

A stylized map of Sudan composed of a grid of grey dots. Several dots are highlighted in red, indicating specific locations or regions of interest.

Elections and Conflict in Sudan

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- The clear supremacy of the ruling National Congress Party (NCP) in North Sudan and of the Sudan People's Liberation Movement (SPLM) in the South pre-empted the occurrence of major violent incidents involving political forces during the national elections in April 2010.
- As part of the peace agreement, if the elections had failed the whole peace process would have been affected. Therefore, there was a strong readiness to accept the results despite democratic flaws.
- While the national elections were fairly peaceful, violence escalated after the (post-poned) elections in the state of South Kordofan in May 2011: the neck-and-neck race between the two parties stoked up the existing tensions in this border state.
- However, the main reason for the escalation of violence was not a failure to accept the election results, but the high degree of military mobilisation and the failure to integrate fighters from the former Southern rebel army.



Contents

1. Current Situation	2
2. Context Analysis	3
2.1 Rules of the Game.	3
2.1.1 History of Elections in Sudan	3
2.1.2 Electoral, Political and Juridical System	6
2.1.3 Context of the 2010/11 Elections	7
2.2 Key Players and their Interests	9
2.2.1 Political Parties	9
2.2.2 Armed Groups and Security Forces	10
2.2.3 Elites and Civil Society	11
2.2.4 Tribes and Ethnicity	11
2.2.5 Alliances	11
2.2.6 National Institutions	12
2.2.7 The Role of the Media	12
2.2.8 Main Defects of the Political System.	13
2.3 Socio-Economic Reality	13
2.4 External Influences	14
3. Conclusion: Elections and Violence in Sudan – Potential and Reality	15

1. Current Situation

The national elections which took place 11-15 April 2010 in Sudan were part of the peace agreement (Comprehensive Peace Agreement/CPA) which ended the civil war that had been going on for 20 years between the government and rebel groups in the South. After being postponed several times, the national elections in 2010 finally put an end to the transitional government which consisted of the two signatories of the CPA, the Government of Sudan (represented by the dominant National Congress Party/NCP) and the Sudan People's Liberation Movement (SPLM). Government posts and parliamentary seats were distributed according to fixed quotas. Elections were held at all levels: national presidency, state governors, national and state parliament, president and parliament of South Sudan. The CPA set elections as a pre-condition for the referendum in January 2011 in which citizens of southern Sudan finally voted almost unanimously for an independent South Sudan with the borders of 1 January 1956 agreed upon in the CPA. For the citizens of Abyei, the CPA provided a referendum on the question of whether the area should remain with the north or become part of the (southern) state of Bahr El Ghazal. This vote was postponed for an indefinite time because of a disagreement between NCP and SPLM on who should be entitled to vote. In only vaguely defined »popular consultations«, the two border states South Kordofan and Blue Nile were given the possibility to express their opinion on the CPA and the extent to which it addresses the needs of the population. According to the CPA, a committee appointed by the elected state parliament is assigned to question the population on the (un)successful implementation of the CPA and to collect recommendations which shall be transmitted to the presidency. However, there is no clear definition on how to handle such recommendations. While Blue Nile started the first phase (of three) in February 2011 (results not yet published), South Kordofan has not implemented the consultation due to the postponed elections (May 2011) and the ensuing violence.

Since the peace agreement was signed in Naivasha in 2005, locally limited clashes between the Sudan Armed Forces (SAF) and the Sudan People's Liberation Army (SPLA) have occurred in sensitive areas north and south (Abyei, Malakal). Both parties – genuinely or rhetorically – have adhered to the obligation to implement the CPA with regard to the ceasefire. Regarding the democratic

transformation foreseen by the CPA, the political elites in the North and, to a certain extent, also in the South were less engaged, less willing or less able to implement the requirements of the CPA. The same applies to the overall-all clause »to make unity attractive«: None of the signatory parties made a visible effort to make the unity of the country an attractive option. Assuming that the lack of political participation and fair economic inclusion were root causes of the civil war, the remaining high potential of violence becomes obvious. After the signing of the CPA, other conflicts broke out into open violence which had been boiling under the surface: rebel groups had been active since the late 1990s in the East and were appeased in 2006. Fighting between army and rebel groups in Darfur started in 2003 and is ongoing. Over the past two years an increasing number of so-called tribal clashes have been witnessed in the South where existing tribal rivalries are being stirred up and misused for political ends. There are now several thousand dead and tens of thousands of displaced persons. In addition, in the sensitive border areas SAF and SPLA were rather confronting each other than serving jointly in the established Joint Integrated Units (JIU). Militarisation is high, while demobilisation is slow.

The level of statehood differs considerably between North and South. In the North, the state can be described as fragile with regard to social services and protection of civilians. When it comes to control of territory, identification and elimination of assumed threats to the regime and the control of protests and opposition the different security organs work effectively, although not always in a coordinated way. In the South, where a civil (semi)autonomous state structure was built only after 2005, it is mainly the state's lack of a monopoly on force that makes it fragile. The government in Juba has not been able either to protect citizens on a broader base, particularly in rural areas (for example, from tribal clashes or marauding SPLA), or to provide education, health care or other services. However, when it comes to particular threats like by some »renegade« generals, military structures are still effectively functioning to defeat alleged rebels. Despite the decentralized system which is foreseen in the CPA and INC, both governments still operate in a centralised way, although decentralisation is ongoing. In the North violation of human rights is a tool used by the state to contain challenges. In the South SPLA/M was in the past as well very efficient in using human rights violations as a mean of war. In addition,

certain traditional values and customs have a particularly negative effect on the respect for rights of women and girls. The lack of state control and capacities in the South prevents prosecution of any kind of human rights violations, be it committed by authorities or by private persons. The lack of respecting human rights is part of the described war mentality.

In the background but still relevant to Sudan's elections is the indictment of President Omar Bashir by the **International Criminal Court (ICC)**. Legally, it does not make any difference that the accused was democratically elected after the indictment. Nevertheless, in the perception of large parts of the political elite the issue of the (international) legitimisation of the president by democratic elections was a driving force to execute the elections.

