

**When Elections Do Not A Democracy Make:  
The 2010 Elections in Sudan**

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## I. Introduction

Since the end of the Cold War, elections have become a standard component of peace agreements ending civil wars. This trend is attributable to the increased emphasis Western governments and international organizations have placed on democratic principles, as well as the increased involvement of these actors in brokering peace agreements and supporting reconstruction. Multiparty elections have become the only internationally acceptable way to legitimize transitional institutions and authorities.<sup>1</sup>

But are elections an effective means of realizing democratic principles? Can elections cause democratization? The recent record of transitional elections is decidedly mixed. Angola's 1992 elections entrenched the authority of its autocratic ruler and precipitated a return to war. On the contrary, Mozambique's 1994 elections helped advance its transition to peace and democracy. Elections can advance democratization, but they can also undermine it or have no effect. The question of whether elections contribute to democratization thus has an ambiguous answer: sometimes. A more nuanced question might be more useful: under what conditions do elections contribute to democratization?

While empirical studies can help answer this question, individual cases can elucidate the specific factors that underlie elections as democratizing agents.<sup>2</sup> In this

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<sup>1</sup> Terrence Lyons, "Peacebuilding, Democratization, and Transforming the Institutions of War," in *Conflict Transformation and Peacebuilding*, eds. Bruce W. Dayton and Louis Kriesberg, (New York: Routledge, 2009), 91.

<sup>2</sup> Case studies may be particularly useful in exploring elections under authoritarian regimes. As Andreas Schedler laments, "Authoritarian elections generate irritating mixtures of noise and silence, rhetoric and rumor, absolute certainty and absolute distrust. No cross-national quantitative dataset can ever do justice to the level of detail and sophistication, or to the amount of confusion and controversy, that tends to reign over local actors' effects to draw 'descriptive

paper, I will focus on the case of Sudan's 2010 elections, which did not result in democratization. I will focus particularly on electoral dynamics at the national level and within northern Sudan rather than in southern Sudan, because I treat the National Congress Party (NCP) as the incumbent, which it was not in southern Sudan, where the Sudan People's Liberation Movement/Army (SPLM/A) became the incumbent following the signing of the Comprehensive Peace Agreement (CPA).

Sudan's 2010 elections present an interesting case for several reasons. Sudan is the most recent country to have held transitional elections as part of a peace agreement, and these elections have not yet found their way into much of the literature on elections in authoritarian regimes. This literature tends to focus on a relatively small number of cases, particularly Mexico and Egypt (and China for the democratizing effects of local elections), none of which involved civil wars. In addition, Sudan's 2010 elections were held as part of the CPA ending the country's 22-year-long civil war. As part of this agreement, the elections preceded a referendum on independence for the south. Consequently, the elections took on additional importance—they ostensibly were intended not only to democratize but also to legitimize unity in advance of the referendum. This case can thus also help illuminate the relationship between elections and independence referenda and the effects of this relationship on democratization.

In this paper, I ask two related questions: What were the reasons for including provisions for elections in the CPA? And why did these elections not contribute to democratization in Sudan as intended? This paper is divided into five main sections.

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inferences' both on levels of manipulation and on levels of legitimacy from such informational disorder." "Sources of Competition under Electoral Authoritarianism," in *Democratization by Elections: A New Model of Transition*, ed. Staffan I. Lindberg, (Baltimore: The Johns Hopkins University Press, 2009).

First, I contextualize the discussion within the literature on democratization by elections. Second, I provide a brief background of the negotiations leading to the CPA, with particular attention to discussions related to the elections. Third, I turn to the first question posed above, assessing the rationale behind the provisions on elections in the CPA. Fourth, I turn to the second question, reassessing this rationale in light of events that occurred during the transition period. Finally, I offer conclusions as to how the elections might have contributed to democratization.

I conclude that elections were necessary in order to achieve two goals: 1) to legitimize the possibility of unity and 2) to justify the exclusionary nature of bilateral negotiations. Elections could only achieve these goals if they were democratizing—if the elections did not contribute to a democratic outcome, they could neither legitimize unity nor accommodate all the groups excluded from negotiations. Despite a lack of democratic commitment from both the NCP and SPLM/A, it was not entirely unrealistic to hope that elections would be democratizing, based on assumptions made during CPA negotiations.

Events following the CPA, however, undermined these assumptions. Neither the SPLM nor northern opposition parties seriously challenged the NCP in national elections. The SPLM focused on elections in southern Sudan, while northern opposition parties did not mobilize their supporters, resulting in a disorderly last-minute election boycott. Moreover, the international community did not follow through on its commitment to democratizing elections. Instead, international actors prioritized justice (through the International Criminal Court (ICC) arrest warrant for President Omar al-Bashir) and peace (through a referendum on southern independence) over democracy. Finally, Sudan

adopted a complex electoral system that inhibited power sharing. These post-CPA conditions undermined the prospects for democratizing elections.

## II. Democratization by Elections

A growing literature has addressed the role of elections not as an indicator of democracy but as a causal factor in democratization: can the process of elections contribute to democratic transitions? Although elections have at times marked transitions to democracy, some authoritarian regimes have regularly held elections over a long period of time without transitioning toward democracy. The observed durability of authoritarian regimes in spite of elections casts doubt on Samuel Huntington's assertion that "liberalized authoritarianism is not a stable equilibrium."<sup>3</sup> As a result, scholars have begun moving away from the concept of "illiberal democracy," which presupposes that authoritarian regimes with elements of democracy—most often elections—are midway on the path to full democratization.<sup>4</sup>

Instead, scholars increasingly classify such regimes not as imperfect manifestations of democracy but as distinct manifestations of authoritarianism. Such classifications place authoritarian regimes that hold elections within a spectrum of authoritarianism rather than on the "illiberal" end of a spectrum of democracy. This spectrum includes "electoral authoritarianism," where elections are merely a façade,<sup>5</sup> and

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<sup>3</sup> Samuel Huntington, "How Countries Democratize," *Political Science Quarterly* 106, no. 4 (1991), 598.

<sup>4</sup> The term "illiberal democracy" was first used by Fareed Zakaria in "The Rise of Illiberal Democracy," *Foreign Affairs* 76 (1997).

<sup>5</sup> Andreas Schedler, "Electoral Authoritarianism," in *The Sage Handbook of Comparative Politics*, eds. Todd Landman and Neil Robinson, (London: Sage Publications, 2009).

“competitive authoritarianism,” where elections are the principal means of obtaining political power while simultaneously subject to extensive manipulation.<sup>6</sup>

Moving beyond the conception of democratization as imminently inevitable requires us to rethink the purpose and function of elections under authoritarian regimes. Whether authoritarian or democratic, regimes today differ less by whether or not they hold elections—almost all do—than by their reasons for holding elections and the role elections play. Scholars have put forth numerous theories seeking to explain why authoritarian rulers decide to hold elections; possible reasons include co-opting party members, elites, particular social groups, or the opposition; obtaining information on bases of support and opposition; reducing the risk of violent overthrow; and enhancing domestic or international legitimacy.<sup>7</sup> These theories, however, do not explain how such elections operate once in place; they do not describe how an authoritarian context might affect the behavior of voters and candidates and thus how elections under authoritarian regimes might—or might not—contribute to democratization.

More germane to the question of democratization by elections is the role elections play in authoritarian contexts. They generally do not follow the same logic as under democratic regimes, as authoritarian rulers rarely agree to elections out of a genuine desire to democratize. Even if elections coincide with the promise of democracy, voters and candidates often have low expectations of democratization and thus may not behave democratically. What often emerges, therefore, is not a competition for influence over public policy, as in democratic elections, but a competition for state resources.

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<sup>6</sup> Steven Levitsky and Lucan A. Way, “Elections Without Democracy: The Rise of Competitive Authoritarianism,” *Journal of Democracy* 13, no. 2 (2002), 51.

<sup>7</sup> For a good overview of the literature on elections in authoritarian regimes, see: Jennifer Gandhi and Ellen Lust-Okar, “Elections under Authoritarianism,” *Annual Review of Political Science* 12 (2009).

Ellen Lust-Okar calls this electoral competition for state resources “competitive clientelism,” using this concept to explain why repeated elections in the Middle East have not accompanied a process of democratization. She argues that voters tend to support candidates they think can deliver resources—usually the politicians closest to the incumbent regime—and, accordingly, candidates close to the regime are most likely to run for office. As a result, elections under authoritarianism often reinforce rather than transform the status quo.<sup>8</sup> Lisa Blaydes comes to a complementary conclusion, focusing on the role of elections under President Hosni Mubarak in Egypt. She finds that elections increased the stability of Mubarak’s regime by facilitating the distribution of state resources among the elites who formed its core constituency. Elections thereby eased distributional conflicts that might otherwise have emerged.<sup>9</sup> Both Lust-Okar and Blaydes thus find that elections in the Middle East buttress rather than undermine authoritarianism. In line with these findings, Jason Brownlee identifies elections not as causes of democratization but as symptoms of political trends.<sup>10</sup> In other words, they are not democratizing.

But elections under authoritarian regimes do not always reinforce the status quo and have occasionally marked transitions toward democracy. Several authors have found evidence that elections, even as single events, can be democratizing. Staffan Lindberg finds that the inception of multiparty elections across sub-Saharan Africa generally initiates liberalization, arguing that elections are a powerful causal factor in initiating and

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<sup>8</sup> Ellen Lust-Okar, “Legislative Elections in Hegemonic Authoritarian Regimes: Competitive Clientelism and Resistance to Democratization,” in *Democratization by Elections: A New Model of Transition*, ed. Staffan I. Lindberg, (Baltimore: The Johns Hopkins University Press, 2009).

<sup>9</sup> Lisa A. Blaydes, *Elections and Distributive Politics in Mubarak’s Egypt*, (New York: Oxford University Press, 2011).

