
NATIONAL ELECTIONS AND POLITICAL ACCOMMODATION IN THE SUDAN

Gerard Mc Hugh

Gerard Mc Hugh

Acknowledgements

The author wishes to thank Erik Fogg, Research Associate with Conflict Dynamics, for his excellent research assistance conducted for Conflict Dynamics' ongoing project on *Political Accommodation in the Sudan*, under which this Briefing Paper was produced. Several colleagues – who will not be identified here – provided extremely helpful comments and suggestions during the drafting of this paper, and the author is grateful for their thoughtful inputs and perspectives.

Release date: 6 June 2009

Conflict Dynamics International
111 Rice Street
Cambridge, MA 02140
USA
Ph: +1 617 661-1066
Fax: +1 617 661-1686
E: info@cdint.org

Executive Summary

In addition to marking an important milestone in the implementation of the 2005 Comprehensive Peace Agreement (CPA), national elections scheduled to take place in February 2010 are rightly being viewed as a major step forward in democratic transformation of the political system and institutions in the Sudan. However, elections in the Sudan cannot be the end goal in and of themselves. Rather, they must be a means to an end objective of achieving effective political accommodation in the whole of the Sudan.

The stakes are high. If elections and other modalities for political accommodation fail to effectively reconcile the political interests of various parties and constituencies, especially previously-marginalized groups: (a) there will be increased risk of (potentially-violent) disputes following elections; (b) secession will likely become the only attractive political option for the Southern parties in advance of the 2011 referendum; and (c) opposition Movements in Darfur will have little incentive to engage in substantive negotiations with the Government of the Sudan.

In this context, a critical question is whether elections alone can achieve effective political accommodation and thereby help to build peace. This is the central question which this Briefing Paper seeks to explore.

A typology for political accommodation in the Sudan

The term *political accommodation* encompasses the objectives, process, or outcome of mutual conciliation around competing political views and interests. A typology of foci for political accommodation has been developed consisting of: (1) Federalism and decentralization; (2) Electoral process(es); (3) The Executive Branch; (4) The National Legislature; (5) Regional- and State Legislative Assemblies; and (6) Public participation (see Annex I).

Some qualitative criteria that can be used to gauge the effectiveness of political accommodation in the Sudan include the extent to which the interests and perspectives of the CPA partners, Darfurian opposition Movements and other parties are accommodated in political representation and decision making at each of four levels of government: the National level; the Southern Sudan level; the State level; and the local level.

Demography and national elections in the Sudan

Demography – and particularly population distribution and origins – plays a particularly important role in the electoral process in the Sudan. The results of the Fifth Population Census conducted in 2008 identified the populations of the various regions as: Northern Sudan (excl. Darfur) – 23,378,555 (59.71 %) ; Darfur – 7,515,445 (19.19 %) ; Southern Sudan – 8,260,490 (21.10 %).

Perhaps the two most politically-contentious aspects of the 2008 census results have been the enumerated population of Southern Sudan and the number of Southerners resident in the Northern States. The SPLM has long asserted that the people of Southern Sudan make up approximately one-third of the overall population. Comparison of population data from multiple sources indicates that the results of the Fifth Population Census for 2008 fall in the approximate middle range of data from three other sources, suggesting that these data are at least reasonable plausible. Moreover, even if the population of Southern Sudan were to be equivalent to the highest estimate, the corresponding percentage of the total population would be 25.28 %.

Prospects for political accommodation in the Sudan

This assessment of the prospects for political accommodation centers on: (i) the electoral process; (ii) the Executive Branch; (iii) the National Legislature; and (iv) Regional- and State Legislative Assemblies.

Prospects for political accommodation through the electoral process

The National Elections Act 2008 specifies a majoritarian electoral system for elections of the President, the President of Southern Sudan and the State Governors. This, combined with the unitary nature of the positions, reduces the potential for political accommodation in the State- and National Executives to be elected based on the law itself. The system for election of representatives to the Council of States does facilitate some degree of political accommodation as it gives: (i) equal representation to each State; and (ii) disproportionately high representation to the Southern region. Although a combined majoritarian-PR system will be used for election of representatives to the National- and State Legislative Assemblies, the majoritarian component of the system will dominate, therefore reducing the prospects for political accommodation.

Prospects for political accommodation in the Executive Branch

The institution of a three-member Presidency combined with qualified decision making (consent of First Vice President required) on certain issues ensures that there is a high degree of political accommodation within the Presidency on those specific issues. The provisions of the Darfur Peace Agreement do not enjoy the same constitutional guarantees as, for example, the decision-making procedures within the Presidency specified in the CPA. Moreover, existing provisions for political accommodation of pro-DPA Darfurian parties in the National Executive have been shown to be largely ineffectual.

Prospects for political accommodation in the Council of States

The structure and likely composition of the Council of States following elections will achieve a moderately high degree of political accommodation in this chamber. However, because of the system by which the Council members will be elected, the majority composition of each State Legislative Assembly will likely be reflected in the political affiliations of the Council members for that State. The decision-making procedures for the Council of States are such that the Southern parties would (voting as a bloc) have the ability to veto legislation. Darfur's regional representation of 6 seats in the Council of State will not be able to significantly influence decision-making in the absence of a coalition with one or more of the dominant parties.

Prospects for political accommodation in the National Assembly

The prospects for political accommodation in the National Assembly following the elections will clearly depend on the outcome of the elections, but will also be strongly influenced by the way in which the newly-composed National Assembly will make decisions. There are a number of scenarios that can be considered for the outcome of the election of representatives to the National Assembly.