2. Context Analysis

2.1 Rules of the Game

2.1.1 History of Elections in Sudan

Between 1953 and 2000, 17 national elections and referenda took place in Sudan. At first glance, this would seem to constitute considerable national experience with regard to holding elections. However, the circumstances in which the different elections were held demonstrate that the number of elections is not necessarily an indicator of increasing democratisation. Universal suffrage was not introduced before 1964. Previously, the right to vote was limited to educated people or collective groups. Since 1967, national elections have included the South, due to the two wars only carried out in few places. However, traditional Southern parties competed with branches from the traditional Northern parties that have put forward candidates in the South and won seats in the national parliament. The civil war ongoing since 1956 (interrupted by the Addis-Ababa Peace Agreement 1972-1983) between the central government and rebel groups in the South – although most of the fighting takes place in the South – prevented adequate electoral processes in the South not only due to security and logistical problems but also because of the dominance of the military spirit which led people to vote for the political groups to which their commanders belonged. In post-colonial Sudan we find the

following pattern: elected governments turn out to be corrupt and/or inefficient and are then overthrown by military or oppositional groups; the latter in turn seek legitimisation by elections until the next coup d'état. Even president Gaafar Nimeiry (1969-85) – who rejected the multi-party system – conducted elections and even referenda to legitimise and stabilise his power, as did the Islamist »Salvation« (Inghaz) regime after the coup in 1989. This political mindset was probably more harmful to the idea of elections as a source of legitimation than any vote rigging or fraud. Probably the biggest step towards democratic rule was taken with the first national multi-party elections in Sudan in 1953, which formed the first Sudanese self-government after the withdrawal of the British colonial power (the first step towards independence, which Sudan completed in 1956). One of the major decisions taken by this government concerned whether to unite with Egypt or to establish an autonomous Sudanese state.

Between 2005 and the 2010 election, power sharing was organised within the framework of the CPA: ministerial posts and state secretaries were distributed equally between SPLM and NCP on the national level. In fact, the most influential ministries, such as oil and finance, went to the NCP and the less influential ones, such as health care or education, went to the SPLM. Where the SPLM holds an influential post, like the one of the foreign minister, NCP engaged parallelly in external relations without coordinating with the ministry. The distribution of seats in the legislative assemblies was as follows:

- National assembly: 52 per cent of the seats for the NCP, 28 per cent for SPLM, 14 per cent for other Northern parties and 6 per cent for other Southern parties.
- Southern Sudan Assembly: 70 per cent for SPLM, 15 per cent for NCP and 15 per cent for other Southern political parties.
- Transitional areas: South Kordofan and Blue Nile: 55 per cent for NCP, 45 per cent for SPLM. Governors were rotating (South Kordofan had first an SPLM governor and Blue Nile one from NCP and after two years the other way around).
- Abyei is still administered directly by the presidency (up to elections).

These examples are just one source of evidence indicating how the CPA has strengthened the two signatory parties and marginalised other political forces.

Facts and Figures: National Elections 2010

The first step in the preparations for the elections was to conduct an updated census, which was done in April/May 2008. The first results announced were heavily criticised as having been manipulated by the North. After the first announcement, which declared that there were 3.8 million inhabitants in Southern Sudan, the final results were released in February 2009 and fixed the population in Southern Sudan at 8.2 million. This delay caused the delay of the whole election process which was foreseen by the CPA much earlier. Contrary to the others, the Northern state SPLM in South Kordofan did not accept the results for its state. This led to a new census and a postponement of the state election in South Kordofan. Voter registration was done in November and December 2009 and similarly contested and amended but finally accepted.

The election results further fostered the dominance of the NCP in the North and the SPLM in the South:

Presidential election
<ul style="list-style-type: none"> - Percentage of votes for Bashir in the North: 86.7 per cent, in the South: 13.8 per cent - National total for Bashir: 68.3 per cent - Least votes for Bashir in Blue Nile State (56.6 per cent), most in Red Sea State (95.4 per cent) - Others: Khartoum (91.5 per cent), Aljazeera (94.5 per cent), Sinnar (89.5 per cent), White Nile (92 per cent), Gadarif (88.2 per cent), Kassala (94 per cent), North Kordofan (89.3 per cent), South Kordofan (69.3 per cent), North Darfur (71.7 per cent), South Darfur (67.5 per cent), West Darfur (73.6 per cent), Northern State (92.3 per cent), Nile State (91.9 per cent)
Southern Sudan presidency
<ul style="list-style-type: none"> - Salva Kiir Mayardit (SPLM): 2,616,613 votes out of the total of 2,813,830 valid votes: 93 per cent - Dr Lam Akol (SPLM – Democratic Change): 197,217 votes (7 per cent)
National parliament
<ul style="list-style-type: none"> - Geographical constituencies – total: 194. NCP/177 seats, DUP/3, DUP-O/1, IND/3, Muslim Brotherhood/1, NUP/1, SPLM/4, Umma/1, Umma-Fed/1, Umma-Ref/1, Umma-Dev/1 - Party list – total: 52. NCP/50 seats, SPLM/2 - Women's list – total: 88. NCP/82 seats, PCP/3. SPLM/2, Umma-Fed/1

Southern Sudan Legislative Assembly
<ul style="list-style-type: none"> - Total: 170 seats – SPLM/159, SPLM-DC/3, Independent/7, NCP/1
Governors
<ul style="list-style-type: none"> - North: 13 out of 14 states elected the NCP candidate (Blue Nile: SPLM) - South: 9 out of 10 states elected the SPLM candidate (Western Equatoria: independent) - Total turnout: 72 per cent of the registered voters

For a long time it was an open question whether elections could be conducted in **Darfur**. They were in the end, but international observers were denied access on polling days. At the beginning of April 2010, SPLM withdrew its candidates from Darfur, justifying this decision on the basis of the unstable security situation.

In the area of **Abyei**, which since the peace agreement has special status under the presidency with a local administration, was excluded from the election, since no agreement could be reached on who counts as eligible voters (for example, are the nomadic Misseriya to be included [NCP] or not [SPLM]).

Irregularities observed range from logistical deficiencies – such as the late arrival of ballot papers, late opening of polling stations and incorrect ballot forms and lists – to more politically motivated practices such as intimidation, not allowing party agents to observe, instructions given to voters to vote for NCP by staff of polling stations (the same for SPLM in the South), allowing children to vote, pitching of NCP tents close to polling stations and even the systematic completion of ballot papers by polling staff (a video spread worldwide on YouTube made this famous). Most of the illegal practises were observed in the North, done by (or in favour of) the NCP, but observers also registered serious fraud in the South among competing SPLM candidates which went beyond (acceptable) logistical failings. The so-called independent candidates were mainly the result of a manipulated nomination process by the SPLM. International observers deny that these examples of fraud changed the outcome of the election decisively, which was a strong argument for accepting the results.

Three days before polling started, all opposition parties withdrew their candidature at national level because of alleged manipulation, despite the Popular Congress. Since the ballot papers had already been distributed,

this led to considerable confusion. Considering that manipulation and attempts at fraud were known about long before polling, the boycott implemented at short notice looks like opportunism not to face a political defeat.