<sup>10</sup> Jason Brownlee, *Authoritarianism in an Age of Democratization*, (New York: Cambridge University Press, 2007), 9-10.



sustaining democratization.<sup>11</sup> Looking beyond Africa, Jan Teorell and Axel Hadenius find that multiparty elections have an immediate democratizing effect, although this effect fades in succeeding years.<sup>12</sup> Moreover, the many cases of democratization by elections—from Yugoslavia to Peru to Ghana, all of which experienced democratizing elections in the year 2000—beg for explanation.

What factors, then, account for these divergent findings? While many factors may be involved, I am going to focus on three that are particularly relevant for the case of Sudan: the role of domestic opposition parties, particularly whether they form a coalition and whether they decide to boycott; the role of international actors, particularly that of international election observers; and the role of the electoral system.

### **Opposition Parties**

The first of these factors—the role of opposition parties—may be the single most important in determining whether elections are democratizing or not. Notably, and perhaps surprisingly, opposition behavior is more important than electoral manipulation. In fact, Andreas Schedler finds that electoral manipulation has no systematic, statistically significant effect on electoral competitiveness (as measured by the ruling party’s margin of victory) in electoral authoritarian regimes. The main exceptions Schedler identifies are censorship and exclusion, both of which directly affect the ability of the opposition to contest elections.<sup>13</sup>

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<sup>11</sup> Staffan I. Lindberg, *Democracy and Elections in Africa*, (Baltimore: The Johns Hopkins University Press, 2006).

<sup>12</sup> Jan Teorell and Axel Hadenius, “Elections as Levers of Democratization: A Global Inquiry,” in *Democratization by Elections: A New Model of Transition*, ed. Staffan I. Lindberg, (Baltimore: The Johns Hopkins University Press, 2009), 98-99.

<sup>13</sup> Schedler, “Sources of Competition under Electoral Authoritarianism,” 198.

More important than the level of electoral manipulation is the level of opposition unity. Several authors find that a unified opposition increases the chances of democratizing elections. Looking at elections sub-Saharan Africa, Michael Bratton and Nicolas Van de Walle note that in 15 of the 16 cases where opposition coalitions existed, elections were democratizing.<sup>14</sup> Similarly, Philip Roessler and Marc Howard find that an opposition coalition is the most significant variable in explaining a liberalizing election outcome in electoral authoritarian regimes. Opposition coalitions can take votes from the incumbent, prevent incumbents from playing opposition parties against each other, increase the perceived costs of repression and manipulation, and mobilize voters.<sup>15</sup>

Unified oppositions may not be sufficient, however, and Valerie Bunce and Sharon Wolchik caution against assigning too much importance to this variable. They instead emphasize a range of variables related to the opposition, emphasizing whether the opposition and civil society commit themselves to an “electoral model of democratic change.” In addition to a unified opposition, this model consists of voter mobilization, campaigns focused on contrasting the benefits of joining the opposition to the costs of supporting the incumbent, election monitoring, and preparation for protests if the incumbent attempts to steal the election or ignore the results.<sup>16</sup> Roessler and Howard also find that opposition mobilization contributes to democratizing elections, as mobilized

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<sup>14</sup> Michael Bratton and Nicolas Van de Walle, *Democratic Experiments in Africa: Regime Transitions in Comparative Perspective* (Cambridge: Cambridge University Press, 1997), 198-203.

<sup>15</sup> Philip G. Roessler and Marc M. Howard, “Liberalizing Electoral Outcomes in Competitive Authoritarian Regimes,” *American Journal of Political Science* 50, no. 2 (2006), 371-372.

<sup>16</sup> Valerie J. Bunce and Sharon L. Wolchik, “Favorable Conditions and Electoral Revolutions,” *Journal of Democracy* 17, no. 4 (2006), 6

voters are more likely to participate in the electoral process and engage in sustained protests if authoritarian incumbents refuse to step down.<sup>17</sup>

One more factor related to the opposition warrants attention: the effect of election boycotts. According to Schedler, opposition parties may pursue one of three strategies during elections against authoritarian incumbents: boycott, protest, or acquiesce. All three strategies can have counterproductive effects, depending on voters' perceptions of the election, but boycotts are generally the least effective strategy. Boycotts massively increase the incumbent's share of the vote, thus forcing the opposition to decide between certain defeat in the present and uncertain gain in the future. The more effective strategy is mobilizing protests.<sup>18</sup> Marsha Pripstein Posusney finds that opposition boycotts are generally only effective if all or most opposition parties coordinate. Because coordination among opposition parties is difficult, effective boycotts are rare.<sup>19</sup> The failure of boycotts again points to the importance of opposition coalitions in bringing about democratizing elections.

### **International Actors**

Since the end of the Cold War, international (primarily Western) actors have begun playing a much greater role in promoting democratization in authoritarian regimes, with much of the focus on elections. International pressure to democratize presents authoritarian regimes with a dilemma: they can either allow genuinely competitive elections to occur at the risk of losing to the opposition, or they can manipulate elections

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<sup>17</sup> Roessler and Howard, "Liberalizing Electoral Outcomes in Competitive Authoritarian Regimes."

<sup>18</sup> Schedler, "Sources of Competition under Electoral Authoritarianism," 186, 199.

<sup>19</sup> Marsha Pripstein Posusney, "Multi-Party Elections in the Arab World: Institutional Engineering and Oppositional Strategies," *Studies in Comparative International Development* 36, no. 4 (2002), 48-49.

to ensure they remain in power at the risk of potential international isolation. Building off this dilemma, Steven Levitsky and Lucan Way find a relationship between democratization in electoral authoritarian regimes and the West's degree of linkage (economic, geopolitical, social, communication, and transnational civil society) and leverage (e.g., political conditionality, punitive sanctions, diplomatic pressure, military intervention). When the West has high degrees of linkage and leverage, authoritarian regimes face higher repression costs and are often unable to resist democratization. This finding holds for cases where the West has high leverage and low linkage and, to a lesser extent, where it has high linkage and low leverage.<sup>20</sup>

Although many elements of leverage were not available to international actors in Sudan for reasons that will be discussed below, several international actors deployed election observation missions, which often serve as a form of leverage. Some studies on the effects of international observers on elections, however, seem paradoxical. Emily Beaulieu and Susan Hyde find that international election observation increases the probability of an opposition boycott and thus lowers the prospects for democratizing elections. According to the authors, authoritarian incumbents have an incentive to invite international observers while strategically manipulating elections so as to minimize international criticism. This increase in strategic manipulation changes the incentives of opposition parties, which have the most to lose from manipulated but internationally certified elections.<sup>21</sup>

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<sup>20</sup> Steven Levitsky and Lucan A. Way, "International Linkage and Democratization," *Journal of Democracy* 16, no. 3 (2005).

<sup>21</sup> Emily Beaulieu and Susan D. Hyde, "In the Shadow of Democracy Promotion: Strategic Manipulation, International Observers, and Election Boycotts," *Comparative Political Studies* 42, no. 3 (2009).

Judith Kelley, however, comes to a very different conclusion, explaining the positive correlation between election observation and boycotts by arguing that observers tend to go to countries where boycotts are more likely to occur. Instead, she argues that the reaction of opposition parties depends on what those parties expect the observers to do. If observers have a good reputation, opposition parties may expect them to improve the quality of the election, reducing the chance of a boycott. If, however, opposition parties expect observers simply to rubberstamp the election results, international observation may increase the chances of a boycott.<sup>22</sup>

### **Electoral System**

The final variable to discuss is the electoral system itself. There is no academic consensus on which type of electoral system is more conducive to democratization, and most of the literature is not focused on democratization by elections but on broader questions of stability and democratic consolidation. A notable exception is Pippa Norris, who finds that democratizing elections are more likely when three power-sharing principles are in place: multiparty competition; electoral integrity; and power-sharing rules, meaning either proportional representation (PR) electoral systems or positive action mechanisms for minorities. Norris argues that proportional representation is the simplest way to achieve a power-sharing electoral system and that democratizing elections are thus more likely under proportional systems.<sup>23</sup> In majoritarian systems, opposition parties and minority groups could have greater difficulty obtaining representation.

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<sup>22</sup> Judith Kelley, "Do International Election Monitors Increase or Decrease Opposition Boycotts?" *Comparative Political Studies* 44, no. 11, (2011), 1548-1549.

<sup>23</sup> Pippa Norris, "All Elections Are Not the Same: Why Power-Sharing Elections Strengthen Democratization," in *Democratization by Elections: A New Model of Transition*, ed. Staffan I. Lindberg, (Baltimore: The Johns Hopkins University Press, 2009), 155.

The literature on democratization by elections provides insight into some of the variables that underlie democratizing elections. The most important and widely recognized variable is opposition unity—when opposition parties form a coalition, they have a much stronger basis for challenging the incumbent authoritarian regime. Two related variables are international leverage and the electoral system, but there is less literature on the specific effects of these variables on democratization by elections.

### **III. Negotiating Peace and Democracy**

Before analyzing the elections themselves, it is helpful to look at the negotiation process that culminated in the CPA with its provision for elections. Sudan and South Sudan's path toward peace during the Second Sudanese Civil War (1983–2005) was long and winding, and the positions of both parties on issues tied to elections and the referendum shifted over time. It is important to note that while the First Sudanese Civil War (1955–1972) was a war of independence, the second was ostensibly a war of revolution with the ultimate aim of transforming the country into a “New Sudan” rather than splitting it in half. The tension between secessionist and revolutionary goals among southern actors—and the north's discomfort with both—led to an agreement that almost guaranteed secession and ultimately undermined prospects for democratic transformation.

