Sudan's 2010 National Elections

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Abstract

The Comprehensive Peace Agreement (CPA), signed in 2005 by the incumbent National Congress Party (NCP) and the rebel Sudan People's Liberation Movement (SPLM), brought to an end more than two decades of civil war in Sudan. The holding of national elections is a key stipulation of the CPA. The elections, involving multiple levels executive and legislative elections, will determine the distribution of power in Sudan prior to the 2011 referendum on southern secession, another key provision of the CPA. After more than two decades of authoritarian rule in Sudan, it was hoped that the elections would be the catalyst for internal democratic change; bringing greater political representation to the marginalized peripheries, thus demonstrating the possibility of a democratic system in a unified Sudan. However, after delays, disputes and accusations of malpractice, the recent election results suggest that Sudan is now a two-party authoritarian state, on the brink of separation.

1.   Introduction

From 11 to 15 April 2010 the people of Sudan voted in the first national elections to be held in the country since 1986. The elections are a crucial milestone in the Comprehensive Peace Agreement (CPA), which brought to an end Sudan's two decade-long civil war (1983-2005). In 2005, when the agreement was signed, the elections represented a key element in the CPA's overall strategy of developing 'a more equitable, stable, and inclusive political system' (El-Battahani, 2009: 36). In this way, international mediators hoped, the elections would broaden the peace process, thereby legitimizing the CPA (Thomas, 2009: 10; Young, 2007: 30-1). Such sentiment is part of the pervasive international logic that views 'free and fair' elections as the key to political transformation, a necessary step to end conflict and deliver good governance (Willis and El-Battahani, 2009: 192). However, while there was an enthusiasm among the Sudanese for the elections, the electoral process was marred by delays, accusations of malpractice, logistical difficulties, and ongoing disputes between the CPA's two signatory powers; the National Congress Party (NCP) and the Sudan People's Liberation Movement (SPLM) (Carter Center, 2010; Gustafson, 2010b). By April 2010, rather than initiating a democratic transition in Sudan, as was originally envisaged, the elections had come to represent the stagnation of the CPA.

2.   Sudan

Sudan is a country of approximately 40 million people. Popular accounts often divide the country into an Arab-Muslim North and African-Christian South. This is a gross oversimplification of a complex historical and ethnographic record. In terms of ethnic and linguistic diversity, Sudan is one of the most heterogeneous countries in Africa. In northern Sudan, although the majority are Arabic-speaking Muslims, there are many groups who still adhere to non-Arab cultures and languages (Keen, 2008: xix). Socio-economic changes have also had an impact upon the region's demographics. Over the past 20 years, people from peripheries, fleeing civil war, famine, and desertification, have migrated to the urban centres of northern Sudan (Johnson, 2007: 155-7; see map in Figure 1). It is estimated, for example, that approximately 1.5 million people from South Sudan now live in Khartoum (El-Battahani, 2009: 36). Sudan's peripheries – South Sudan, Darfur, and eastern Sudan – are

even more diverse than the central northern states. In South Sudan, a region with an estimated population of eight million, according to the 2008 census, approximately 100 different languages are spoken. An estimated two-thirds of the population of South Sudan belongs to the Nilotic-speaking Dinka and Nuer peoples, but even these peoples are not homogenous, segmented as they are into numerous groups and sub-groups (Johnson, 1998: 55).

FIGURE 1: MAP OF SUDAN

Source: United Nations Cartographic Department (2007).

Sudan's peripheral regions, as well as being the most diverse, are also the most deprived in terms of economic and political development. Since independence in 1956, political and

economic power has been concentrated in Khartoum and the surrounding Nile Valley region (Johnson, 2007). Consequently, Khartoum has become a 'middle-income enclave' while regions such as South Sudan and Darfur remain among the most underdeveloped in the world (De Waal, 2009: 17). It is this history of political and economic marginalization, not Sudan's ethnic and linguistic diversity, which has shaped the grievances that have contributed to the two periods of civil war (c. 1960-72 and 1983-2005) (Johnson, 2007).