State Elections in South Kordofan 2011

Because of the rejection of the census results in South Kordofan State (SKS), the elections at state level (governor, legislative assembly) were postponed. The census was repeated in summer 2010. Again after some criticism and negotiations, both parties (NCP and SPLM) finally agreed on the results. Elections were eventually conducted more than one year after the national elections on 2–7 May 2011. From the beginning, tensions were strong and the competition between the two main candidates for governorship who had cooperated constructively during the transitional government as governor (NCP) and deputy-governor (SPLM) became fierce. During the national elections, provocative public speeches were the exception. However, they were common in the campaigning in SKS («if we lose it will be only by fraud»). Access to some villages was prohibited to campaigners for the other candidate and armed groups tried to disrupt rallies. The two main candidates did not have serious competitors: one (Mekki Beileil) withdrew because of unfair treatment and the other (Telephone Kuku) was accused of being an undercover NCP candidate and illegally arrested in Juba before the elections, however still contesting.

The biggest challenge was the tabulation of the results, which was done on a daily basis in front of the observing party agents at each polling station. SKS introduced a complaints system within the framework of which complaints would first be addressed to a polling committee. They were forwarded to the State Committee or the National Election Commission (NEC) only when unresolved at that level. This system was used excessively by SPLM for minor complaints, which led to its abolition. Complaints were henceforth referred directly to the court, entailing a much longer procedure (see report by the Carter Center, May 2011). While the national elections were observed by numerous international observers, Carter Center was the only one in South Kordofan.

Results, state elections, South Kordofan:

Governor
<ul style="list-style-type: none"> - Ahmed Haroun (NCP): 201,455 votes - Abdelaziz Hillu (SPLM): 194,955 votes - Telephone Kuku (Independent): 9,143 votes <p>NB: These are the numbers from the NEC: the numbers provided by the voting centre differ, making Abdelaziz Hillu the winner (201,463; Haroun: 199,395)</p>
State legislative assembly
<ul style="list-style-type: none"> - NCP: 33 seats - SPLM: 22 seats <p>NB: These are the numbers from the NEC: the figures provided by the voting centre are as follows (giving a majority to SPLM):</p> <ul style="list-style-type: none"> - Geographical: NCP/167,398, SPLM/204,792 votes - Party: NCP/177,064, SPLM/197,781, others/28,759 votes - Women: NCP/182,628, SPLM/202,969, others/27,288 votes - Turnout: 63.8 per cent (total registered voters: 641,939)

NCP won more constituencies but by a narrower margin, while SPLM won fewer, but by a clear majority. The design of the constituencies which favoured the NCP was subject to criticism, but was barely picked up by the international monitoring reports. Instead, the mainly peaceful conduct of the election was praised, while admitting some irregularities. However, SPLM withdrew even before the official announcement of the results, accusing the NCP of manipulating the election in their favour.

Two days before polling, clashes broke out in Abyei, which used to be part of SKS. The fighting spilled over to SKS, but it did not affect the electoral process to a major extent. On 6 June, however, SPLA-affiliated (Northern) groups allegedly attacked a police station, provoking a massive counter reaction by the SAF and the most serious fighting since the ceasefire – including aerial bombing of civilian targets, martial executions, refusal to allow UNMIS troops to move. The lack of clear political demands – for example, demanding the reinstatement of the SPLM candidate (which was actually offered by the NCP) – indicates that the violence was barely connected to the election process. Instead, it was obvious during the first days of military operations that the North was following a strategy of clearance and intimidation. The contested elections therefore did not cause the violence, although they may have added to accumulating frustrations and provocations (for example, the provocative deadline laid down by the North to withdraw SPLA

groups before 1 June or a political speech by president Bashir fostering the Arab-Islamic identity of the North). The final spark was more the approaching Independence Day than the elections: the over-reaction might have been provoked by the internal pressure on the government in Khartoum, which increased more and more as Independence Day approached. SPLA groups were neither demobilised nor integrated into the Northern troops – and refused to be so. The Northern government seems to be fostering its territorial sovereignty by chasing out remaining SPLA units – and feels legitimised to do this with all military force despite the provisions of the CPA to integrate or demobilize former SPLA-fighters – while the government in Juba (capital of South Sudan) is officially not concerned, since this is Northern territory and the SPLA fighters are Nuba who belong to the region, not »Southerners«. Even when Southern territory was bombed, Juba remained calm not to endanger the preparations of the approaching independence day. However, the military mobilisation of Southern troops near the Northern border is high.

The elections were not the dominant reason for the escalation of violence. However, the hope that political participation in the election of a representative with whom the population can identify might ease the existing tensions was also delusive.

2.1.2 Electoral, Political and Juridical System

The complexity of the electoral system was strongly criticised: for the first time in history, Sudan introduced a mixed system of party lists and geographical constituencies (similar to the one in Germany). Considering Sudan's diversity, this reform seems reasonable, even though it complicates the voting process in comparison to the previous British-style winner-takes-it-all system. The election law provides for a 25 per cent quota for women in the national parliament. This was a major success of the women movement. However, it was watered down when the NCP succeeded in introducing a separate list for female candidates. Women activists had favoured a women's quota for the regular party lists. This could have sparked an internal debate within the political parties on fair distribution of power between men and women. Instead, women were externalised and included in an »extra« or »additional« structure and not mainstreamed in the political decision-making process. In ad-

dition, all necessary votes should be conducted in one go: presidential, national and state-level. Including the extra voting at the additional South-Sudan level (parliament and president) this makes eight different votes for a citizen resident in North Sudan and 12 different votes for a resident of South Sudan. This challenging voting system in a country with widespread illiteracy and vast logistical problems (for example, printing and distribution of the very sophisticated ballot papers) clearly favours invalid votes. However, it did not – at least not directly – lead to obvious violence. Other aspects were more relevant in this regard, including political rivalries, access to weapons, obvious fraud, the last-minute boycott by the opposition parties and the weak National Election Commission.

The percentages of seats set by the CPA allowed a minimum level of diversity in the parliaments which were dissolved with the elections. The question of minority quotas or safeguarded seats and secured representation was not widely discussed in Sudan, even though this is at least a valid model with which to accommodate the diversity of the society.

It must be underlined that, in some remote areas in contrast to urban areas, even a basic understanding of democratic procedures is lacking. Leaders are selected according to perceived merits and/or family ties in exclusive processes which rarely include women. The prevailing patronage system is more relevant for people's lives than formal state structures. Therefore, the population does not hold the state, but rather individual leaders, responsible for their socio-economic situation and, consequently, does not have an understanding that the situation could be improved by voting or other forms of political engagement. In rural areas, massive voter education is needed on a long-term basis to connect remote areas to the state.