The SPLM/A remained a revolutionary rather than a secessionist organization largely because of its longtime leader and visionary, John Garang. Garang envisioned a New Sudan that would remain unified but free from discrimination and disparity. The Koka Dam Declaration of 1986, issued together with the northern Umma Party during one of Sudan's brief democratic interludes, outlined this vision. Most notably, this declaration proposed a national constitutional conference dedicated to “the Basic

Problems of Sudan and not the so-called problem of southern Sudan.”<sup>24</sup> The constitution resulting from this conference would serve as the basis for national elections. This declaration, however, never gained broad support in the North, and a national constitutional conference never occurred.<sup>25</sup>

If Garang struggled to obtain support for his vision in the North, he struggled even more in the South, where many officers and fighters, along with the broader public, favored secession. Tension climaxed in 1991 when a group of senior officers defected from the SPLM/A, reflecting dissatisfaction not only with the organization’s ideology but also with Garang’s autocratic leadership style. This split reignited the simmering internal debate about self-determination. As a result, both factions—the SPLM/A and the breakaway SPLM-Nasir—approached the 1992 Abuja peace talks with a common demand for self-determination. This was the first time the SPLM/A demanded a referendum on independence.<sup>26</sup>

The SPLM/A’s rhetorical shift toward self-determination coincided with a shift away from conciliation in the north. Previous negotiations had ended when the hard-line Islamist National Congress Party (NCP) seized power through a coup d’état. The NCP was more rigidly committed to a unitary state under sharia law, and this regime change thus diminished hope for a comprehensive negotiated agreement. The NCP entered negotiations with the breakaway SPLM-Nasir in 1992, but their vaguely worded agreement did not mention self-determination or secession; it instead represented an NCP

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<sup>24</sup> Koka Dam Declaration, 1986, accessed April 29, 2013, [http://peacemaker.un.org/sites/peacemaker.un.org/files/SD\\_860324\\_Koka%20Dam%20Declaration.pdf](http://peacemaker.un.org/sites/peacemaker.un.org/files/SD_860324_Koka%20Dam%20Declaration.pdf).

<sup>25</sup> Ann Mosely Lesch, *The Sudan: Contested National Identities* (Bloomington: Indiana University Press, 1998).

<sup>26</sup> John Young, *The Fate of Sudan: The Origin and Consequences of a Flawed Peace Process*, (London: Zed Books, 2012), Kindle edition, Ch. 2.

attempt to weaken the south by exacerbating division and infighting. The subsequent Abuja talks collapsed following the SPLM/A's demand for a referendum.<sup>27</sup>

The SPLM/A thus confronted a dilemma. On the one hand, it faced increasing pressure to align itself with public opinion and demand self-determination following its split with the SPLM-Nasir. On the other hand, demanding secession risked international isolation and undermined the possibility of a negotiated agreement with the north. The SPLM/A sought to resolve this dilemma in its First National Convention in 1994. During the convention, the SPLM/A fused its revolutionary and secessionist goals. While still prioritizing a unified state, Garang conceded that secession was justifiable "if the concept of a transformed New Sudan fails to materialize." The convention endorsed a transitional period of unity followed by a referendum.

The convention was significant not only for formally committing the SPLM/A to self-determination but also for shifting its rhetoric from socialism toward democracy. This shift responded to the democratic rhetoric of the SPLM-Nasir, which criticized Garang's authoritarian style, and reflected a need to appeal to the West following the overthrow of Mengistu Haile Mariam's socialist regime in Ethiopia and the consequent loss of his support.<sup>28</sup> The convention's outcome, however did not match its rhetoric. Although officially a party convention for the SPLM/A, it more resembled a constitutional convention for Southern Sudan, producing a one-party state with Garang at its head.<sup>29</sup>

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<sup>27</sup> Douglas H. Johnson, *The Root Causes of Sudan's Civil Wars: Peace or Truce*, (Kampala: James Currey, 2011), xi.

<sup>28</sup> Matthew Arnold and Matthew LeRiche, *South Sudan: From Revolution to Independence*, (Columbia University Press, 2012), 95-96.

<sup>29</sup> Øystein H. Rolandsen, "Guerrilla Government: Political Changes in the Southern Sudan during the 1990s," *Nordic Africa Institute*, 2005, 168-171.



The SPLM/A affirmed its commitment to self-determination—but again avoided reference to elections—in the Declaration of Principles, which emerged from negotiations facilitated by the Intergovernmental Authority for Development (IGAD).<sup>30</sup> The Declaration of Principles—drafted by Ethiopia at the same time that country was adopting a constitution guaranteeing ethnic groups the right to self-determination—represented the first agreement explicitly endorsing self-determination for Southern Sudan and proved immediately controversial. The NCP and SPLM/A negotiators both faced furious party leaders when they returned home, and the NCP refused to endorse the principles.<sup>31</sup> Nonetheless, they gained gradual acceptance. After initial discomfort with southern self-determination, the National Democratic Alliance (NDA), representing most northern opposition parties, endorsed the principles in 1995.<sup>32</sup>

The NCP first publicly accepted the idea of a referendum on self-determination in a 1996 agreement with a southern splinter groups, although this agreement did not define self-determination or provide a timeframe.<sup>33</sup> The NCP endorsed a more robust provision for self-determination in the 1997 Khartoum Agreement, negotiated with an array of southern rebel groups under the umbrella of the South Sudan Defense Force (SSDF).<sup>34</sup>

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<sup>30</sup> The Declaration of Principles both affirmed self-determination—“the right of self-determination of the people of south Sudan to determine their future status through a referendum must be affirmed”—and prioritized unity—“maintaining unity of the Sudan must be given priority by all parties.” IGAD Declaration of Principles, 1994, accessed April 29, 2013, [http://peacemaker.un.org/sites/peacemaker.un.org/files/SD\\_940520\\_The%20IGAD%20Declaration%20of%20principles.pdf](http://peacemaker.un.org/sites/peacemaker.un.org/files/SD_940520_The%20IGAD%20Declaration%20of%20principles.pdf).

<sup>31</sup> Young, *The Fate of Sudan: The Origin and Consequences of a Flawed Peace Process*, Chapter 2.

<sup>32</sup> Although the 1995 Asmara Declaration endorsed the Declaration of Principles, it came to coexist, paradoxically, with the unity-affirming 1999 Tripoli Declaration, supported by Libya and Egypt. Johnson, *The Root Causes of Sudan's Civil Wars: Peace or Truce*, xiii. The Cairo declaration did not supplant the Asmara Declaration: the two coexisted.

<sup>33</sup> Arnold and LeRiche, *South Sudan: From Revolution to Independence*, 98.

<sup>34</sup> The agreement provided for an interim period of four years followed by a referendum presenting a choice between unity or secession. This referendum would be open to all South

This provision, however, remained relatively vague,<sup>35</sup> and the agreement itself lacked international or popular legitimacy. The Khartoum Agreement mentioned democracy, but its conception of democracy did not include elections. Ultimately, although the NCP finally accepted the Declaration of Principles as a non-binding basis for negotiations in 1997, it made few genuine concessions on self-determination and remained uncommitted to democracy; its real goal, as before, was to weaken the SPLM/A, and the agreement was never properly implemented.<sup>36</sup>

The terrorist attacks of 11 September 2001 provided new impetus for both sides to restart the IGAD negotiations, this time with involvement from the United States, United Kingdom, and Norway (known as the Troika).<sup>37</sup> It is important to note that these renewed negotiations involved *both* sides, not *all* sides. In the past, the NCP had negotiated not only with the SPLM/A but also with the other groups such as the SPLM-Nasir and SSDF; likewise, the SPLM/A had intermittently cooperated with the NDA, an umbrella group of northern opposition parties. The new talks treated both the north and south as one-party regimes represented, respectively, by the NCP and SPLM/A. They therefore also did not include representatives from other marginalized regions of Sudan, including the Darfurians and Beja. As the talks progressed, the breadth of participation narrowed further still. The final negotiations took place largely behind closed doors between

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Sudanese voters over the age of 18 in both the north and the south and would be monitored by a range of domestic and international observers and media.

<sup>35</sup> It provided that the referendum occur “after full establishment of Southern Sudan peace and stability and a reasonable level of social development in the South were achieved.” Mansour Khalid, “Toward the Self-Determination Referendum and Beyond,” in *New Sudan in the Making?* ed. Francis M. Deng, (Asmara: The Red Sea Press, Inc., 2010), 334.

<sup>36</sup> Young, *The Fate of Sudan: The Origin and Consequences of a Flawed Peace Process*, Ch. 1.

<sup>37</sup> Hilde Johnson, *Waging Peace in Sudan: The Inside Story of the Negotiations That Ended Africa's Longest Civil War*, (Portland, Oregon: Sussex Academic Press, 2011), 19-20.

Garang and Sudan's First Vice President Ali Osman Taha.<sup>38</sup> The restrictive and exclusive nature of the negotiations facilitated compromise but undermined the CPA's legitimacy.<sup>39</sup>

Although the NCP had previously endorsed self-determination, the renewed IGAD talks started again from scratch, demonstrating its persistent reluctance to accept this principle.<sup>40</sup> Nonetheless, the 2002 Machakos Protocol was broadly similar to earlier agreements in its overall structure. Unity would remain the priority, but a six-year transition period would culminate in a referendum on the independence of Southern Sudan.<sup>41</sup> Also keeping with previous agreements, the protocol did not mention elections or regions outside Southern Sudan. Although this agreement did not differ substantially from the Khartoum Agreement the NCP had previously signed, the Machakos Protocol represented a more genuine commitment and served as the foundation for the CPA.<sup>42</sup>

The five agreements that built the Machakos Protocol into the CPA, however, incorporated many elements not contained in previous agreements. Most important to this discussion, the power sharing agreement substantiated previous democratic rhetoric with a provision for general elections at all levels of government to be held by the end of the third year of the interim period. It also included a provision to review the election date six months before that deadline, taking into account progress on issues such as resettlement, rehabilitation, reconstruction, repatriation, institution building, and consolidation of the

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<sup>38</sup> *Ibid.*, 2.

<sup>39</sup> Young, *The Fate of Sudan: The Origin and Consequences of a Flawed Peace Process*, Ch. 2.

