

Sudan Democracy First Group

Sudan's rigged elections: the post election implications on Sudan's stability

Sudan Democracy First Group (SDFG): Position Paper (5)

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Context

The three phases of Sudan's rigged "elections" (pre-election environment, the polling process and the declaration of the result) are now complete. Last week the National Election Commission (NEC) announced the predictable result, launching a new era in the expanded domination of the country by the National Congress Party (NCP) and its indicted President.

SDFG believes that these "elections", which were carried out under the observation of the international community in the name of democratic transformation, represent a threat, an additional problem to be tackled, in the ongoing crisis of peace, stability and transformation in Sudan, opening the door for further polarisation, tension and the eruption of conflict and violence in the country.

It is not for any external agency to grant legitimacy to the results of an election: it is for the people and its political forces and representatives. One of the ironies of the Sudanese election, however, is that despite the fact that it was boycotted by the major political parties and its results were not recognised by many of those who *did* participate (DUP/NPC/SAF), its meaning and legitimacy seems to have become a matter of international and regional determination: ! نه حق من لا يملك لمن لا يستحق (It is the right of the one who doesn't own to give to the one who does not deserve)

We note that with the completion of these absurd elections the regional and international community were continuously at pains to stress two messages that constituted for them the success of this election. First, the election represented the first multiparty political experience in two decades that had paved the way for the democratic transformation. Second, that the conduct of the election itself was a cornerstone of the implementation of the Comprehensive Peace Agreement (CPA) and that re-electing the NCP was a guarantor of both the CPA and the referendum. As will be detailed below, these assumptions reflect a profound lack of comprehension of the complexity of Sudan's crisis. We reject these election "lessons" from the international community as reflective of self-interested positions which we have previously publically characterised as paternalistic, neo-colonial, and unreflective of the will of the Sudanese people. As articulated by the international community, including its observer missions, these lessons also echo the key components of the discourse of the NCP itself, whether in negotiating with, or threatening, the Sudanese political forces to accept and recognise this election, regardless of its flawed nature.

Despite the good intentions or perhaps wishful thinking of the international and regional community during this election, the particular role they have played has opened the door to the laying of accusations of complicity in the fraudulent conduct of the elections by the Sudanese public and civil society. These include that they have been subject to corruption, lent undeserved legitimacy to an illegitimate process, interfered with and pressurised internal domestic political party dynamics, turned a blind eye to human rights violations, bestowed their imprimatur on fraudulent NCP and NEC practices, and minimised the rights and expectation of the Sudanese people by requiring only that the election meets the "needs" of Sudan's "realities" and reductionist "African and Arab standards" .

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SDFG is disappointed by the dominance of conservative short-sighted trends in international and regional positions on Sudan which have utilised the resources and taxes of their countries to support a rigged electoral process that has simply reproduced the power of the enemies of peace, justice and democracy in Sudan. At the same time we have also witnessed how the genuine voices of our international and regional partners in the human rights movement and believers in peace and democracy in Sudan have also been weakened into hesitancy.

SDFG confirms its former analysis and notes its work to address the destructive effects of these elections on the fragile stability of different parts of the country. Our positions are in line with the reports of independent civil society observation groups that have a clear objective of achieving peace and justice and democratisation. In this position paper we outline some of the lessons and implications of the election process for peace and transformation in Sudan. SDFG is working to conduct various widespread consultations and detailed research and advocacy with different sectors of independent Sudanese civil society groups in different parts of the country. The main implications of the elections for main political and geographical areas of Sudan's crisis are the following:

The political centre

The declaration of the election results will lead to a complete legislative coup by the NCP through the achievement of full legislative dominance (more than 80% seats held by NCP) in the national parliament. This primacy is likely to enable the legislative erosion of the various peace agreements constructed over the last five years (the Comprehensive Peace Agreement, the Darfur Peace Agreement, the Eastern Sudan Peace Agreement, the Cairo Agreement etc.,) building on the foundations of the *de facto* undermining of these agreements through the maintenance of laws and practices which are fundamentally at odds with the spirit and letter of the agreements and constitutionally protected basic rights and freedoms. The same complete NCP dominance will also now apply in the executive branch. In other words, facilitation of the fraudulent election has assisted the NCP to expand its almost total control of the Sudanese official apparatus, once again reproducing the intensity of the NCP state which was put in place after the June 30 1989 coup, with all its attitudes and orientations firmly in place. These include the repression of pluralism and basic freedoms, the dissemination of a culture of hate, racism, and accusations of apostasy, the strengthening and rebuilding of political Islam and the expansion of fundamentalist ideas (including through the deployment of special militias and groups previously mobilised under NCP supervision), the imposition of forced unity on Southern Sudan (including expected manipulation of the transitional period) and enhanced opportunities to legalise violence, political repression and women and human rights violations.