Under the current interim constitution, both Sudans have a presidential system with common presidential powers (representing the state internationally – although this function is currently limited due to the indictment of the president – and supervising foreign commitments, initiating legislative amendments, deciding on states of emergency and war, issuing or lifting death sentences and so on). The powers of national state institutions differ widely. Regarding national institutions it is not too simplistic to say that they fall into two groups: relevant

and irrelevant. Strong institutions include the security organs, the ministries of oil and finance, the dam implementation unit and the presidency. Weak institutions include the ministries of health, education and labour. Some institutions act fairly independent; others are de facto directly linked to the government, for example the Human Rights Council.

Regarding the fairness of the judicial system, it must be said that, in particular, political cases (for example, the JEM Attack in 2008) and cases of public interest (the murder of the journalist Taha, the »trouser-case« of Lubna Houssein and the arrests of the PCP leader Hassan Turabi) are not dealt with according to international legal standards. This also applies to the management of prisons.

State institutions in the South generally suffer from corruption, lack of capacity, monopoly of power and commitment to institutional procedures. The election law meets international standards, while related laws, such as the press law or the national security act, have not been revised in accordance with the demands of the Interim National Constitution (INC). They limit considerably freedom of speech and assembly and give the government carte blanche to intervene. While the election law has never been criticised, the other laws mentioned have been a constant cause of protest and complaint – and therefore have the potential to spark violence. The CPA stipulates that the Constitutional Review Commission »shall have as its first task the preparation of a Legal and Constitutional Framework text« (INC and other legal documents). This active function was only executed once by the Commission – on the occasion of the election law. All following amendments were presented by the presidency to the national parliament and mainly approved as they came in. By sidelining the Review Commission the presidency ignored a useful mechanism for making the constitutional process transparent and leaving some room for other political forces to bring in their ideas.

2.1.3 Context of the 2010/11 Elections

It is fair to say that North Sudan has an established political system with democratic features. Some political parties were founded as early as the 1930/40s and have been a political force since then. The traditional political parties are based on family ties, overlapping with reli-

gious orientation (Umma/Ansaar, DUP/Khatmiya). The traditional power of the two parties, including a special role for the Communist Party and the Socialist Party, came under challenge and was eventually lost with the uprising of the Islamist Inghaz movement, which ended with two additional Islamist political parties, the National Congress Party (NCP) and the Popular Congress Party (PCP). While the latter claims to represent a »modern Islam« developing from the ideology of the Egyptian Muslim Brotherhood, NCP is an Islamist and military movement which struggles to accommodate at least three wings: the radical Islamists (Salafists), the moderate Islamists and a military-security-based group. PCP and NCP have in common that they oppose Sufism, which for centuries has been the traditional form of Islam in Sudan.

The situation of political parties in the South is different. Having been a source of slave trade for hundreds of years and having been administered by the British or the Egyptians, Northern elites – established and fostered by the colonial powers – took over the ruling of the South from the British after independence. The British approach to rule via the Northern elites and to see the South mainly as a source of resources laid ground to the North-South-divide Sudan was suffering from up to today. Due to the war the South was organised within a military system of garrisons and armies rather than political powers. An important exception were some Southern intellectuals, partly from the Diaspora, who founded genuine Southern political parties such as the Sudan African National Union (SANU) and the Union of Sudan African Parties (USAP) and had some impact in making possible the first peace agreement in Addis Ababa in 1972. Since 2005, the SPLM has officially been the dominant political power in the South. Both its omnipotence and its militarised structure and mindset are an obstacle to any envisaged multi-party system in the South.

While a highly politicised and active civil society has been established in the urban centres in the North, in the South, due to the absence of long-term democratic structures because of the war, such a counter-power and civil watchdog has not yet been established. One important exception are the churches which partly full filled (and are still fulfilling) this role.

The CPA also called for an Interim National Constitution (INC). Despite the support of international experts, the INC as introduced is only half-heartedly participatory.

However, the contents of the INC satisfied the international community, even though it accepts the Islamic *shari'ah* law as a legal basis for Muslims in Sudan. This is the major contradiction of the INC: it stipulates equal rights for men and women but, on the other hand, accepts *shari'ah* as a legal basis. This contradiction is also reflected in Sudanese society, which is split on this question. Obstacles to implementation clearly include not only lack of capacity and logistical problems, but also enormous political resistance. This is reflected in the reluctance to amend laws which contradict the Constitution, mainly concerning personal and family matters.

In the past, Sudan rarely experienced serious violence from groups unwilling to accept a loss of power. Traditionally, in Sudan political opponents seek to accommodate rather than challenge one another. This mechanism of accommodation becomes particularly obvious when it comes to the integration of (former) rebel groups into the national government by giving them posts as presidential advisors. The established Umma Party, formally in opposition, has regularly signed agreements with the ruling NCP and keeps up bilateral talks. These alliances and mechanisms are very common in the Sudanese political system. They are the basis for making defeats acceptable. Even when overthrown or replaced, power holders in the North were always sure of remaining part of the influential Nile Basin elites (equivalent to mainly two tribes). The same is true of the South: during the short period of semi-autonomy from 2005, a practise of integration and accommodation established itself. Furthermore, the practise of enriching oneself during one's period in office helps to buffer negative economic effects after losing power. In the 2010 election only one governor election (Blue Nile) involved a serious conflict between SPLM and NCP, which was eventually negotiated and settled. Other cases in which results were not accepted occurred exclusively in the South between competing SPLM candidates (for example, Upper Nile governorship, Unity State, Jonglei).

In Sudan, **alternative forms of governance** exist in both the North and the South. Tribal or clan/family structures dominate decision-making at local level. Local leaders such as sheiks, umdas and (paramount) chiefs are local authorities endowed with considerable trust and power by their communities. Local communities have their own ways of solving or mitigating

conflicts. Both the traditional community-based system and the state system exist in parallel to each other. The current »Civil Code« for the South is supposed to integrate customary law. In the South, a process is about to finalize to organise the paramount chiefs in a formal body as a legitimate organ of governance at local level. In the North, the »native administration« is supposed to fulfil this task. Established by the British with the aim of institutionalising communications with traditional leaders, it was misused by the Inghaz movement in the 1990s to control and supervise the community instead of transmitting community needs to the government. In the North, in addition to the (informal) authority to solve certain local conflicts on their own, the influence of clans and families is further reflected at national level in the main political parties. Since the 1980s in South Kordofan and Darfur another group of local leaders has emerged, the so-called »half-sleeves«. These are educated people who seem better equipped to represent the interests of their communities in the modern age. However, they often act in competition with traditional leaders. It is debatable whether *shari'ah* law, which is the main source of legislation for the Muslim population, can be considered a »traditional practise«. *Shari'ah* was introduced only in the 1980s in response to the demands of Saudi Arabian supporters of the incumbent Socialist president Nimerie. For Muslims, it was always part of regulating private affairs, like marriages, divorce etc. The contradictions occurred when introduced as the source of legislation beyond private family issues.

