore, it provides the possibility of telling the whole story, exposes the nature of arguments that are used and shows the importance and political nature of interpretation.

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## **Seminars**

- IS Academy seminar. 26 May 2010. "Sudan's recent elections and the upcoming referendum in the South."
- Cordaid and the Hague Centre for Strategic Studies. 29 April 2010. "PRIME-Community of Practice. The April 2010 elections in Sudan."



## Endnotes

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