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Khartoum Dispatch: Assessing the Sudan Elections

by Sean Brooks

Millions of Sudanese have just finished voting in their country's first multiparty elections in 24 years. Election officials estimate that, in a relatively peaceful process, turnout of registered voters exceeded 70 percent nationwide, including up to 55 percent in one state in war-ravaged Darfur.¹ (Final turnout figures had yet to be announced at the time of publication.) The voting period was extended from three to five days due to a host of technical problems and irregularities. Sometime this week, the National Election Commission will announce the results.

Yet despite the higher than expected estimated turnout, the election should hardly be a cause for celebration among advocates for democracy. At the top of the ballot, Sudanese leader and indicted war criminal Omar al-Bashir's name appeared as his party's candidate for president. Bashir took power via military coup in 1989. In the years since,

his regime prosecuted a war in the south from 1989 through 2005 and, more notoriously, has conducted a deadly policy of mass murder and displacement in Darfur since 2003.

On the surface, the Bashir government has made all the right moves, urging all Sudanese parties to participate and asking the international community to observe the process. But the facts on the ground show a government that has engaged in political repression and intimidation, and an election that fell short of international standards.² Citing the restrictive environment, in the last week of the campaign period leading opposition parties announced a general boycott of the elections. As the results from the election are counted up, one thing is clear: A "democratically elected" Bashir government will be no less ruthless and oppressive than the Bashir military dictatorship.

About the author

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Yet since last fall, the Obama administration has avoided directly challenging the credibility of Sudan's elections, despite being heavily engaged in mediation efforts across Sudan. Many analysts feel that the U.S. merely wants to get past the elections in order to focus on the critical referendum for south Sudan scheduled for January 2011 — a vote that many expect will lead to the south's secession from Sudan. It's an outcome that the U.S. favors, predicting that the south will be a reliable, oil-producing ally in restive East Africa. In a bid to set the table for next year, the administration has seemed ready to accept the legitimization of the Bashir regime in this month's vote in exchange for his cooperation on the referendum.

But with the election's legitimacy in tatters, President Obama must be clear that the election of Bashir will have no effect on how the U.S. views those in power in Khartoum — as an unrepresentative clique that refuses to loosen their firm grip on the country. And regardless of the results, the administration must continue to pressure all parties to bring comprehensive and durable peace to Darfur, implement the final stages of the north-south peace agreement that mandates the 2011 referendum, and carry on the long process of democratization that serves as the most solid foundation for durable peace.

The State of Play

The elections were first put in place with the 2005 signing of the Comprehensive Peace Agreement between Bashir's National Congress Party (NCP) and the Sudan People's Liberation Movement (SPLM). That ended a civil war — Africa's longest running — which pitted the mainly Muslim north, controlled by the Bashir regime, and the Christian south, ruled by the SPLM. The agreement also called

for a referendum in the south, scheduled for January 2011, which would determine whether Sudan would remain united or the south would secede.

Bashir and his regime entered the 2010 election season with its autocratic rule intact. At the helm of a one-party state for two decades, they retained complete control of the security and media sectors, and possessed far greater financial and organizational resources than the SPLM and opposition parties in the north. Control of Darfur also remained assured, while it was thought that southerners would care less about the elections than the referendum in 2011. Given these advantages, Bashir, at campaign rallies and in formal interviews, had built up the elections as a milestone for the country. "No one forced these elections on us," Bashir recently stated. "We want fair elections, we want clean elections."

Despite such favorable conditions, the NCP has not restrained the National Intelligence and Security Services and other elements of the state security apparatus from committing human rights violations. Student activists have been their primary targets. Members of Girifna — a youth organization whose name means "we are fed up" in Arabic — have used social media tools to relay their encounters with state security. The most gruesome incident involved the arrest, detention and torture of a member in March. While in custody, the security agents threatened him with a picture of a well-known Darfuri student activist whose mangled body had been discarded a month earlier near the University of Khartoum.³