3.   The Comprehensive Peace Agreement

The CPA, signed on the 9 January 2005 by the ruling NCP and the primary opposition group in the South, the SPLM, brought to an end more than two decades of civil war in Sudan. The CPA, with the creation of the Government of National Unity (GONU) and the Government of Southern Sudan (GOSS), is designed to provide a formula for a power-sharing partnership between the NCP and the SPLM. Key features of the CPA include: the sharing of revenues from the southern oil fields between the GONU and the GOSS, the demarcation of the North-South border, the completion of a national census, the holding of national elections (originally scheduled for 2008/09), and the scheduling of a referendum on the issue of southern secession for 2011 (Toft, 2010: 141-3). Over a six-year interim period, the CPA is designed to offer the two signatory parties a framework to address the political and economic imbalances that have plagued Sudan since independence (Johnson, 2007: xviii).

Five years on much of the optimism that accompanied the signing of the CPA has dissipated. Conflict in Darfur and eastern Sudan, fuelled, in part, by the exclusion of these regions from the North-South peace talks, coupled with ongoing inter-communal violence in southern Sudan, have underlined the fact that the CPA is not comprehensive (Johnson, 2007: xix; Keen, 2008: xviii-xxi). Moreover, since 2005, a series of disputes between the NCP and the SPLM have threatened to derail the peace process. Disagreements over the demarcation of the North-South border, revenue sharing, and the census, have slowed the implementation of the CPA, eroding trust and heightening tensions between the NCP and the SPLM (Thomas, 2009: 10).

The national elections, international mediators hoped, would provide the CPA with a popular mandate. However, the NCP-SPLM disputes have resulted in the elections taking place not in 2008, the half-way point of the CPA, as was originally scheduled, but in April 2010, just eight months before the referendum on Southern secession. The fractious nature of the NCP-SPLM relationship, together with the slow implementation of the CPA, means that all but a few southerners expect independence and many northerners are resigned to, or even supportive of, separation (De Waal, 2009: 21; Thomas, 2009: 10). Consequently, as Edward Thomas argues, 'the referendum, intended by the CPA's international sponsors as a last-resort guarantee, has become the non-negotiable centre-piece of the whole peace process' (Thomas, 2009: 10). The elections are no longer about increasing the political representation of Sudan's peripheries; instead they mark the last staging post on the road to the 2011 referendum.

4.   Electoral Strategies

The CPA was, in effect, a two-way deal between the two biggest military-political groups in Sudan. In 2005 the hope was that the NCP and the SPLM could deliver 'free and fair' elections in the belief that this would enable the political opposition to bring about internal change (Johnson, 2007: xx). However, the opposition parties, in both the North and the South, have been unable to compete with either the NCP or the SPLM. In the North, the traditional sectarian parties, the Democratic Unionist Party (DUP) and the Umma Party, have been weakened by factionalism and their two-decade-long exclusion from power (El-Battahani, 2009: 42-3). As a result, prior to the elections, most observers agreed that the parties lacked the organizational capacity to effectively contest the elections (Willis and El-Battahani, 2009: 210-11). Similarly, in the South, lacking popular support and hampered by the SPLM's efforts to curb political freedoms, the non-SPLM parties have failed to articulate a clear political programme (El-Battahani, 2009: 45). The paralysis of the political opposition, a product of internal division and the authoritarian political climate, has encouraged the NCP and the SPLM to unfairly protect the gains bestowed upon them by the CPA.

4.1 The NCP

The NCP (formerly the National Islamic Front), led by President Omar al-Bashir, has governed Sudan since it took power in a 1989 military coup. In the last two decades, although the party remains unpopular, particularly in the peripheries, the NCP has consolidated its authoritarian rule in northern Sudan, surviving civil war and factionalism. The NCP owes its longevity to its control over state institutions, the media and the economy. In the CPA period, the NCP's control over the economy has allowed the party to direct government expenditure, not according to 'the logic of need but according to the logic of political weight'. In the past five years, 60 per cent of development spending has been on five major projects, all of them located within the central northern region of Sudan (De Waal, 2009: 17). This pattern of economic development is both an electoral strategy, as it allows the NCP to portray itself as the party of progress, and an insurance policy; should the South decide to secede, along with its considerable oil, agricultural, and mineral wealth (El-Battahani, 2009: 40).