Citizens' **expectations** before the elections of 2010 were mainly directed towards a fairer distribution of power, mainly in the national parliament and among the governors at state level. The possibility of a second round of polling in the presidential election was not ruled out. Only a small minority seriously discussed a possible regime change. Expectations were high with regard to elections as a democratic exercise: whatever the outcome, the first multi-party national elections since 1986 should constitute a considerable step towards more democracy in Sudan, as stipulated by the CPA. The vast majority of the impoverished population expected mainly development and the provision of services such as education, health care and clean water. Regarding the expectations of political parties, Sudan witnessed a new development during the run up to the 2010 elections: opposition Northern parties forged

an alliance with the SPLM to the extent that even the Islamist Popular Congress Party travelled to Juba to sign an accord. There must therefore have been an expectation that such an opposition alliance could pose at least a serious challenge to the NCP. The remarkable campaigning of the SPLM candidate for the national presidency, Yassir Arman, showed serious aspirations with regard to political power. However, the boycott only a few days before polling day led by SPLM and followed by other oppositional parties – based on the argument that the elections were already being manipulated – proved a weak basis on which to build this engagement.

Consequently, those who feel concerned about the democratic transformation process in Northern Sudan are less disappointed by the outcome than by the fraud which occurred during polling. For many, the latter was the final straw and discredited the elections. Even as a democratic exercise, therefore – and as a »rehearsal« for the politically much more important referendum – the elections lost their value. Expectations in the South were different: Here, efforts to execute credible elections were perceived as the necessary step for referendum and independence – having in mind that, in case of a unilateral announcement of independence by the parliament, it would be much easier for the international community to recognize it, if the parliament is democratically elected. The main concern immediately after polling day was how to preserve the relative peace in which the elections had been held and which was under threat after publication of the first results. Concern about the democratic transformation was (temporarily) replaced by concern about security, which is obviously a much more immediate threat. However, it did not tackle the root causes of the tensions in Sudan.

Nevertheless, groups of engaged and concerned citizens in civil society, the media and political parties are strategising for the future. What do the results mean for the democratic process, human rights and women's rights in particular? What will be the next steps after the independence of the South. Will there be a proper constitutional process? Thus, even though frustration in the North is high, it has not led to »internal immigration« and significant parts of society remain politically active. Perhaps this is because the Sudanese have been in this situation several times before.

2.2 Key Players and their Interests

2.2.1 Political Parties

As already mentioned, particularly the North knows comparatively robust political parties: the main parties have been in existence at least since independence. The high number of registered political parties is misleading: in the North there are about seven parties active in the public arena and exerting at least some influence. In addition to the parties based on religion (either traditional-conservative, such as Umma and DUP or Islamist, such as NCP and PCP) there are the Communist party and regional political groups. The most powerful among the latter is the SPLM, but there is also the Eastern based Beja Congress which has existed since the 1950s and the United Sudan National Party which has its constituencies in South Kordofan. The traditional Southern Union of Sudan African Parties (USAP) and the Sudan African National Union (SANU) hardly play a role in political decision-making. Both parties were founded decades ago to fight the marginalisation of the South politically, but due to the war and the dominance of SPLA/M, they were able to influence politics only via the few posts given to them by appointment and quota during the transitional government. The only new party which occurred recently is SPLM-Democratic change (2009), a splinter from SPLM. With the elections in 2010 only SPLM and SPLM-DC (2 seats) are presented in the national parliament: only one cabinet minister is not from the SPLM. Despite the relatively »manageable« number of political parties, they suffer incessantly from splits and (re)unification processes, which weaken them considerably. The Communist Party needs to restructure itself entirely after years of clandestine operations. In the past the traditional parties Umma and DUP had considerable economic power due to the wealth of their party members and leaders, but it was systematically destroyed by the Inghaz regime after 1989. There is no independent system of public party financing.

It remains to be seen whether the rebel groups in Darfur will be willing to fight their cause with political means rather than military ones. Given the sluggish peace process in Doha, a process of possible political parties from Darfur might take place only in the medium term. After the independence of the South, the way could have been open for a new Northern political party: the so-called SPLM North. To a certain extent it has already emancipated itself from Juba, but not fully,

as the withdrawal of Yassir Arman – after a successful campaign – followed a meeting of the political executive of the SPLM in Juba, which indicates who made the decision. However, the fighting in Southkordofan is used by the Khartoum government not to accept SPLM-North as an independent (Northern) party due to their obvious link with the armed groups of SPLA.

In the run-up to the 2010 elections, political parties were under pressure to present political programmes. Even though these programmes often lack a national vision and tend to be either vague or technical, the exercise encouraged development within the parties. Party conventions were held, although the programmes were mainly developed by the respective political executives rather than initiated or influenced by the base. Most efforts in this regard were probably made by the SPLM, which took a fairly bottom-up approach to foster the movement. All established parties have women's and youth leagues. The latter complained before the election about not being heard by the party establishment and being sidelined in political decision-making, but apparently gained more weight after the election, particularly in the opposition parties. It could be that the political crisis might lead to some internal re-strategising. The decision-taking political executive is usually elected by the members and holds considerable power. To date, none of the most influential parties has been headed by a woman.

The traditional political parties in the past did not have an interest in anarchy or another civil war. This would endanger their potential access to economic and political power. During the election period, it became obvious that, despite all their differences, the need to prevent violence was agreed on by all political parties. Efforts were made to mitigate anticipated tensions:

- (i) The transitional area South Kordofan managed to postpone the elections at state level due to irregularities during the census. It is remarkable that even though the procedures and results of the census conducted in May 2009 were problematic all over Sudan, the central government accepted rejection by only one state. This reaction would not have been possible had the central government not anticipated the worst.
- (ii) Even before the announcement of the results in Blue Nile state, the SPLM was strongly asserting that it would never accept the NCP candidate and

that, according to the votes, the SPLM candidate for governor was the legitimate leader. Blue Nile is now the only Northern state with an SPLM governor (however with NCP majority in parliament).

- (iii) During campaigning, in the south, the SPLM allowed so-called »independents« to run for election: some SPLM members were not listed as candidates by the party, which they strongly contested. Having already suffered its first official split in 2009 (SPLM-DC), the party executive finally gave permission for them to run as »independents«, even though still members of the SPLM – and with hardly any chances to win.
- (iv) »Hate speech« was very rare and mainly directed towards the international community rather than political opponents. Columnists and politicians publicly addressed the risk of violence, calling upon each citizen to show responsibility (see media).