Human Rights Watch has documented these and other numerous cases of arrests, detention and intimidation of activists and opposition party members; harassment of

journalists; breaking up and prevention of public gatherings; and censorship. In Darfur, home to almost 20 percent of the population, opposition parties and citizens also face these challenges, as well as the day-to-day security realities of a place far from peace.⁴ Candidates themselves, for instance, have been violently targeted by unknown assailants, while whole areas of the region remain off-limits to election monitors, United Nations/African Union peacekeepers and humanitarian organizations. According to the International Crisis Group, the NCP also had its eyes on rigging elections in Darfur to secure millions of much-needed votes in the three Darfur states. In a recent report, the group highlighted the systematic ways in which the NCP has manipulated the census, influenced the delineation of electoral districts, limited voter registration, and co-opted and bought the loyalties of traditional leaders.⁵

It's not just Bashir's government. The SPLM has been accused of harassment and intimidation against smaller opposition parties in the south and independent candidates that broke away from the SPLM after not receiving the party's nomination. Equally worrisome for southerners, the elections are taking place during a period in which they have already seen the worst violence since the end of the war in 2005. Last year alone, over 2,500 people died in inter-communal violence, and many civil society leaders and analysts in the south fear even greater violence ahead of the 2011 referendum.

The result of the political chaos was an election whose legitimacy was already in doubt before a ballot was cast. With a week left before the elections, the SPLM candidate for president suddenly announced he was withdrawing from the race on account of the unfair conditions and the ongoing crisis

in Darfur. Other leading parties within the alliance also announced their formal boycott of the vote. No major political figures challenged Bashir, and many of the other parliamentary and state-level positions in the north went uncontested in last week's ballot.

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What's at Stake

For Bashir — who remains wanted by the International Criminal Court on seven charges of war crimes and crimes against humanity for his government's policies in Darfur — the elections are aimed at one objective: restoring legitimacy at home and abroad.

For the people of Sudan, the stakes could not be any higher. Where will the elections leave the Darfuri people? Over two million out of Darfur's estimated seven million people live in displaced persons camps, while Darfur's rebel movements continue to clash with Sudanese government forces in hot spots across the region. Millions in Darfur boycotted the registration period because they did not want their participation to bestow credibility on an election process that left them with few candidates on the ballot representing their interests. With a new mandate on power supported by the participation of Darfur in the elections, many Darfuris and Sudanese fear that the NCP will likely abandon the peace process and instead seek to gain



greater control of Darfur through the state and national leaders “elected” to serve their interests.

As for the people of south Sudan, they retain the option to secede from a newly legitimized government in Khartoum with the referendum in 2011. Yet these elections have demonstrated that political space in south Sudan is also quite restrictive, with the arrest and intimidation of independent candidates and detention of election monitors. As Alex de Waal wrote, “As the endgame of the [Comprehensive Peace Agreement] is played out, the fundamental question facing Sudan may not be whether it is one nation or two, but whether it is governed or ungoverned. The ongoing decline of trust and legitimacy has created a situation in which staying in power is the only task that either of the two ruling parties can achieve.”⁶ An American endorsement of — or, at the very least, silence in the face of — illiberal and even brutal behavior by both Khartoum and Juba, the southern capital, could have unintended consequences for the future.

The chief concern among southerners is that Bashir may attempt to use his new government to obstruct the referendum process. Perhaps

signaling postelection plans to stop secession by any means necessary, Bashir, on the last day of campaigning, revealed the results of what he claimed was a confidential poll of southern Sudanese. This survey, he said, found that 30 percent of southerners would opt for secession in the referendum scheduled for January 2011, while 40 percent would choose unity.⁷ These numbers contradict all other assessments of public opinion that consistently show overwhelming support for secession. Southerners fear how Bashir will interpret his mandate

to govern them over the next eight months before the referendum.

Meanwhile, the millions of Sudanese living in the north may share similar fates to the people of Darfur. Communities in eastern Sudan and the so-called Three Areas (South Kordofan, Blue Nile and Abyei) have also suffered decades of Khartoum’s neglect and oppression. Keeping the fragile peace in place in these regions will require intensive consultative processes with a variety of stakeholders. There has also been no discussion as to what will happen to the Interim Constitution, adopted after the signing of the peace agreement, if the south chooses secession. Sudanese human rights and civil society leaders fear that because of the lack of constitutional guarantees, there will never be another round of elections in Sudan.

Business as Usual or Change We Can Believe In?