Blue Nile and South Kordofan

The result of the elections in South Kordofan and Blue Nile holds special importance because of its direct connection with the planned popular consultation and the potential for peace and war in these two areas. The NEC confirmed this fact through its decision to postpone the elections for the state legislature and the post of governor in South Kordofan, "due to security and political situation and the implications for the election, to maintain peace and stability and ensure the public interest."

The results of the election and overwhelming dominance of the NCP within the political and legislative decision-making centre will return the Blue Nile and South Kordofan areas to their position at the Naivasha talks, when, after a hard fought war, they managed to achieve special status through the agreement of a special Protocol and the recognition of its essential component, the popular consultation process. The capacity of the two areas to achieve their civic and political rights as reflected in the Special Protocol, however has now been seriously weakened by a variety of factors which were not present during the Naivasha discussions. These include the return of the NCP to its position post coup with a monopoly on the state institutions and all the attendant operational strategies of time stalling and zero sum negotiations, coupled with the new momentum which now exists to ensure a highly possible

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South Sudan independence. Buoyed by the current election results, the NCP will use all the tools at their disposal to create barriers to the achievement of the Protocol both in its engagements with the documents, mechanisms and procedures of the popular consultation process and in the subsequent negotiations. Accordingly the result of these elections will in practice be to suck the special arrangements including the popular consultations of their particular political content and meaning, ending in the assimilation of the two areas into the structure of the NCP's post election state. This is alarming. The implication of the election for the two areas is the defeat of the legitimate demands of the people of South Kordofan and Blue Nile, returning them back to their pre Naivasha state.

Darfur

All major Sudanese actors in Darfur agreed unanimously that elections in Darfur were impossible, not only in terms of their operational aspects but also in terms of their fairness and appropriateness in the context of the ongoing conflict in Darfur today: displaced persons, the armed movements, Darfur civil society, major political parties including the Mini Minawi movement. In contrast to this was the positions taken by the observer missions brought in by the NCP such as the League of Arab States, the African Union and the Arab/European observation network. At the same time as these false elections were conducted (on the insistence of the NCP and NEC and after pressure on the United Nations and African Union Mission in Darfur (UNAMID) to give the green light), many reports were confirming the continued aerial bombardment that resulted in tens of thousands of internally displaced persons (IDPs) fleeing their homes, adding to the millions of IDPs and refugees who are still living in great insecurity in the camps, lacking basic necessities of life.

The conduct of the elections in Darfur in these circumstances reminds SDFG of the insistence on conducting previous "elections" in southern Sudan the response to which was one of the factors that drove the people of South Sudan to seek the right to self-determination. In the same way, one of the implications of current elections in Darfur will be to drive its people into further rejection of the political centre, leading to increasing political polarisation. The rebel movements reflected this stance by denouncing the election results and critiquing the neutrality of UNAMID as supportive of NCP interests during the election. In Darfur the priorities of peace, the protection of IDPs, the voluntary return of the displaced to their original lands, and compensation and accountability, were, and are, the urgent priorities: not the conduct of a corrupt election that simply extended the power of those who were the main authors of the crimes suffered by the people of Darfur.

The implication of the current election will simply be to add a new layer to the crisis in Darfur, perhaps even leading to the failure of the current peace process in Doha, which lacks transparency and is being managed by the international and regional community with the same mentality which animated involvement in the election, pressurising the parties to engage on formalities and process and avoiding the real substance of the engagement. This is also reflected in the lack of participation of genuine civil society in the process in addition to the lack of direction in the unification efforts which are at the same subject to strenuous efforts at fragmentation. The impact post election on this process, already mired in difficulty, can only be more failure and a mobilisation against the interest of peace in Darfur, peace which seems ever further away.

The political north

It is simply not true that the current election comes after twenty years of waiting for multi party politics to be experienced and for pluralism to express itself. Despite two decades of domination by the NCP, and the almost complete exclusion of others from participation in power, the political forces have continued with their resistance and defence of civil and political rights, including the use of armed resistance. It is therefore not accurate for the international community to reflect NCP's articulation of this election as a rare opportunity for political forces to express themselves. Indeed when the NCP tried to root the legitimacy of its domination in similar polls in 1996 and

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2000, these elections which were also rejected and boycotted by the same political forces as part of a continuous political dynamic of resistance which has continued for over twenty years.