<sup>40</sup> U.S. special envoy to Sudan John Danforth was also opposed to self-determination until persuaded it was a red line for the south. Johnson, *Waging Peace in Sudan: The Inside Story of the Negotiations That Ended Africa's Longest Civil War*, 26, 45.

<sup>41</sup> Comprehensive Peace Agreement, Ch. 1, Machakos Protocol, 2002, accessed April 29, 2013, <http://unmis.unmissions.org/Portals/UNMIS/Documents/General/cpa-en.pdf>.

<sup>42</sup> Johnson, *Waging Peace in Sudan: The Inside Story of the Negotiations That Ended Africa's Longest Civil War*, 53-54.

agreement.<sup>43</sup> The CPA's timetable provided for the completion of numerous specific tasks prior to the election, including creation of a joint national army, enactment of key legislation, a national population census, and demarcation of boundaries.<sup>44</sup> If held according to schedule, the elections would take place three years prior to the independence referendum. As demonstrated by their previous negotiations and agreements, the NCP and the SPLM/A had not historically favored elections, but pressure from the Troika resulted in their inclusion nonetheless.

#### **IV. Elections in the CPA**

Opposition to elections emerges as one of the only issues upon which the NCP and the SPLM/A agreed. Why, then, did the Troika pressure them to accept this provision? Was this international pressure to hold elections justifiable?

##### **Supporting Elections for the Wrong Reasons**

Neither the NCP nor the SPLM/A were committed to democratization, and both ultimately agreed to elections with ulterior motives. Taha, the NCP's negotiator, committed to democratic elections hoping to form an arrangement with the SPLM/A that would allow both parties to win the elections and remain in power.<sup>45</sup> When the NCP became uncertain as to whether the SPLM/A would agree to such an arrangement, it advocated for a prolonged delay in elections and opposed presidential elections

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<sup>43</sup> Comprehensive Peace Agreement, Ch. 2, Power Sharing, 2004, Art. 1.8.

<sup>44</sup> Comprehensive Peace Agreement, Annex 1, Permanent Ceasefire and Security Arrangements Implementation Modalities and Appendices, 2004; Comprehensive Peace Agreement, Annex 2, Implementation Modalities and Global Implementation Matrix and Appendices, 2004.

<sup>45</sup> Johnson, *Waging Peace in Sudan: The Inside Story of the Negotiations That Ended Africa's Longest Civil War*, 136.

altogether.<sup>46</sup> Most NCP members recognized that genuinely democratic elections competed against the SPLM could remove them from power.<sup>47</sup>

After sidelining Taha following the CPA negotiations, the NCP accepted that elections were necessary but could not be democratic. They were necessary in order for the NCP to bolster its domestic and international legitimacy. In particular, as an elected party, the NCP would be in a better position to protect President Bashir against the ICC's arrest warrant and rehabilitate its international image, including normalizing relations with the United States.<sup>48</sup> Because it was chiefly in charge of organizing elections—including election administration, voter registration, and boundary delimitation—the NCP was well positioned to ensure these elections served its narrow interests and maintained the status quo.<sup>49</sup> Indeed, even before the CPA came into effect, signs indicated the NCP was not planning to implement the provisions necessary for a democratic transformation.<sup>50</sup> It sought to repress opposition parties and enter into a partnership with the SPLM that would neutralize its southern partner on the national level and relegate it to competing within Southern Sudan.<sup>51</sup>

The SPLM/A was no more democratic than the NCP. Since its superficial flirtation with democracy at the First National Convention in 1994, the SPLM/A had

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<sup>46</sup> Ibid., 165-166.

<sup>47</sup> International Crisis Group, "The Khartoum-SPLM Agreement: Sudan's Uncertain Peace," 2005, accessed April 29, 2013, <http://www.crisisgroup.org/~media/Files/africa/horn-of-africa/sudan/The%20Khartoum-SPLM%20Agreement%20Sudans%20Uncertain%20Peace.pdf>.

<sup>48</sup> Ahmed, "Analyses and Reports: The Comprehensive Peace Agreement and the Dynamics of Post-Conflict Political Partnership in Sudan," 136, 144.

<sup>49</sup> Medani, "Elections, Governance, and Secession in Sudan," 72.

<sup>50</sup> International Crisis Group, "The Khartoum-SPLM Agreement: Sudan's Uncertain Peace."

<sup>51</sup> International Crisis Group, "Sudan's Comprehensive Peace Agreement: Beyond the Crisis," 2008, accessed April 29, 2013, <http://www.crisisgroup.org/~media/Files/africa/horn-of-africa/sudan/B050%20Sudans%20Comprehensive%20Peace%20Agreement%20Beyond%20the%20Crisis.pdf>.

demonstrated that it remained an autocratic organization centered on Garang. In fact, its lack of inclusiveness or transparency in many ways mirrored the NCP's undemocratic approach.<sup>52</sup> It initially resisted including a provision for elections in the agreement because it did not want to test its tenuous popular support. One SPLM/A negotiator even argued that the party did not need a democratic mandate because it was a liberation movement.<sup>53</sup> When the mediators remained adamant, the SPLM/A pushed for delaying elections until four years into the transition period<sup>54</sup> and argued against presidential elections on the grounds that they would be destabilizing.<sup>55</sup>

The south's long history of negative experiences with elections was also likely a factor in the SPLM/A's reluctance. The main southern party won representation in Sudan's pre-independence 1953 elections, but the northern majority appointed northerners to all senior positions in the south. When southern representatives began forming alliances with peripheral regions of the north after the first post-independence elections and gaining momentum toward federalism, a military takeover ended electoral politics. During the period between the two civil wars, the northern president regularly intervened in southern elections, albeit oftentimes with southern collusion. During the wars, elections did not always take place in the south and often faced southern boycotts.<sup>56</sup> This history left a legacy of distrust, and the SPLM/A likely worried that NCP interference in elections could disrupt the balance of power and abrogate the CPA's provisions on self-determination.

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<sup>52</sup> International Crisis Group, "The Khartoum-SPLM Agreement: Sudan's Uncertain Peace."

<sup>53</sup> John Young, "Sudan IGAD Peace Process: An Evaluation," 2007, 31.

<sup>54</sup> Johnson, *Waging Peace in Sudan: The Inside Story of the Negotiations That Ended Africa's Longest Civil War*, 165.

<sup>55</sup> Young, *The Fate of Sudan: The Origin and Consequences of a Flawed Peace Process*, Ch. 3.

<sup>56</sup> Johnson, *The Root Causes of Sudan's Civil Wars: Peace or Truce*, 27-42.

## Pressing for Elections

Yet although neither the NCP nor the SPLM/A had an interest in genuinely competitive elections, the international community pressured them to accept elections as part of the CPA. Was this pressure appropriate, or would elections accomplish no more than entrenching the status quo?

Two legitimate reasons justified international pressure for elections. First, elections were necessary to incorporate parties excluded from the negotiation process into the agreement. As previously mentioned, the negotiations took place exclusively between the NCP and SPLM/A, and critics of the CPA lambasted its exclusivity. Even during the negotiation process, this exclusivity may have threatened the emergence of peace. Most notably, the 2003 outbreak of violence in Darfur paralleled CPA negotiations not by coincidence but in part due to Darfuri frustration that the negotiations ignored their grievances.<sup>57</sup> Toward the end of the negotiations, the NCP and SPLM/A did realize they needed the support of the Sudanese public, but the resultant consultations aimed only to legitimize an almost finalized agreement and were thus, according to one NCP member, “largely an exercise in public relations.”<sup>58</sup>

The CPA itself reflected this exclusivity. Despite Garang’s vision for a New Sudan, it presupposed an overarching north-south rather than a center-periphery divide. It thus did not address the conflicts in Darfur or Eastern Sudan, leaving these to subsequent agreements. It also did not address conflicts between the NCP and SPLM/A and their respective internal opposition; instead, the incumbent parties signed separate agreements

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<sup>57</sup> Khalid Mustafa Medani, “Elections, Governance, and Secession in Sudan,” in *Elections in Dangerous Places: Democracy and the Paradoxes of Peacebuilding*, ed. David Gillies, (Montreal: McGill-Queens University Press, 2011), 85.

<sup>58</sup> Young, *The Fate of Sudan: The Origin and Consequences of a Flawed Peace Process*, Ch. 2.

with, respectively, the NDA and the SSDF.<sup>59</sup> The power sharing formula for the interim period also provided only minimal representation for opposition parties: 20 percent in the national and state legislatures, and no representation in the states of Southern Kordofan and Blue Nile.<sup>60</sup>

The exclusivity of the negotiation process was not inherently problematic. Peace processes in general face a tradeoff between exclusion and inclusion. Broadly speaking, negotiations involving fewer parties can more easily achieve compromise on complex and intractable issues. The conflict in Sudan was certainly complex and intractable, and more inclusive negotiations would likely have dragged on far longer.<sup>61</sup> But even if justifiably exclusive, the CPA needed to integrate other actors as soon as possible after it came into effect to gain legitimacy and prevent peripheral conflicts. Elections were the most obvious path toward this goal.

The desire to include other parties was the Troika's primary reason for pushing elections. The Troika feared that these parties could become spoilers and undermine the agreement if they did not have representation in government institutions immediately after the peace agreement.<sup>62</sup> The need for inclusion extended not only to opposition parties but also to civil society and the general public. In this sense, the Troika viewed elections as "peace dividends" for the Sudanese people that would contribute to a

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<sup>59</sup> Ibid., Introduction.

<sup>60</sup> Comprehensive Peace Agreement, Ch. 2, Power Sharing Agreement, 2004, Art. 2.2; Comprehensive Peace Agreement, The Resolution of the Two States of Southern Kordofan and Blue Nile, 2004, Art. 11.1.

<sup>61</sup> Arnold and LeRiche, 95-96.

<sup>62</sup> Øystein H. Rolandsen, "Guerrilla Government: Political Changes in the Southern Sudan during the 1990s," 174.