In his inaugural address, President Obama declared, “To those who cling to power through corruption and deceit and the silencing of dissent, know that you are on the wrong side of history; but that we will extend

a hand if you are willing to unclench your fist." Unfortunately, in the case of Sudan, the hand remains extended, even as the fist remains clenched and poised to strike.

To handle the crisis in Darfur and fulfill the U.S.'s role as a guarantor to the peace deal, the Obama administration wisely chose to engage all parties in Sudan to find peaceful resolutions to the multiple challenges facing the country. U.S. Special Envoy Scott Gration and Secretary of State Hillary Clinton laid out the objectives of this approach in October 2009: a definitive end to conflict, gross

For Bashir, the elections are aimed at one objective: restoring legitimacy at home and abroad

human rights abuses and genocide in Darfur; the implementation of a north-south agreement that results in a peaceful post-2011 Sudan, or an orderly path toward two separate and viable states at peace with each other; and assurance that Sudan does not provide a safe haven for international terrorists. In addition to this plan, administration officials promised to balance the use of sticks and carrots, with benchmarks of verifiable changes in behavior by Khartoum and others who would block the path to durable peace.

The run-up to the elections, however, has shown an administration hesitant to call out the Bashir regime. Instead, it has argued that the elections — regardless of the political conditions — are a necessary step for peace. Rather than challenging the regime to follow through with its commitment to create a hospitable environment for free and fair elections, Gration has regularly downplayed and, in some cases, made excuses for the

substandard electoral processes. In the chaotic weekend following the pullout of a number of parties and candidates, Gration exerted considerable effort to salvage the process, telling reporters that Sudanese officials had "given [him] confidence that the elections ... would be as free and as fair as possible" and that they "have gone to great lengths to ensure that the people of Sudan will have access to polling places and that the procedures and processes will ensure transparency." As a result, many opposition parties and civil society activists in Sudan have begun to lose confidence in the U.S.'s commitment to democracy and human rights.

It is not too late for President Obama to hold firm to his inaugural promise and declare his administration's disapproval of politics as usual in Sudan. When the election results are announced this week, he can lead the international community in interpreting their significance. Rather than offering unearned praise, he should state that the administration still regards Bashir as an indicted war criminal on the wrong side of history. If the U.S. fails to stand up for its principles, advocates for democracy around the world will be disheartened, the Bashir government will continue to act with impunity, and the Sudanese people will lose faith in America, even as they face an uncertain and potentially dangerous future.

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- 1 See Sudanese Media Center, "Proportion of Vote Records 55% in S. Darfur," April 19, 2010, available at <http://www.smc.sd/eng/news-details.html?rsnpid=28798>; report on *Al-Rayaam* newspaper website, available at http://rayaam.info/News_view.aspx?pid=590&id=45151 (in Arabic).
- 2 See Alan Boswell, "Credibility of Sudan's Vote Thrown Into Further Doubt," Voice of America News, April 18, 2010, available at <http://www1.voanews.com/english/news/africa/east/Credibility-of-Sudans-Vote-Thrown-into-Further-Doubt-91422099.html>; Mohamed Osman, "Vote monitors: Sudan election shot of standards," Associated Press, April 16, 2010, available at <http://www.google.com/hostednews/ap/article/ALeqM5iUcyBPqJJobPleGhzKn0iK8Z9HXAD9F4RSGG4>.
- 3 "Sudanese youth activists arrested, threatened ahead of polls," Reuters, March 22, 2010, available at <http://af.reuters.com/article/topNews/idAFJOE62L0BB20100322?sp=true>.
- 4 Human Rights Watch, Sudan: Government Repression Threatens Fair Elections, March 21, 2010, available at <http://www.hrw.org/en/news/2010/03/21/sudan-government-repression-threatens-fair-elections>.
- 5 International Crisis Group, "Rigged Elections in Darfur and the Consequences of a Probable NCP Victory in Sudan," Africa Briefing No. 72, March 30, 2010.
- 6 Alex de Waal, "Sudan's Choices: Scenario Beyond the CPA," in *Sudan – No Easy Ways Ahead*, Heinrich-Böll-Stiftung: Berlin, 2010.
- 7 *Al-Rayaam* newspaper website, available at http://rayaam.info/News_view.aspx?pid=584&id=44611 (in Arabic).

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