2.2.2 Armed Groups and security forces

Other relevant players are the diverse military groups. The strongest (negative) impact on civilians at the moment is being made by parts of the SPLA, which – being semi-demobilised, often without wages and future prospects – represents a serious danger in the South. However, it does not seem that the SPLA is sufficiently unified to pursue its own political agenda and to aspire to political power. As described above, the remaining SPLA units on Northern territory (South Kordofan and Blue Nile) play a role which is not yet clear: being Northern citizens, they should either be integrated into the SAF or demobilised. De facto, they are currently the biggest military challenge to the central government and fought as aggressively as the Darfur groups. Peace negotiations have been announced (2 August 2011). While these negotiations are currently stuck, SPLM-North (SKS) allies with the Sudan Liberation Army (SLA) from Darfur and talks openly about toppling the regime which give the whole conflict a new (national) dimension.

During the elections the Sudan Armed Forces (SAF) were visible only in military actions in Darfur, but invisible on the political scene. The JEM attack in Omdurman in May 2008 was accompanied by rumours of a coup by the army. However, the military intervention in Abyei and South Kordofan (April 2011) seems to prove that

the army is currently loyally executing the orders of the government. The picture is blurred and ultimately it is hard to tell whether the army is a professional military force and loyal to a certain wing within the NCP or whether it has its own political ambitions.

In the South, some armed groups (militias, SPLA-splinter) not satisfied with the election results, took up arms. These incidents did not spark widespread violence, however they themselves and the counter violence they evoked caused considerable damage.

The other significant armed groups are the rebel groups from Darfur, the most important being the Justice and Equality Movement (JEM), the Sudan Liberation Army (SLA) – Minni Minawi and Abdelwahid al Nuur factions – plus a large number of splinter groups. Still being »at war«, they have the potential to hamper peaceful development in Sudan. It remains to be seen if the political demands (the position of vice-president, a fair referendum on the administrative structures of Darfur, development) carry to an extent that in the future Darfuri interests might be presented as well politically, not only militarily. The situation has been aggravated by the fact that fighting and kidnapping have become a profitable business for some rebel groups.

A particular unknown quantity are the various security forces in the North, ranging from the army to police forces to presidential guards, popular defence forces, national security bodies and military intelligence. Competition and lack of coordination between them makes them a potential threat which is unpredictable. During the election, apart from a violent incident in Malakal where SPLA soldiers got involved in turmoil started by a governor-candidate who refused to accept defeat, the security forces did rarely exercise violence openly, however still threatened voters to vote for a certain candidate. During campaigning and even beforehand the police and the NIS (national security) played their usual role when it came to allowing or forbidding rallies or assemblies from opposition parties or dissolving the few public demonstrations organised by civil society groups.

2.2.3 Elites and Civil Society

Besides Sudan's political arrangements and struggles between power holders, there is particularly in the North an established educated elite, which is openly

committed to genuine democratic reforms, including free elections. Members of this elite organise civil society groups; some are members of political parties or journalists who monitor political developments and campaign for reforms. Less visible but not without impact are civil society initiatives which pushed hard for free and fair elections. Various networks for educating voters were formed; some networks became active as domestic observers. Worries about violence during the elections were expressed consistently. The preparations for the elections were monitored from the beginning and critically commented on in the (liberal) media. As already indicated, networking and political engagement were more intensive in the North than in the South. However, the election process was an opportunity to involve civil society groups in the South in politics.

2.2.4 Tribes and Ethnicity

Society in North and South Sudan is organised according to tribes. Ethnicity is the major component of identification and constitutes the social network on which most Sudanese rely. Tribal lines are seldom crossed – for example, by marriage – and if they are, it is often with the deliberate purpose of reconciling two groups or strengthening groups by linking them closer together. In North and South, certain tribes are overrepresented in influential positions. Nevertheless, particularly in the South it became obvious that the dominance of one tribe cannot be stretched too far. At a certain point the potential for rebellion becomes too high, so that the system must open up and at least to a certain extent integrate other tribes (a government reshuffle took place in February 2008 in which more Nuer joined the cabinet). Competition and rivalry between ethnic groups has always existed. What worsened the situation was its instrumentalisation by political (and often local) interests. Stirring up existing rivalries plus the availability of weapons created the conditions for a large number of so-called tribal clashes.

2.2.5 Alliances

The NCP and the SPLM formed a (forced) alliance in accordance with their political interests. Following the results, the »cake« seems to have been shared out now (with the exception of the transitional areas), and consequently the need for alliances has decreased. Before the

election, a coalition of Northern opposition parties and the SPLM was formed («Juba Coalition») which immediately fell apart when the SPLM withdrew its presidential candidate and consequently gave up all aspirations to govern all of Sudan. In order not to endanger the independence process SPLM (North and South) kept some distance to the Darfur rebel groups. This has changed with the successful sovereignty of the South – both SPLM-South and North seek for alliances within Sudan according to their interest, mainly in Darfur. In the past there were alliances between SPLM splinter groups and the NCP, with a similar motivation. These partnerships are also ongoing. The biggest risk of violence comes from SPLM splinter groups, uncontrolled SPLA and local rivalries in South Sudan, as well as between the various Darfur rebel groups themselves and against the central government. This has been the case in recent years, and there are no indications that this might change in the future. The motivation for the rebel group is access to power and resources, not only for the groups they claim to present but also for themselves – which makes negotiations difficult. Instead, marauding SPLA groups have their own agendas: if they receive pensions or wages and are provided with some (economic) prospects for the future, this problem could be contained.

2.2.6 National institutions

Two national institutions played an important role in election preparations: the **Political Parties Council (PPC)** and the **National Election Commission (NEC)**. The Political Parties Council was a purely administrative organ for the registration of political parties, a task it carried out without major complaints (84 parties were registered). The National Election Commission (NEC) was founded as a permanent institution to handle all upcoming elections and appointed by the president. However, the composition of the NEC was not as inclusive as required under the election law. Political parties proposed candidates which were not acknowledged by the presidency, which gave rise to mistrust of the NEC. It is difficult to judge to what extent the individual members of the NEC are »impartial, non-partisan and competent«. However, overall the decisions taken by the NEC, but particularly decisions which the NEC should have taken but did not, despite its mandate, show a bias in favour of the ruling parties. For example, NEC officers did not intervene when during the voters' registration process in

November 2009 representatives of the NCP registered the same citizens only a few metres from the NEC registration bureau. The NEC's performance was particularly weak when the political parties filed complaints regarding lack of access to the media, failure to define the financial ceiling for campaigning and the last-minute acceptance of the identity cards of local popular committees, even though they do not have photographs. Not accommodating the political parties on these issues brought the NEC into disrepute. This also applies to the High Committees, the NEC branches in the states, whose performance depended very much on the political set-up in the respective state. On the positive side, it must be noted that cooperation with national civil society and their registration as domestic observers went smoothly and avoided bureaucratic hurdles. After the main election had finished, 22 constituencies and one state (South Kordofan) postponed the elections at the local level. When the counting process started, the NEC played a particularly active role in receiving complaints and trying to smooth the tensions which arose, particularly in the South due to vote rigging and miscounting. It is doubtful that the efforts led to a correction of the results. But engagement was crucial to relieve tensions and to offer the protesters an institutional way to express their complaints. Regarding the lack of (state-)institutional infrastructure in the South, it is surprising how – despite all its flaws – the NEC was in many cases acknowledged as the institution to go to in case of complaints and irregularities. Fearing an escalation of the violence, the NEC made considerable efforts to repair the damage (travelling to the respective states, receiving complaints and processing them).