<sup>62</sup> Johnson, *Waging Peace in Sudan: The Inside Story of the Negotiations That Ended Africa's Longest Civil War*, 136.



democratic political transformation.<sup>63</sup> Defenders of the CPA argued—perhaps naïvely—that because it included the provision for elections, what might have been an exclusive agreement was instead transformative, opening political space in both the north and south.<sup>64</sup>

Second, elections were necessary to legitimize the governments in the north and south prior to the referendum on unity or secession. Legitimizing these governments was in part necessary to legitimize unity as an option. Although most members of the SPLM/A—Garang notwithstanding—ultimately favored independence, the success of the CPA depended upon unity remaining a viable option. The NCP had been reluctant to concede the south self-determination and would likely not have made this concession had it not come as part of Garang’s New Sudan package that prioritized unity. The SPLM/A thus had to maintain a balance between pursuing the vision of a New Sudan and awaiting self-determination in order to preserve its partnership with the NCP.<sup>65</sup> Moreover, an agreement that presumed southern independence would have further alienated Southern Kordofan, Blue Nile, Abyei, and other excluded regions that favored a united New Sudan.

In order to legitimize unity, elections needed to occur before the referendum. The CPA stipulated that the referendum would allow voters to choose between independence and the “system of government established under the Peace Agreement.”<sup>66</sup> Therefore, if elections did not take place before the referendum, voters would essentially have to

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<sup>63</sup> Ibid., 165.

<sup>64</sup> Einas Ahmed, "Analyses and Reports: The Comprehensive Peace Agreement and the Dynamics of Post-Conflict Political Partnership in Sudan," *Afrika Spectrum: Deutsche Zeitschrift für Gegenwartsbezogene Afrikaforschung* 44, no. 3 (2009), 135.

<sup>65</sup> Francis M. Deng, “Sudan at the Crossroads,” in *New Sudan in the Making?*, ed. Francis M. Deng, (Asmara: The Red Sea Press, Inc., 2010), 44.

<sup>66</sup> The Comprehensive Peace Agreement, Ch. 1, The Machakos Protocol, 2002, Art. 2.5.

choose between independence and unity under a nondemocratic government. In addition to legitimizing unity as an option, some argued that elections had to take place before the referendum to increase the legitimacy of the government in Khartoum. According to this argument, if an elected government presided over the referendum, the NCP's adversaries would be less able to accuse it of forfeiting legitimacy by allowing the referendum to go forward in the event that the South voted for independence.<sup>67</sup>

One additional question must also be addressed. Were elections the only way to have increased inclusivity and legitimacy? In the Koka Dam Declaration, the SPLM/A had proposed a national constitutional conference, which would produce a new constitution leading to elections. Under such an arrangement, the CPA would have constituted not just a peace process but a broader political process involving a wider range of stakeholders. The experience of other countries in sub-Saharan Africa, however, indicates that a constitutional conference preceding elections does not increase the chances of democratization. According to Bratton and Van de Walle, there is no correlation between holding a national conference and subsequently holding “founding elections”—the first competitive elections after a period of authoritarianism. Moreover, founding elections are possible without national conferences; half of all countries in sub-Saharan Africa held founding elections without undergoing a constitutional review process.<sup>68</sup> While it is impossible to know what effect a constitutional conference might have had, available evidence does not indicate it would have been a superior option for achieving a democratic outcome.

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<sup>67</sup> Alex de Waal, “Chairperson’s Talking Points,” AU/UN High Level Review Meeting on Sudan, May 3, 2010, World Peace Foundation archives, Somerville, Massachusetts.

<sup>68</sup> Bratton and Van de Walle, 196-198.

In principle, therefore, elections were justified—even necessary—soon after the CPA and before the referendum. These justifications, however, were dependent upon several additional assumptions. Two of these assumptions related to the behavior of political parties within Sudan. First was the assumption that the SPLM would seriously contest elections in the north. This hope was in part dependent upon Garang, who many in the international community assumed would single-handedly be able to “pull numerous rabbits out of the hat,” including winning the presidential elections and overseeing Sudan’s democratic transformation.<sup>69</sup> While this assumption may have been naïve, Sudan’s two-round electoral system would have made Garang a serious contender for the presidency. Moreover, the resulting high-profile, national-level, competitive election could have previewed what a unified, democratic Sudan might look like. Second was the assumption that northern opposition parties would actively organize and mobilize against the NCP. As the ruling party, the NCP was far better positioned for elections than any of the smaller opposition parties. If these parties did not actively mobilize, the NCP would easily dominate even fully democratic elections. Such a result would not increase the inclusion of marginalized groups excluded from the CPA negotiations.

Two other assumptions were related to the actions of the international community. First was the assumption that the U.S. would normalize relations with Sudan as a reward for its cooperation during CPA negotiations. The U.S. had used sanctions as a stick against Sudan since 1997, and normalizing relations was the main carrot available. Indeed, Sudan accepted the CPA in part as the best chance to normalize relations with the

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<sup>69</sup> John Young, “Sudan IGAD Peace Process: An Evaluation,” 2007, accessed April 29, 2013, [http://sudantribune.com/IMG/pdf/Igad\\_in\\_Sudan\\_Peace\\_Process.pdf](http://sudantribune.com/IMG/pdf/Igad_in_Sudan_Peace_Process.pdf).

West.<sup>70</sup> An expectation of normalized relations could have helped encourage Sudan to hold democratic elections followed by a democratic referendum. Without this expectation, Sudan would have fewer incentives to gratify the international community. Second was the assumption that the international community would actively press for democratic elections in Sudan, including through the deployment of election observers. The threat of these observers declaring the results invalid could incentivize the NCP to avoid large-scale manipulation.

Finally, there was an implicit assumption that the electoral system adopted would be conducive to democratizing elections and would provide the political opening necessary for opposition parties to gain representation.

## **V. The Transition Period: Things Fall Apart**

Unfortunately, the post-CPA reality did not fully meet any of these assumptions.

### **The SPLM: Focus on the South**

The assumption that the SPLM would compete seriously in the north became tenuous already in the first few weeks of the interim period when Garang unexpectedly died in a helicopter crash. His death altered the SPLM's approach to elections. Garang had been the foremost advocate of a New Sudan, and his replacement by Salva Kiir shifted the party's ideology closer to the mainstream preference for independence. In fact, many in both the north and south were skeptical or even hostile toward the idea of a New Sudan.<sup>71</sup>

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<sup>70</sup> Alex de Waal, "Sudan: Managing the Unmanageable?" August 1, 2010, World Peace Foundation archives, Somerville, Massachusetts.

<sup>71</sup> Deng, "Sudan at the Crossroads," 39-40.

As a result, the SPLM came to see elections as a significant but incidental step on the path toward independence.<sup>72</sup> Although in theory the SPLM, by allying with northern opposition groups, could have built enough support to win national elections, it decided not to contest these elections seriously. If the SPLM had seriously contested the national presidential election, particularly if Garang had lived and run as the candidate, the resulting contest might have opened political space in Sudan.<sup>73</sup> Because of its organization, resources, and national presence, the NCP would almost certainly win at least a plurality of seats in the National Assembly. But the SPLM could seriously challenge Bashir in the presidential election. The SPLM candidate would almost certainly get most of the votes in the south, so Bashir would have to win significantly more than a majority of votes in the north to avoid a run-off. If northern opposition parties united with the SPLM against Bashir, they could potentially deprive him of victory in the first round, thereby injuring his credibility.

Ignoring this electoral calculus, the SPLM decided to focus on consolidating its power in the south, where it ran most of its senior leaders, including Kiir, who was the candidate for president of Southern Sudan.<sup>74</sup> It did not completely abandon elections in the north, deciding to run Yasir Arman, a northern Arab and Muslim, against Bashir for president of Sudan. Subsequently, however, the SPLM showed little engagement in election preparations outside of Southern Sudan, leading many to believe the party was

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<sup>72</sup> Young, *The Fate of Sudan: The Origin and Consequences of a Flawed Peace Process*, Ch. 3.

<sup>73</sup> Edward Thomas, "Against the Gathering Storm: Securing Sudan's Comprehensive Peace Agreement," Chatham House, 2009, 14.

<sup>74</sup> Alex de Waal, "Towards a Common Understanding of the Challenges Facing Sudan," Presentation for Sudan Consultative Group, May 8, 2010, World Peace Foundation archives, Somerville, Massachusetts.

willing to allow the NCP to steal elections in the north in exchange for peaceful secession.<sup>75</sup>

The decision whether or not to boycott elections in the north further heightened the impression that the SPLM was looking primarily toward the referendum. Just one week before the election, Kiir still insisted that the SPLM would compete in both the north and south in accordance with its obligations under the CPA, while Arman advocated boycotting elections in the north in solidarity with northern opposition parties. Arman's position created tension with the NCP, which feared its electoral victory would appear less legitimate without the SPLM participating, and created disunity within the SPLM.<sup>76</sup> The ultimate decision to boycott the presidential election, even as Arman's campaign was gaining momentum, confirmed its preoccupation with the referendum and seriously undermined the prospects for democratizing elections in the north.<sup>77</sup>

The CPA's provisions related to the timing of the elections and referendum may have helped incentivize the SPLM not to compete elections seriously in the north. The timeline for elections in Sudan was not realistic and made delays almost inevitable.<sup>78</sup> The CPA required the completion of complex and time-consuming activities prior to the election, most notably a nationwide population census. As a result, the election was

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<sup>75</sup> Waging Peace, "The Sudanese Elections of April 2010: A Missed Opportunity for Peace and Democracy," 2010, accessed April 29, 2013, [http://www.wagingpeace.info/images/pdf/Waging\\_Peace\\_report\\_on\\_Sudan\\_elections\\_March2010.pdf](http://www.wagingpeace.info/images/pdf/Waging_Peace_report_on_Sudan_elections_March2010.pdf).

<sup>76</sup> Alex de Waal, "The Political Situation in Sudan," Report to AUHIP and AUC, March 31, 2010, World Peace Foundation archives, Somerville, Massachusetts.