4.2 The SPLM

When the SPLM was formed in 1983, unlike previous opposition movements, it was opposed to southern secession. John Garang, the leader of the SPLM from 1983 to 2005, spoke of a united 'New Sudan', where economic and political power would be distributed equally throughout the country (SPLM, 1983). However, following Garang's death in 2005, the SPLM, under the leadership of Salva Kiir, became a strong advocate of southern secession. Consequently, the SPLM's primary objective, together with most southerners, has become the 2011 referendum (El-Battahani, 2009: 40-1). With this objective in mind, the SPLM, assured of a strong electoral performance in the South, has sought to preserve its current level of representation in the GONU, rather than seeking to contest the elections on nationwide basis. The SPLM's conservative approach, together with its failure to adopt a more combative stance on most national issues (except those relating to the referendum), means that in the North, the Sudanese electorate is without a credible political alternative to the NCP. In short, the party's near exclusive focus on the 2011 referendum, together with its failure to pressurize the NCP into establishing greater political freedoms, means that the

SPLM is no longer the 'catalyst for nationwide change' that Garang first envisaged (El-Battahani, 2009: 41).

5. Elections[1]

Like the CPA, the elections are a product of lengthy negotiations between the SPLM and the NCP. The resulting electoral framework is widely accepted to be the most complex in Sudan's history (Willis and El-Battahani, 2009: 210). The 2010 elections include six different levels of election:

1. President of the Republic of Sudan
2. President of the Government of Southern Sudan
3. State Governors
4. National Legislative Assembly
5. Southern Sudan Legislative Assembly
6. State Legislative Assembly

Sudan has adopted a mix of electoral formulae. The executive elections are the most straightforward. In both presidential elections the winning candidate requires an absolute majority. If no-one candidate receives an absolute majority, there is a second, or 'run-off', election. The gubernatorial elections are simpler still. Using the plurality system, the candidate with the most votes is elected as State Governor (Gustafson, 2010a). The legislative elections are more complex. In each legislative assembly 60 per cent of the seats are allocated geographically according to the plurality system. The remaining 40 per cent are allocated according to the proportional representation system, with 25 per cent selected from women's lists and 15 per cent from party lists (Willis and El-Battahani, 2009; Gustafson, 2010a).

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[1] In this account of the election results, the debt that this paper owes to Gustafson (2010c) is evident.

5.1 The Executive Elections

On the 31 March 2010, the SPLM, together with the Juba Alliance, an umbrella organization of opposition parties, announced that they would boycott the presidential elections, citing ongoing violence in Darfur, the unresolved issues surrounding the 2008 census, and the NCP's failure to reform the security laws (Economist Intelligence Unit, 2010).

TABLE 1: SUDAN NATIONAL PRESIDENTIAL ELECTIONS

Candidate	Party	Share of the Vote
Omar Hassan al-Bashir	National Congress Party	68.24% - 6,901,694 votes
Yasir Arman	Sudan People's Liberation Movement	21.69% - 2,193,826 votes
Abdullah Deng Nhial	Popular Congress Party	3.92% - 396,139 votes
Hatim al-Sir	Democratic Unionist Party	1.93% - 195,668 votes
Al-Sadiq al-Mahdi	Umma Party	0.96% - 96,868 votes
Kamil Idriss	Independent	0.76% - 77,132 votes
Mahmood Ahmed Jeha	Independent	0.71% - 71,708 votes
Mubarak al-Fadil	Umma Reform and Renewal Party	0.49% - 49,402 votes
Others	Various	1.3% - 131, 873 votes
Total Votes		100 % - 10,114,310

Source: Sudan Tribune, 2010a.