Recognition of the election results will replicate the complete exclusion of the major political forces once again. This will particularly be the case because of the current atmosphere of polarisation, the political and historic moment created by the looming independence of the South, and the continuation of the crisis in Darfur. An additional environmental factor is the diverse expansion of the political north now to include those who have regional and sectoral demands, for example, with respect to Eastern Sudan, the far North, victims of development projects, women's rights groups, democratic groups and others who will suffer specific exclusion as a result of this election. In this context the political forces in the political north will find themselves contemplating various scenarios for resisting the exclusion and domination of the NCP in order to realise their vision of stability and democracy, including their position on the right to self-determination for the people of South Sudan. Indeed the prospect of peaceful democratic implementation of the self-determination referendum and the creation of a friendly and stable political context in South Sudan during the eight-months post election and in the post referendum era may create an enabling environment for democratic forces in the north to explore their own self interest in supporting and rallying behind the long term implications of achieving a fair, democratic, successful and timely referendum.

South Sudan

The conduct of elections in Southern Sudan were not a matter of high political significance compared with the major challenges that have been facing the government in the interim period, such as, for example, the establishment of stability after decades of war and creating the appropriate environment for the referendum. Although elections were relatively an imposition on South Sudan, and despite electoral irregularities, violence and restrictions on freedoms that certainly hampered the process, the people of South Sudan did succeed in the conducting the first comprehensive poll to elect their representatives at all levels across the South. At the same time, the elections also expanded the power of the NCP to control what remains to implement of the CPA, in particular the referendum and the post referendum arrangements: these elections have in South Sudan, "put the fox in charge of the hen house". Despite the fact that some have suggested that the position of the 'elected' President as an ICC indictee will put him in a weakened negotiating position on the referendum and related issues, we believe that 'the re-election' of President El Bashir represents a serious threat to the implementation of the CPA.

One of the ironies of the current election is that the "elected" President Omar al-Bashir who is expected to politically supervise the referendum process, appears to have got only slightly more than 10% support from the voters in South Sudan in a clear message that also indicates the position of the people of South Sudan on the issue of self-determination and the NCP. In this regard, in place of the of the huge political and diplomatic efforts and the major program of technical and financial support which were poured out by the international community around the elections, their efforts could have been much more worthily directed to addressing issues of stability, development and good governance and the creation of arrangements for the referendum and beyond, rather than mortgaging these objectives to the fraudulent elevation of a political power at the centre with a history of dishonouring agreements.

Self determination was intended to be managed in a dialectical relationship with the process of democratisation. As the realities of this election have entombed that process, however, it is vital that self determination is honoured as a sacred absolute if the future is not to lead to a new eruption of blood. If there had been a conducive democratic environment for the exercise of the referendum it could have constituted a right for all Sudanese in cooperative and positive interaction with each other to honour the choice and expression of their fellow citizens in South Sudan. In contrast, the results of this election are sounding warning bells for the achievement of all stages of the referendum up to the post referendum issues. These include the pre polling environment and procedures (such as the creation of

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the Referendum Commission), the voting process on self determination itself and the arrangements and issues related to the outcome of the referendum which must be settled with concrete resolutions now.

Providing answers to key issues such as North/South border demarcation, Abyei, citizenship and nationality, assets, oil fields, pipe line and its trade, the Nile water, external debt, the status of the border tribes etc., is critical. As easily as discussion of these issues could lead to a peaceful expression of the will of the people of South Sudan it could also lead to the eruption of multi sided wars around each of these issues separately. The prospect of finding positive solutions for all these arrangements has been weakened through the rigged election and the perpetuation of the NCP state with broader powers of control and domination. With the President of the whole country lacking even the legitimatization of representation in the south, the possibility for a peaceful referendum is reduced, just as the threat of the NCP state for international peace and security expands. UNMIS does not have the mandate or capacity or indeed insight to respond to these challenges: just last week their mandate was renewed without consideration of the political calendar for the referendum during this year or the implications of the current elections.

Conclusion

As SDFG sated previously that the boycott of the elections “helped to prevent the threat of violence, contributing to maintaining the fragile social stability”. We are concerned that the current election experience is adding to the crisis of Sudan as it lives through multiple and interwoven experiences of conflict, post-conflict. Despite the success in preventing an outbreak of violence during and immediately after the elections it does not mean that these factors which might trigger a return to greater violence are not present for the midterm. This scenario requires the international community to rethink the interventions they are proposing and implementing, such as the recognition of the current election. These interventions, and the approach which animates them are partial, fragile, temporary and potentially explosive, particularly absent direct engagement with the roots and essence of the crisis and with the active participation of all Sudanese, in particular its democratic forces.

Sudan Democracy First Group is:

A coalition of democrats and for Sudan activists, trade unionists and academics men and women representing Sudan different cultural and ethnic backgrounds. The main agenda of the initiative is to voice the concerns of the voiceless Sudanese people across the country in democracy and its intersection with Sudan peace, justice and development. The initiative is connected to other initiatives formed by Sudanese people in different centers across Sudan.

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