<sup>77</sup> Young, *The Fate of Sudan: The Origin and Consequences of a Flawed Peace Process*, Ch. 3.

<sup>78</sup> The CPA actually provided more time for elections than most post-conflict agreements since the end of the Cold War. Since 1989, elections have occurred on average 2.7 years after the end of conflicts. The CPA's three-year window for elections was thus actually above average, as was the period of more than five years that ultimately elapsed before elections occurred. Dawn Brancati and Jack L. Snyder, "Time to Kill: The Impact of Election Timing on Postconflict Stability," *Journal of Conflict Resolution* (2012), 2.

repeatedly delayed. Because the election and referendum dates were not linked, the SPLM did not object to these delays. It would just as soon have postponed elections until after the referendum, as long as the referendum date remained unchanged.<sup>79</sup> Considering the election ultimately occurred just nine months before the referendum, the southern sector of the SPLM had little stake in a national government that would imminently disband.

### **Northern Opposition Parties: A Disorganized Boycott**

The assumption that the northern opposition parties would organize and mobilize against the NCP also proved mistaken. The SPLM was partly responsible due to its focus on the referendum rather than elections in the north. Northern parties felt betrayed when the SPLM decided to boycott the presidential election, concluding that this was effectively a southern declaration of independence.<sup>80</sup> As previously mentioned, the northern boycott blocked a potential opening of political space in the north.

Ultimately, most northern opposition parties joined the boycott. Considering the often counterproductive result of boycotts, why did the opposition make this decision? Although the opposition was at a considerable disadvantage, its prospects for success were not negligible. The electoral playing field was open to all parties, and the six months prior to the elections were characterized by significant expansion of political freedoms. The government lifted censorship and allowed all political parties to hold rallies.<sup>81</sup> Censorship and exclusion, the two forms of manipulation Schedler identifies as most inimical to democratization, were thus not pressing concerns.

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<sup>79</sup> Thomas, "Against the Gathering Storm: Securing Sudan's Comprehensive Peace Agreement," 18, 27.

<sup>80</sup> Young, *The Fate of Sudan: The Origin and Consequences of a Flawed Peace Process*, Ch. 3.

<sup>81</sup> De Waal, "Sudan: Managing the Unmanageable?" 17.

Moreover, the opposition had a large pool of potential supporters. In the north, there were approximately 15 million people of voting age and 11.3 million registered voters. Not only were many of the 3.7 million unregistered voters opposition supporters, but a significant portion of those registered to vote were sympathetic toward the opposition (about 4 million) or undecided (about 2.3 million). The opposition could have performed well in elections had it committed itself to registering voters and mobilizing supporters to vote. As previously mentioned, an opposition coalition involving the SPLM could even have forced the presidential election into a second round.<sup>82</sup>

The opposition parties, however, had few resources and were disorganized, particularly in relation to the NCP, which devoted significant resources to registering and mobilizing voters. Recognizing the difficulties they would face and distrustful that elections would even happen, they did not actively register or mobilize voters. Notably, most opposition candidates remained in Khartoum instead of traveling to the peripheries to campaign.<sup>83</sup> They also continuously prevaricated on whether or not they would even participate in the elections, confusing their supporters.<sup>84</sup> Some provocative international reporting released shortly before the election may have further fueled opposition distrust by presenting the election results as a foregone conclusion.<sup>85</sup> This distrust reached an all-

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<sup>82</sup> De Waal, "Towards a Common Understanding of the Challenges Facing Sudan."

<sup>83</sup> Neha Erasmus, "Sudan: The North-South Dichotomy," African Arguments, March 16, 2010, accessed April 28, 2013, <http://africanarguments.org/2010/03/16/the-north-south-elections-dichotomy/>.

<sup>84</sup> De Waal, "Sudan: Managing the Unmanageable?" 17.

<sup>85</sup> An International Crisis Group report released a few weeks before the election essentially called the election for the NCP, citing widespread manipulation and encouraging the international community not to recognize the legitimacy of the election winner. International Crisis Group, "Rigged Elections in Darfur and the Consequences of a Probable NCP Victory in Sudan," 2010, accessed April 29, 2013, <http://www.crisisgroup.org/en/regions/africa/horn-of-africa/sudan/b072-rigged-elections-in-darfur-and-the-consequences-of-a-probable-ncp-victory-in-sudan.aspx>.



time low as opposition parties became convinced they could not succeed and would only lend legitimacy to the NCP by remaining in the contest.<sup>86</sup>

The eventual boycotts underscored the extent of opposition disorganization. During the two weeks before the election, attention shifted from the campaign and electoral preparations to the question of which parties were planning to boycott the poll, which were not, and why. The Popular Congress Party (PCP) was the only party that consistently opposed a boycott, while the Democratic Unionist Party (DUP) decided to boycott then reversed course just a week before the election, and the Umma Party did not announce its decision to boycott until two days before the election.<sup>87</sup> As a result of these delayed decisions, the ballots were already printed with the names of the opposition parties, undermining the boycotts' effectiveness. Moreover, the boycotts coincided with widespread public enthusiasm for the election; the opposition was taking a bold risk in assuming this enthusiasm would translate into public outrage if the elections were blatantly manipulated.<sup>88</sup> As expected, opposition complaints did not lead to widespread domestic or international protest.<sup>89</sup>

### **The ICC Arrest Warrant for Bashir**

The assumption that the U.S.'s normalization of relations with Sudan would provide a positive incentive for subsequent engagement in the democratization process quickly fell to the reality of the war in Darfur. The outrage resulting from Sudan's involvement in Darfur stalled movement toward normalization. International outrage climaxed in the 2009 ICC arrest warrant for President Bashir, which not only made

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<sup>86</sup> De Waal, "The Political Situation in Sudan."

<sup>87</sup> Alex de Waal, "Sudan on the Eve of the General Election," Report to AUHIP, April 20, 2010, World Peace Foundation archives, Somerville, Massachusetts.

<sup>88</sup> De Waal, "The Political Situation in Sudan."

<sup>89</sup> De Waal, "Towards a Common Understanding of the Challenges Facing Sudan."

normalization even less achievable but made Sudan's president a wanted man. The arrest warrant gave rise to a climate of fear in Sudan as the NCP began suspecting an international conspiracy to topple the regime.

In response to the arrest warrant, Bashir and other senior NCP officials concluded that they would be safest remaining in power. Winning an election could also help restore Bashir's legitimacy within the NCP and with regional leaders, making his arrest less likely.<sup>90</sup> Bashir thus came to approach the elections differently than he might have otherwise. Prior to the arrest warrant, those close to Bashir indicated he was considering not running for reelection in 2010, which could have increased the chances of democratization. Even if he had sought reelection, he may have been more willing to share power.<sup>91</sup>

With the arrest warrant issued, however, holding genuinely democratic elections would entail too great a risk for Bashir. The case of Serbian President Slobodan Milosevic, who misjudged his electoral prospects and was handed over to an international criminal tribunal by the victorious opposition, highlights this risk. The NCP thus took no chances. Although it could have afforded to allow for some legitimate competition and still emerged victorious, it overcompensated and won by a landslide.<sup>92</sup> Bashir's supporters responded to his victory by calling the election the Sudanese people's response to the ICC. According to one NCP official, "This is a message to the whole world: the president is legal and the representative of the whole people. Any accusation is

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<sup>90</sup> Waging Peace, "The Sudanese Elections of April 2010: A Missed Opportunity for Peace and Democracy."

<sup>91</sup> Alex de Waal and Gregory H. Stanton, "Should President Omar al-Bashir of Sudan Be Charged and Arrested by the International Criminal Court?" *Genocide Studies and Prevention* 4, no. 3 (2009), 331, 348.

<sup>92</sup> De Waal, "Sudan: Managing the Unmanageable?" 17-18.

now an accusation against all the people.”<sup>93</sup> The arrest warrant thus significantly raised the stakes of the elections while further distancing the U.S. and other international actors from normalized relations with Sudan.

### **International Election Observers: Reluctance to Condemn**

Ironically, while many Western actors supported the ICC arrest warrant against Bashir, these same actors were reluctant to be overly critical of the elections he oversaw. Like the SPLM, the international community came to prioritize the referendum over elections, undermining the assumption that international support for democratization would remain strong. Prioritizing the referendum was based on the view that it was more important to CPA implementation, creating a dichotomy between peace and democratization. As a result, some members of the international community likely recognized the challenges facing democracy but remained silently complicit. They viewed NCP and SPLM maintenance of power as essential to implementing the CPA, which was essentially “their” agreement.<sup>94</sup>

It would be unfair to say that the international community completely abandoned the CPA’s commitment to democratization. For example, the African Union High-level Implementation Panel regularly consulted with all the main political parties and brought together 14 of these parties in a summit meeting in Juba. During the meeting, all the southern parties and several national parties, including the SPLM, NCP, PCP, and Umma Party, adopted an Electoral Code of Conduct, laying out a set of norms and representing a

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<sup>93</sup> James Copnall, “Dream Election Result for Sudan’s President Bashir,” BBC News, April 27, 2010, accessed April 29, 2013, <http://news.bbc.co.uk/2/hi/8645661.stm>.