Following the withdrawal of his main rival, al-Bashir, with 68 per cent of the vote, recorded a comfortable victory in the presidential elections (Table 1). In the southern presidential elections the SPLM's winning margin was even greater. Kiir was elected as the President of Southern Sudan, receiving almost 93 per cent of the vote easily defeating his only rival Lam Akol (Table 2). Due to the uncertainty that surrounded the late withdrawal of some candidates from the presidential elections, the National Election Commission (NEC) was unable to issue amended ballot papers. Consequently, some candidates still received votes despite their withdrawal from the election.

TABLE 2: SOUTHERN SUDANESE PRESIDENTIAL ELECTIONS

Candidate	Party	Share of the Vote
Salva Kiir	Sudan People's Liberation Movement	92.99% - 2,616,613
Lam Akol	Sudan People's Liberation Movement for Democratic Change	7.01% - 197,217 votes
Total Votes		100% - 2,813,830

Source: Sudan Tribune, 2010a.

In the gubernatorial elections the dominance of the NCP and the SPLM was underlined still further (Gustafson, 2010c). In northern Sudan NCP candidates were elected in 14 of the 15 states. The exception being Blue Nile state where the SPLM candidate Malik Aggar was elected ahead of his NCP rival Farah Ibrahim Mohamed al-Aggar (Sudan Tribune 2010c). In the ten states of southern Sudan, nine were won by SPLM candidates and only one was won by an independent candidate; Colonel Joseph Bakosoro, a former SPLA commander, in Western Equatoria state (Sudan Tribune, 2010a).
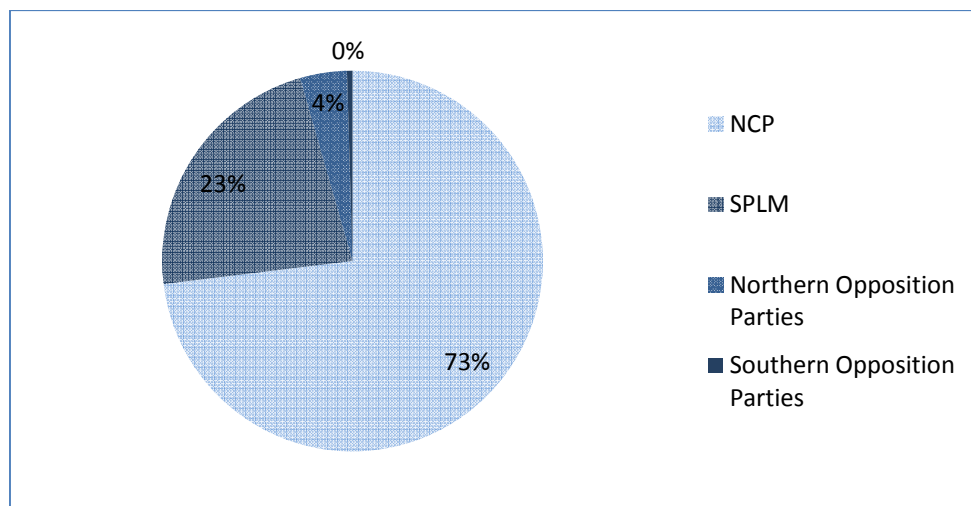
5.2 National Assembly Elections

The executive election results have been met with cynicism but they were unsurprising. For many observers the results of the National Assembly elections are more intriguing. This is because the post-election composition of the National Assembly will establish which parties have the power to amend the constitution and pass national legislation. In other words, the balance of power within the National Assembly will determine how power is distributed throughout Sudan prior to the 2011 referendum (Gustafson, 2010c).

Seats in the pre-election National Assembly, in accordance with the terms of the interim-constitution and the February 2010 agreement between the NCP and SPLM, were allocated in the following way: the NCP had 52 per cent of the seats, the SPLM 28 per cent, and the remaining 20 per cent were held by the various opposition parties (Gustafson, 2010a: 25). Sudan's interim constitution states that 66 per cent of the vote is required in the National Assembly to pass legislative bills. In addition, amendments to the national constitution require 75 per cent of the vote in the National Assembly. Therefore, although the NCP commanded a majority in the National Assembly, the SPLM held a sufficient number of seats to prevent constitutional amendments, and through an alliance with other opposition parties it could also block national legislation (Gustafson, 2010c). Observers, therefore, questioned whether the NCP would be able to strengthen its position in the National Assembly or would the SPLM and the other opposition parties retain a sufficient number of seats to block unfavourable legislation. Linked to this was the issue of whether marginalized

areas, like Darfur and eastern Sudan, would gain greater representation in the National Assembly.