No **mediator** was appointed for the election. However, the then US special envoy Scott Gration played an active role. He tried to convince the NCP to accept an Umma party proposal to delay the elections for ten days in order to keep Umma on board and he also met with the »Juba forces«. The so-called »Mbeki group« – an African Union commission headed by former president of South Africa Thabo Mbeki – tried to circumvent the boycott by facilitating negotiations, but without success.

2.2.7 The Role of the Media

The media landscape in Sudan comprises the state-owned media – TV, radio and some newspapers – and independent, more liberal media (mainly newspapers,

some radio channels and some TV channels broadcasting from abroad). Until 2010, a pre-censorship mechanism controlled the independent media, which was then replaced by a jointly signed code of conduct. Even though less harmful than the daily visits by the censorship authority, the code of conduct still leaves every opportunity to squash articles which are against »the interest, unity, existence and prosperity of the homeland, its defence institutions and procedures«. Censorship focuses mainly on the tangible assets of the opposition media than on systematic suppression of oppositional opinions. This means that dissenting opinions can be expressed, but the authorities can decide to prosecute after publication. Critical journalists are often threatened and sometimes tortured. With regard to the elections, the unbalanced access to the media for the opposition parties has already been mentioned.

In some parts of the media one could find what would qualify as »hate speech«. In fact, this is not confined to election time. Another form this takes is the broadcasting of violent speeches by politicians without any comments. However, the number of such broadcasts was comparatively limited and definitely not systematic.

2.2.8 Main Defects of the Political System

Summarising the main defects of the political system, in order of priority:

- (i) lack of democratic legitimisation of government and parliament, lack of protection of human rights;
- (ii) marginalisation of the periphery;
- (iii) corruption;
- (iv) inefficiency, bureaucracy;
- (v) North: ideologisation of education and legislation (*shari'ah*), competition between civil society groups;
- (vi) South: lack of governance experience, lack of state presence in remote areas, militarised society and political system, absence of a politicised civil society.

2.3 Socio-Economic Reality

In 2007, the Human Development Index ranked Sudan 150th out of 182 countries. An estimated 40 per cent of the population are below the poverty line (figures from 2004). Despite a growing economy based on oil exports

(2008: 8.3 per cent GDP growth), only a minority of the population benefits from the new wealth. The lack of prospects for young people represents a serious threat to social peace. A deteriorating and ideologised education system, in combination with the lack of labour-intensive investments are the reason for the high number of unemployed young people (often qualified) without their own income in the North. While the South hitherto has had limited opportunities to develop an educated elite (Diaspora, some students in Khartoum), the situation in the North is particularly tragic since until the 1970s Khartoum was the most important academic centre in Africa and Sudanese engineers, doctors and researchers formed a well-educated elite.

Despite its shortcomings, the socio-economic situation in the North is still better than that in the South, which faces a serious humanitarian crisis: 90 per cent of the population live on less than 1 US dollar a day, the mortality rate of women is the highest in the world and 1.2 million people go hungry (UNMIS, 2009). The main socio-economic expectation with regard to the government is the provision of services. If this demand is not met the potential for social unrest remains. On the other hand, if the government is able to provide these services it will be popular with the majority of citizens and can rely on strong support.

Due to a combination of tradition, religion and underdevelopment, **women** in Sudan are socio-economically underprivileged. This is true worldwide, but *shari'ah* law in the North and customary law in the South and North with its restrictions on women's property ownership, worsens the situation and also encompasses women from the middle and upper class. Unless a woman comes from a liberal family, which ignores these rules, she will always depend on her family and husband, economically and socially. Two exceptions must be mentioned: the strong women's movement in Khartoum and the female leaders in the SPLM. Mostly educated in the 1970/80s, a strong organised women's movement exists, which is also active among the younger generation. Its ability to mobilise became very obvious during the preparations for the elections, when a considerable number of female candidates were made ready. With regard to the South, in the so-called »struggle« against the North, the SPLA engaged a number of women as high-ranking commanders. Most of the women holding posts in the government of South Sudan have a military background. The

key role women played in bringing peace in 2005 laid the ground to the introduction of a women quorum (in the South) which later led on the national level to the 25%-quota in the national parliament.

While in remote areas the traditional system for organising the community is the most important, the politicised elites have a fair understanding of the overall current political system. In the 1970s and 1980s, »national education« was part of the state curriculum, providing every Sudanese with a basic understanding of statehood and democratic rules. This was abolished in 1989. However, the democratic system which Sudan is aiming for – according to CPA and INC – is far less familiar to most people: 20 years of dictatorship have left their mark on people's »democratic memory«. In particular, the parliament is discredited in a number of ways: the clear government majority, which means that any legislative act easily passes and the practice of »walking out«, boycotting sessions instead of finding solutions through debate or alliances. Civil society needs to improve on its capacity to campaign and to lobby for watchdog action. While campaigning takes place on selected issues (women's groups in particular are very active), the latter is uncommon. Civil society in the South has yet to develop political vision and does little more than act as an implementing agency for donors.

2.4 External Influences

During the national elections there were two **UN Missions** in Sudan: UNMIS, which supported and protected the peace process between North and South (March 2007–July 2011, with 11,378 personnel in the end), and UNAMID (hybrid mission of the African Union and the UN since 31 July 2007, at present with 25,865 personnel – it replaced the AU Mission AMIS) for the peace process in Darfur. Regarding the elections, UNMIS was mandated to »support the preparations for and conduct of elections and referenda provided for by the CPA« all over Sudan, including Darfur. UNMIS's Electoral Assistance Division advised the National Election Commission, provided voter education and logistical support and a coordination platform for other international actors working on the elections. After being involved so heavily in the preparations, the UN did not observe the election, which was done – among others – by the Carter Center, the European Union, the African Union,

the Arab League and domestic observer groups. International and domestic observers did not differ significantly in their judgement on the election. But the most important thing is not the analysis itself, on which the various actors generally agree, but the consequences derived from it: Do we acknowledge the elections and, consequently, Omar Bashir as democratically elected president, or not? All international players decided to criticise the flaws of the process to a greater or lesser extent, but to accept the results. The reasons for this are obvious: to maintain stability in Sudan at any cost. Not accepting the results would have risked fuelling the existing tensions and endangering political stability and the further implementation of the peace agreement.