<sup>94</sup> Young, *The Fate of Sudan: The Origin and Consequences of a Flawed Peace Process*, Ch. 3.

commitment to democratization.<sup>95</sup> Overall, the level of international interest and engagement made the process more inclusive than it might have been and made the public take the elections more seriously than in the past.<sup>96</sup>

There was a clear limit, however, to international support for democratization. A consensus emerged among regional and international actors, including the AU, UN, IGAD, Arab League, EU, and the various individual countries involved that the elections needed to be framed within the overall strategic goals of the CPA.<sup>97</sup> As a result, election observers sensed that they were under pressure from the U.S. to recognize the elections as meeting some minimum standard of credibility so as not to risk derailing the CPA. A failing grade from election observers would vindicate the boycotting opposition parties but also increase tension in the SPLM and humiliate the NCP.<sup>98</sup> A passing grade would vindicate the NCP, bolstering prospects for engagement but potentially undermining democratization. Sensing the pressure international observers faced, one Sudanese civil society group issued a statement requesting that all international observer missions withdraw from Sudan, as they appeared “to no longer be able to fulfill their mandate and [served] only to legitimize a deeply-flawed elections process.”<sup>99</sup>

In line with this fear, most international observer missions followed the same basic approach: acknowledging that the elections did not meet international standards

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<sup>95</sup> African Union, Report of the Chairperson of the Commission on the Situation in the Sudan and on the Activities of the African Union High Level Implementation Panel on Sudan, November 30, 2010, World Peace Foundation archives, Somerville, Massachusetts.

<sup>96</sup> Marc Gustafson, “Elections and the Probability of Violence in Sudan,” *Harvard International Law Journal* 51 (2010), 50.

<sup>97</sup> Alex de Waal, “AU and UN Strategies for 2010/11,” Presentation for Sudan Consultative Group, May 8, 2010, World Peace Foundation archives, Somerville, Massachusetts.

<sup>98</sup> De Waal, “Sudan on the Eve of the General Election.”

<sup>99</sup> Sudan Democracy First Group, “Observer Missions Must Stop Lending their Credibility to Sudan Elections,” April 6, 2010, accessed April 29, 2013, <http://www.sudantribune.com/spip.php?article34666>.

while concluding that it was unrealistic to expect them to meet these standards. Despite widespread reports of fraud, IGAD and the Arab League issued largely positive statements, while the AU statement recognized the election as an “imperfect event” that nonetheless was “an important step forward in the country’s democratisation process.” While the Carter Center and EU were more critical, even their reports used relatively soft wording.<sup>100</sup> All reports avoided terms like “free and fair” or “legitimate” to avoiding passing judgment.<sup>101</sup> In effect, election observers reconfigured the goal of elections from making unity attractive to making secession possible.<sup>102</sup> They concluded that the only way to protect the referendum was by avoiding a confrontation with Bashir over the election.<sup>103</sup>

### **The Electoral System: Majoritarian and Complex**

Finally, the design of Sudan’s electoral system may have played a role in limiting the prospects for democratizing elections. Like the CPA itself, the electoral system emerged from complex, multiyear negotiations between the NCP and SPLM. While the system that emerged from these negotiations was designed to distribute power so as to alleviate southern grievances stemming from the war, it did so at the expense of opposition parties (through its majoritarian nature) and voters (through its complexity).

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<sup>100</sup> Renzo Hettinger, “Comparative Analysis of the Statements on Electoral Observation Made by the European Union Electoral Observation Mission, the Carter Center, the League of the Arab States, Intergovernmental Authority on Development, and African Union,” April 21, 2010, World Peace Foundation archives, Somerville, Massachusetts.

<sup>101</sup> De Waal, “Chairperson’s Talking Points.”

<sup>102</sup> Nureldin Satti, “Engaging Sudan: The Word is Mightier than the Sword,” in *Two Views on the Crisis in Sudan*, Woodrow Wilson Center, 2010, 17, accessed April 29, 2013, <http://www.wilsoncenter.org/sites/default/files/two%20views%20on%20sudan.pdf>.

<sup>103</sup> Jeffrey Gettleman, “Bashir Wins Elections as Sudan Edges Toward Split,” *The New York Times*, April 26, 2010, accessed April 29, 2013, [http://www.nytimes.com/2010/04/27/world/africa/27sudan.html?\\_r=0](http://www.nytimes.com/2010/04/27/world/africa/27sudan.html?_r=0).

While the electoral system was intended to distribute power, it was largely majoritarian in nature. It did incorporate some power-sharing elements by making it difficult for one party to capture a majority of National Assembly seats, even fraudulently, and distributing power among regions. But the combination of first-past-the-post (FPTP) and proportional representation (PR) for legislative seats (60 percent FPTP; 40 percent PR, with 25 percent drawn from women's lists and 15 percent from party lists) still produced a majoritarian outcome.<sup>104</sup>

Several factors contributed to this outcome. First, each of these lists was registered at the state rather than the national level, favoring large parties with state-level organizational structures.<sup>105</sup> Second, the PR ballots were parallel rather than linked to the FPTP ballots, meaning that they did not directly compensate for the FPTP ballots' disproportional results. Third, the proportional system was divided into two components (women's list and general list). These three factors collectively raised the proportion of the vote a party needed to win to secure a seat on either list. In almost all states, parties needed to win a large share of the vote to secure even one seat from the women's list or party list. For example, one state was allocated only one general list seat, requiring a party to win a majority of the vote in order to be guaranteed the seat; four states were

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<sup>104</sup> Marc Gustafson, "Electoral Designs: Proportionality, Representation, and Constituency Boundaries in Sudan's 2010 Elections," Rift Valley Institute, 2010, accessed April 29, 2013, <http://www.riftvalley.net/resources/file/Electoral%20Designs%20-%20Report%20on%20elections%20in%20Sudan.pdf>.

<sup>105</sup> Gerard McHugh, "National Elections and Political Accommodation in the Sudan," Conflict Dynamics International, Governance and Peacebuilding Series Briefing Paper No. 2, 2009, 24, accessed April 29, 2013, [http://www.cdint.org/documents/CDI-Natl\\_Elections\\_and\\_Pol\\_Accommodation\\_in\\_the\\_Sudan\\_June\\_2009.pdf](http://www.cdint.org/documents/CDI-Natl_Elections_and_Pol_Accommodation_in_the_Sudan_June_2009.pdf).

allocated only two general list seats, requiring a party to win more than one third of the vote to be guaranteed a seat.<sup>106</sup>

Further contributing to the majoritarian nature of the system, parties could not run on the party and women's lists as coalitions, which reduced incentives for smaller opposition parties to form alliances; even if they campaigned together, they could only register on the lists as single parties. Finally, the FPTP ballot had particularly disproportional results because it relied on single-member rather than multi-member constituencies. Single-member constituencies further undermined the potential for small opposition parties to win representation in constituency-level contests.<sup>107</sup>

In addition to being essentially majoritarian, Sudan's electoral system was one of the most complex in the world. This complexity made it difficult for election officials to implement and difficult for everyone, especially voters, to understand.<sup>108</sup> In total, each voter in the north had to fill out eight ballots, and each voter in the south had to fill out 12. Moreover, the non-presidential ballots were different in each state, resulting in a total of 1,268 different ballots across the country, and each ballot could have as many as 20 candidates running for each seat, resulting in very long ballot papers.<sup>109</sup> Considering the high levels of illiteracy in parts of Sudan, voters faced significant challenges after entering the voting booth. The electoral system was challenging not only for voters but also for parties and candidates. Because parties were generally more familiar with the

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<sup>106</sup> Democracy Reporting International, "Prospects for Democracy in the World's Newest State," 2011, 14 accessed April 29, 2013, [http://www.democracy-reporting.org/files/report\\_sudan.pdf](http://www.democracy-reporting.org/files/report_sudan.pdf).

<sup>107</sup> McHugh, "National Elections and Political Accommodation in the Sudan," 24.

<sup>108</sup> Marc Gustafson, "Electoral Designs: Proportionality, Representation, and Constituency Boundaries in Sudan's 2010 Elections," 8.

<sup>109</sup> *Ibid.*, 39.

FPTP system, many party leaders contested these elections when they might have had a better chance of winning on a party list.<sup>110</sup>

It is impossible to know whether a different system would have contributed to a more democratizing outcome. The system decided upon resulted from extended negotiations between the NCP and SPLM and thus reflected attempts to address the concerns of both parties. Nonetheless, Sudan's electoral system was complex to the extreme, and a simpler alternative could have facilitated opposition participation and voter understanding, particularly in the most marginalized regions where most of the population is illiterate.

### **Elections as Competitive Clientelism**

In the end, due in part to all the factors discussed above, Sudan's elections were not democratizing. They were thoroughly undemocratic and did not make the government more inclusive of opposition interests; on the contrary, they decreased opposition representation—whereas the NCP and SPLM had held 80 percent of seats before the election, after it they held 90 percent.<sup>111</sup> The two incumbent parties won decisively in their respective regions, expanding their share of representation and reducing that of the opposition.

As a result, the elections marginalized a number of groups: the main opposition parties in the north, southern opposition parties, Darfurians who did not support the NCP, and northern civil society organizations.<sup>112</sup> While they did significantly increase the number of representatives from some marginalized areas, particularly Darfur, this

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<sup>110</sup> Democracy Reporting International, "Prospects for Democracy in the World's Newest State," 8.

<sup>111</sup> De Waal, "Towards a Common Understanding of the Challenges Facing Sudan."

<sup>112</sup> De Waal, "Chairperson's Talking Points."



nominal increase did not necessarily translate into substantive change. For example, all representatives elected from Darfur were from the NCP. Moreover, all three state governors from Darfur had been prominently involved in mobilizing janjaweed militias, and most state commissioners remained unchanged or were simply shifted around.<sup>113</sup>

The NCP—as well as the SPLM in the south—undeniably perpetrated electoral fraud and harassed opposition parties. But while fraud and harassment inflated the NCP’s vote margins, they probably did not decide the outcome of the elections. Instead, the elections seem to have been an exercise in competitive clientelism. Based on the behavior of voters, Abd al-Wahab Abdalla called it “the ugly election.” He divided voters into two categories. One category of voters did not take particular interest in the elections and thus either did not register or did not vote. The other category—those who depended on government beneficence—voted for the NCP. Within the NCP, according to Abdalla, they tended to vote for the “ugliest” candidates, “because the ugliest representative is likely to be the one seated closest to the president and his minions.” The Sudanese thus voted primarily based on their assessment of how their vote would affect the distribution of rents rather than based on individual bribes received—let alone policy platforms or democratic ideals.<sup>114</sup>

This assessment of the election closely parallels Lust-Okar’s description of competitive clientelism. Just as Blaydes uses the concept of competitive clientelism to explain the persistence of electoral authoritarianism under Mubarak in Egypt, Abdalla

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<sup>113</sup> Julie Flint, Darfur Briefing, September 20, 2010, World Peace Foundation archives, Somerville, Massachusetts.