FIGURE 2: NATIONAL ASSEMBLY RESULTS

Source: Gustafson, 2010c.

The National Assembly elections, as was the case with the executive elections, consolidated NCP-SPLM control (Figure 2). The NCP won 323 seats in the Assembly, the SPLM won 99 seats and the remaining 22 seats were divided among the opposition parties (Gustafson, 2010d).[2] In Darfur, where it was thought that the northern opposition parties might achieve some electoral success, the NCP won 75 seats, equivalent to 87 per cent (Gustafson, 2010d). The opposition parties' failure to secure a significant number of National Assembly seats in Darfur was representative of their poor electoral performance across northern Sudan. The northern opposition parties, under the interim-constitution were allocated 63 National Assembly seats but after the elections this number will be reduced to just 19 (Gustafson, 2010c). In the South, it was a similar story. The SPLM won all but four of the seats. The NCP won one seat, SPLM-Democratic Change won two and an independent candidate won another. Therefore, like the northern opposition parties, the influence of the southern non-SPLM parties in the post-election National Assembly will be significantly reduced. Southern non-SPLM parties, under the interim-constitution, were given 27 seats (6 per cent), after the

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[2] At the time of writing (June 2010) comprehensive account of each election result is not possible as some results are disputed, while others have been re-scheduled, and some are yet to be published.

elections this will be reduced to just three seats (0.05 per cent). Overall, underlining the dominance of the NCP and the SPLM, opposition parties now hold less than 5 percent of the seats in the National Assembly (Gustafson, 2010c).

The electoral process throughout Sudan has been marred by accusations of fraud and voter intimidation. However, while international observers, such as the Carter Center, admitted that the elections failed to meet international standards, it is widely acknowledged that the results of elections will be accepted (Carter Center, 2010). The accusations of fraud and intimidation are not without foundation but, it would appear, the international sponsors of the CPA are willing to accept a flawed electoral process in hope that the NCP and SPLM can maintain Sudan's fragile peace in the run-up to the 2011 referendum.

6.   Conclusion

Following two-decades of civil war and authoritarian NCP rule, the national elections were supposed to signify Sudan's transition to a more democratic and inclusive society. In practice, the structure of the CPA, combined with the difficulty of transforming Sudan's exclusionary political-economy, has entrenched the dominance of the NCP and the SPLM. Sudan is perhaps best classified as a two-party state, governed by the authoritarian regimes that control their respective regions (Gustafson, 2010c).

The next major milestone of the CPA is the 2011 referendum. However, the CPA treats the secession process as an 'after-thought', specifying a six-month period, after which the South would become an independent state (Thomas, 2009). This is problematic, since there are a number of issues that have yet to be resolved. These include: the demarcation of the North-South border, the citizenship status of southerners in the North and northerners in the South, the division of national assets and debts, the status of the SPLM in the North and the NCP in the South, and a formula for sharing oil revenues (Thomas, 2009). Given the difficult nature of the NCP-SPLM relationship prior to the 2010 elections, it remains to be seen whether the two parties can resolve these issues ahead of the referendum. It is unlikely that the South would accept similar delays, as was the case with the national elections, but with al-Bashir comfortably re-elected and the NCP in virtual control of the National Assembly, it is

not inconceivable that the NCP may attempt to delay or distort the referendum. Moreover, there are powerful constituencies within the SPLM that are opposed to secession – it is also likely that the NCP will seek to exploit these divisions (De Waal, 2009: 22). Therefore, while Sudan's immediate future remains unclear, it is evident that the power-sharing partnership between the NCP and SPLM will again be tested in the coming months.

7.   Bibliography

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