The debate during the national elections was dominated by domestic issues, such as the performance of the political parties, the lack of public awareness, logistical challenges, the potential for violence and so on. Developments like those in neighbouring Kenya were foreseen by a few analysts, and it became a commonplace that »this should not happen in Sudan«. But no deeper reflection ensued. The issue of violence during the elections was a major concern, but not necessarily linked to other experiences in the region. Other possible forms of involvement on the part of **neighbouring countries and regional institutions** were limited to technical support and electoral observation (IGAD, AU, Arab League). Even Egypt, which usually actively pursues its interests in Sudan, was silent. One reason for this could be that some countries in the region faced elections themselves close to that time (Ethiopia, Egypt, Uganda), and were reluctant to expose themselves too much, since they might have found themselves in a similar situation only a few months later. Furthermore, in contrast to the region of the Eastern African Community (EAC), Sudan is located in a disintegrating region which has only loose links tying it together on the basis of ad hoc political interests rather than a long-term commitment.

In contrast, international interest in Sudan was high before the elections and only increased during this event. Many different layers of interest overlap in Sudan. A dominant one is the US war on terror and the effort to ensure that Sudan does not (once again) host terrorist cells and to take advantage of the Sudanese government's access to other actors in the Arab-Islamic region in the interest of US diplomacy and intelligence. A general fear among the international community is the collapse of Sudan, inclu-

ding the worst case scenario of a second Somalia. Countries investing in the international oil consortia have an interest in the oil fields, which lie mainly in the South and some in the transitional areas. At least equally important if not, for now, overtaking the oil interests are the foreign investments in (fertile) soil and agricultural schemes. Egypt had a particular interest for which it lobbied strongly: the unity of Sudan in order to avoid any new Nile riparian state. Some radical Islamists have an ideological interest in supporting the Inghaz regime in Khartoum, but this is limited in comparison to the others. Apart from this, the strong focus of the international community on Darfur constitutes an interest group in its own right: a strong morally motivated pressure movement which the US government cannot ignore domestically.


During the elections, the international community shared the same interests: Consequently, this is the highest priority of international efforts, which became (once more) evident during the elections. While UNMIS was involved in election preparations (mainly with the International Foundation of Electoral Systems/IFES as implementing agency), the European Union, the African Union and the Arab League were observing. The National Democratic Institute (NDI) trained domestic observers (all Sudan), and the International Republican Institute (IRI) worked with political parties (South). The Carter Center already had a mandate to observe the election for two years before the actual date and was also observing and reporting on the pre-election phase. The Institute for Democracy and Electoral Assistance/IDEA started to prepare political parties a considerable time before the election date; the same applies to FES with regard to voter education.

The resources and commitment of the international community were considerable, but the necessary push with regard to funding, training and the presence of observers came only five months before the election. This is one major reason why the impact of the international community was not as great as it could have been, bearing in mind the available resources. The gap could have been bridged by closer cooperation with domestic observers, who had accompanied the preparations for the elections from the very beginning, with the drafting of the election law. NEC registered domestic observers monitored the crucial voters' registration process in November 2009. This would have been useful data for the short-term observation of the international staff, but this

source was not sufficiently utilised. The same applies to the election follow-up: the familiar principle of long-term observation which treats elections as a repeating cycle («after elections is before elections») could have been applied if the international observing bodies had linked up with domestic observers and relied on their interim reports until the next election period. Such links were not established.

3. Conclusion: Elections and Violence in Sudan – Potential and Reality

- The example of Sudan shows that the risk of violence increases with the degree of competition. During the national elections, no one was particularly surprised by the outcome. The results were altered a little by manipulation, but generally speaking were as expected. This means that the risk of losing power for the most powerful actors – NCP and SPLM – was limited. This reduced the need to pursue interests by force and erupted in areas which were not so closely observed.
- The outbreaks of violence in part of the South and, one year later, in South Kordofan showed the opposite: there, power interests were seriously endangered and frustrated candidates tended to take up arms.
- The sheer number of tribes seems to explain why the «Kenya scenario» did not take place in Sudan: while in Kenya competition is between two tribes, Sudan is too diverse to allow any ethnic group to unite sufficient forces under it.
- The elections gave a preview of the landscape of possible future conflict in Sudan, in terms of South-South (tribal clashes, internal SPLM/A rivalries) and North-North conflicts (transitional areas, Darfur).
- Envisaging possible violence and addressing it beforehand – particularly via national actors – played an important role in preventing violence or at least containing it over the polling period.
- The still not forgotten memory of the civil war and the events in neighbouring Kenya might have served as a deterrent: despite the tensions, it seems reasonable that none of the players had an interest in returning to a full-fledged North–South war.

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- Furthermore, the possibility of postponing the process was helpful. In order to avoid violence, different stakeholders need to be accommodated. Of course, the line between useful postponement to better arrange the process and deliberate delay is indeterminate. However, when organising an election process, these time buffers need to be considered. This mainly means: starting early – in the case of Sudan, two years before the envisaged date was not too early. In particular, cross-cutting issues such as violence or gender can and perhaps must be discussed even before putting all other formal institutions in place: this could provide valuable input when designing the structure and mandate of (electoral) institutions.
 - The inseparable link between the elections and the implementation of the CPA hampered the whole election process. Elections were the final step and at the same time a test for something »more important«: the referendum in January 2011. All stakeholders – with the exception of civil society – internalised this thinking and acted accordingly. The utmost priority for the South remained independence, which led in the past and during the elections to several compromises with the North. The North benefitted from this and agreed to focus on the remaining territory: the »share of the cake« (NCP – North SPLM – South) prohibited competitive election. The international community was in a bind: failure to accept the results would endanger the whole CPA process. This led to a situation in which stability outweighed democracy.
 - The timing was often debated: would it be better to hold the elections after the referendum? In theory, the steps laid out by the CPA seem logical: first, a democratically legitimised government which should then finalise the last steps of the peace treaty, perhaps on the assumption that an elected national government would be representative of the Sudanese population as a whole and might make unity attractive again. This assumption disregarded the clear priority of the South, which was independence, linked to a non-interference policy towards the North and the de facto one-party character of each part of the country. Without the referendum looming, perhaps there would have been more chance of competitive elections. The CPA does not provide for new elections after the South's declaration of independence, so constitutionally both presidents can rule up to 2015, enough time to foster a one-party state, but perhaps also for opposition parties to consolidate.



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