<sup>114</sup> Abd al-Wahab Abdalla, “Sudan: The Ugly Election,” African Arguments, April 22, 2010, accessed April 28, 2013, <http://africanarguments.org/2010/04/22/the-ugly-election/>.

describes the elections in Sudan as setting the country along Egypt's path.<sup>115</sup> These elections did not challenge the status quo; they reaffirmed it.

## **VI. Conclusions**

The failure of Sudan's elections to bring about democratization tempts the conclusion that the international community should not have pressed for elections in Sudan, at least not prior to the referendum. This conclusion, however, would miss the point. Elections in Sudan prior to the referendum were necessary for the two reasons discussed above. First, they were necessary to open the possibility of bringing more parties into the agreement and effecting a democratic transformation. Second, they were necessary to legitimize the possibility of unity, which although unappealing to most in the south was necessary to maintain the NCP's support for the CPA and avoid alienating marginalized regions in the north.

The elections could not achieve these goals, however, unless they were democratizing; instead, they bolstered the status quo. Although they did increase the number of representatives from some marginalized areas, they decreased representation of marginalized political parties and their supporters. Moreover, they did not legitimize unity but instead laid the foundation for southern secession. Those originally pushing for elections may not have been able to foresee how conditions would change to make democratizing elections so unlikely. But looking back at the elections now, particularly in the context of the literature on democratization by elections, what lessons can we learn?

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<sup>115</sup> The comparison to Egypt does not, of course, take into account the subsequent uprising that brought down Mubarak's authoritarian regime. This uprising was not, however, directly related to elections, although the long-term role regular elections may have played in the uprisings is unclear.

First, these elections demonstrate the antidemocratic consequences of opposition disorganization and opposition boycotts. The opposition in the north was disorganized and divided along many fronts. One of the most prominent divisions was between the SPLM, which operated not only as an incumbent in the south but also as an opposition party in the north, and the historical northern opposition parties. Particularly following the death of Garang, the SPLM's commitment to a national democratic transformation was tenuous at best, while such a transformation was the only avenue through which the other northern opposition parties could hope to achieve substantive representation. Beyond this fundamental division, the SPLM faced its own internal division between its northern and southern sectors over how to approach elections outside Southern Sudan. The northern opposition parties were also deeply divided, particularly over whether or not they should compete in the elections; even with the election days away, they were unable to reach a united decision. As the literature would predict, the fractured nature of the opposition seriously undermined the prospects for democratization. The opposition particularly missed an opportunity in the presidential election, where they could have taken advantage of the two-round system to launch a serious challenge against Bashir.

The lack of opposition unity also contributed to a failure of opposition mobilization. When confronted with the dilemma proposed by Schedler—boycott, protest, or acquiesce—opposition parties regularly switched their approach, and most ultimately settled for the least effective and least conducive to democratization: boycott. Despite the potential effectiveness of well-coordinated boycotts, this boycott was thoroughly haphazard. Opposition parties would likely have been more successful if they

had instead focused on mobilizing supporters—or, more generally, if they had followed an “electoral model of democratic change.”

Second, these elections demonstrate the perverse and antidemocratic consequences an independence referendum can have on elections. In Sudan, the timetable for the elections and referendum was too short and inflexible. Given the monumental scope of tasks scheduled to precede the elections, electoral delays were inevitable, but the CPA contained no provision for parallel delays to the referendum. Although the south would have resisted, tying the referendum date to the election date, with a guaranteed period of at least three years between the two, might have positively altered the incentives facing the parties during the elections. With a longer period of unity under an elected government, the SPLM might have more seriously contested elections in the north, and this in turn might have opened political space and mitigated the alienation of northern opposition parties and peripheral northern regions.

While this conclusion is purely conjectural, comparing the CPA with other peace agreements involving referenda could help substantiate it. The peace agreement in Timor-Leste provided for no elections prior to the referendum and a transition period of only four months. Partly as a result, the vote for independence instigated anti-independence militias to massacre around 1,400 civilians. On the contrary, the understudied peace process in Bougainville could provide a useful model. The Bougainville agreement linked the election and referendum dates, with a ten- to fifteen-year interim period. Although the independence referendum has yet to occur (the elections were held in 2005), the

agreement has proven a preliminary success and promoted democratization.<sup>116</sup> A similar arrangement might have helped alter the SPLM's incentives in Sudan, increasing the prospects for democratizing elections.

Third, these elections demonstrate the potential antidemocratic consequences of ICC arrest warrants issued against politicians prior to elections. It may be helpful to view the effects of the arrest warrant in the context of Levitsky and Way's findings that international leverage promotes democratization. The ICC arrest warrant effectively eliminated international leverage against Sudan. International leverage, in the form of expectations that the U.S. would normalize relations, played an important role in Sudan agreeing to the CPA but decreased during the transition period, as it became increasingly apparent that normalization would not happen. The 2009 ICC arrest warrant eliminated any leverage that remained. With Bashir a wanted man, the international community had no carrots to offer and no sticks to use. The arrest warrant also affected Bashir's electoral incentives. Fear of arrest, as well as a desire to reclaim legitimacy, increased the stakes of the elections and raised the risks of democratization. By not issuing the arrest warrant before the elections, the ICC would have kept the stakes the same, which may even have resulted in Bashir not competing in the elections at all.

Fourth, these elections demonstrate that expectations for how international observers will report on elections might affect the opposition's decision to boycott and thereby indirectly affect democratization. A range of international organizations observed the elections in Sudan, ranging from the less critical AU and Arab League to the well-respected Carter Center and EU. Because of the impending referendum, however, even

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<sup>116</sup> Benjamin Reilly, "Post-War Elections," in *From War to Democracy: Dilemmas of Peacebuilding*, eds. Anna K. Jarstad and Timothy Sisk, (Cambridge: Cambridge University Press, 2008), 169.

the Carter Center and EU faced pressure not to pass strong judgment on the elections and to give them a passing grade. In light of domestic criticism of these observer missions in advance of the elections, opposition parties may have suspected the international community's tepid support for democratization and thus not expected observers to improve the quality of the election. In line with Kelley's findings, expectations of international observers rubberstamping election results may have contributed to the opposition decision to boycott.

Finally, these elections demonstrate the potentially antidemocratic effects of complex, majoritarian electoral systems. Majoritarian electoral systems favor incumbent parties by effectively raising the threshold for representation. Complex electoral systems also favor incumbent parties, which have greater capacity and resources to take advantage of—or manipulate—little understood nuances and to educate voters. While Sudan's electoral system was power-sharing in the extent to which it increased representation for some marginalized regions, it did not promote the distribution of power among political parties in the north. The failure of opposition parties to win representation resulted in large part from their own ineffective electoral strategies, but the electoral system, both in terms of its majoritarian nature and complexity, presented an additional barrier.

It should be noted, however, that an electoral system based fully on PR may not have contributed to effective power sharing, as a PR system based on the regionally skewed census results would have perpetuated the low levels of representation for marginalized regions.<sup>117</sup> Nonetheless, a simpler and more broadly power-dispersing

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<sup>117</sup> Gustafson, "Electoral Designs: Proportionality, Representation, and Constituency Boundaries in Sudan's 2010 Elections," 42-43.

electoral system may have increased prospects for democratization. One possibility could have been an electoral system that remained a mix of FPTP and PR but increased the proportion of seats determined by PR to 50 percent, based the PR results on a single list alternating between male and female candidates, and linked the PR and FPTP ballots to increase overall proportionality. While it is impossible to know how any system will work in practice, a system similar to that proposed here could increase the potential for power sharing among political parties while maintaining the regional power sharing achieved under the current system while also reducing the number of ballots.

### **Looking Ahead: Democratization in 2015?**

This paper focuses on a single election in Sudan—its first multiparty election in decades. It is often more useful, however, to look at the democratizing effects of a series of elections rather than a single election. A single election might not bring any immediate change but incrementally increase the potential for future democratization.<sup>118</sup> In constructing his model of elections in authoritarian regimes, Schedler identifies the first elections not as the final step of regime change but as the initial point of departure.<sup>119</sup> We thus may need to look beyond Sudan's first post-conflict election. While this election was deeply significant, particularly as it turned out to be the last election held in a unified Sudan, subsequent elections could yet contribute to democratization in the north. What are the prospects for democratizing elections in 2015?

The prospects depend in part on the constitutional framework within which these elections take place. Constitutional negotiations remain ongoing, although with little opposition or public involvement, and it is difficult to predict what effect a new

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<sup>118</sup> Teorell and Hadenius, "Elections as Levers of Democratization: A Global Inquiry," 80.

<sup>119</sup> Andreas Schedler, "The Nested Game of Democratization by Elections," *International Political Science Review* 23, no. 1 (2002), 110.

constitutional or electoral law could have. One promising sign, however, is Bashir's announcement that he will not seek reelection in 2015. Howard and Roessler find that democratizing elections are more likely in cases of incumbent turnover, and this announcement thus represents an important opportunity.<sup>120</sup> But even if Bashir does not run, the opposition would need to unite and mobilize in order to challenge the NCP-sustaining logic of competitive clientelism. The 2010 elections left many in the north feeling frustrated, and this frustration could be channeled into mobilization for the next election.<sup>121</sup> But mobilization will be impossible without parties and leaders to support it.

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<sup>120</sup> Roessler and Howard, "Liberalizing Electoral Outcomes in Competitive Authoritarian Regimes," 375.

<sup>121</sup> De Waal, "Towards a Common Understanding of the Challenges Facing Sudan."



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