Scenario 1: NCP retains a majority in the National Assembly

Scenario 2: SPLM secures sufficient seats for majority in the National Assembly

Scenario 3: Northern opposition parties form an alliance and build a majority coalition

Scenario 4: SPLM forms a coalition to include non-NCP Northern parties

Scenario 5: NCP and SPLM form 'grand coalition' in the National Assembly

Scenario 6: An unstable, juxtaposition of coalitions or parties with small party/parties deciding the balance of power

The six scenarios above can be grouped in three categories: (I) single party majorities; (II) stable multi-party majority coalitions; and (III) volatile multi-party majority coalitions. Apart from unknowable voter preferences, there are a number of technical considerations that can help shed light on these scenarios:

First, the National Elections Act 2008 specifies that election of 60 percent of the members of the Legislative Assemblies will be according to a majoritarian system using single-seat geographical constituencies. The use of single- rather than multi-seat constituencies reduces the potential for supporters of minority parties to elect their chosen representatives. Multi-seat constituencies lower the threshold to minority representation. **Second**, the National Elections Act specifies that 40 percent of the members of the National-, Southern Sudan and State Legislative Assemblies are to be elected from women's- and political party lists (25 and 15 percent respectively) at the State level, rather than, for example, at the national level. **Third**, for election of the 40 percent of the members of the Legislative Assemblies that are to be elected using the PR system: (i) the qualifying threshold for political party- and women's lists to be considered in the election of representatives using the PR system is 4 % of votes; and (ii) party lists are for a single party and not an alliance of parties.

Separate from these technical factors, even a cursory analysis of recent alliance forming preferences of political parties in the Sudan (and in Northern Sudan in particular) highlights the fact that Northern parties have in recent years generally only engaged in 'tactical', short term alliance formation.

Likelihood of Scenario in Category I – Single-party majority: There is a medium- to high likelihood that Scenario 1 (*"NCP retains a majority in the National Assembly"*) is realized following elections. The use of single-seat geographical constituencies and political party lists at State level (rather than at national level) will make it difficult for non-NCP parties, particularly for the Southern parties, to secure large numbers of National Assembly seats to represent the Northern constituencies. By corollary, this significantly reduces the likelihood of Scenario 2 (*"SPLM secures sufficient seats for majority in the National Assembly"*).

Likelihood of Scenario in Category II – Stable multi-party majority coalitions: Even if the SPLM were to secure a number of seats in the National Assembly disproportionately higher than its potential support base, it is unlikely that the SPLM will be in a position to put together a majority coalition, and therefore there is a low likelihood of Scenario 4 (*"SPLM forms a coalition to include non-NCP Northern Parties"*). Based on analysis of the technical constraints and alliance forming preferences, it will be difficult for the Northern opposition parties to build and sustain a sufficiently broad-based coalition. Therefore, there is low likelihood of Scenario 3 (*"Northern opposition parties form an alliance and build a majority coalition"*).

Likelihood of Scenario in Category III – Volatile multi-party majority coalitions: In light of the fact that all parties will have to align themselves along a geographically- and ideologically polarizing debate in the near term following elections, it is unlikely that many Northern parties would enter into a balancing coalition for any purpose other than short term gains. Therefore, there is low likelihood that Scenario 6 could be sustained.

Prospects for political accommodation in the State Legislative Assemblies

The dominance of the 'majoritarian' component of the mixed electoral system for election of members from single-seat geographical constituencies and the threshold for parties to be included in the election of representatives from political party- and women's lists will reduce the potential for effective minority

representation in the State Legislative Assemblies. The use of simple majority decision-making procedures in the State Legislative Assemblies (as the ‘fall back’ decision making rule), will further exclude even the larger minority groups from an influential role in the legislative agenda at the State level, especially in Darfur.

Observations on elections and political accommodation

The assessment presented here highlights that neither the technical systems used for the various elections nor the likely outcome of the elections will realize the degree of political accommodation necessary to ensure that minority groups in the Sudan can be guaranteed a sufficiently influential role in political decision making to safeguard their political interests. Elections alone will not achieve effective political accommodation!

The type of decision-making procedures employed in the Presidency, the National Legislature, and State Legislative Assemblies can critically affect the degree of political accommodation. The cases of Burundi and Northern Ireland illustrate that in certain contexts a greater degree of accommodation can be achieved by the combination of elections *and* consociational decision-making procedures than can be achieved through elections alone. The following consociational arrangements could be explored for the Sudan:

1. Expansion of the range of decisions of the Presidency that require the consent of the First VP;
2. Institution of a ‘parallel consent’ voting procedure (similar to that used in Northern Ireland) in the Council of States;
3. Institution of a two-thirds majority voting procedure in the National Assembly, as exists for certain types of legislation in the Council of States (and as used in Burundi);
4. Institution of a ‘parallel consent’ voting procedure for key decisions in the National Assembly, which would require that such decisions be taken by a majority of members, including a majority within each of the blocs of ‘Northern’ and ‘Southern’ representatives;
5. Institution of a ‘three-way consent’ voting procedure for key decisions in the National Assembly, which would require that such decisions be taken by a majority of members, including a majority within each of the ‘Northern’, ‘Southern’ and ‘Darfurian’ blocs;
6. Institution of a two-thirds majority voting in the Darfur State Legislative Assemblies;
7. Institution of a ‘parallel consent’ voting procedure in the Darfur State Legislative Assemblies;
8. Establishment of a senior position within the Presidency to represent Darfur, and which would have a constitutionally-guaranteed role. The President would require the consent of this elected official to make certain key decisions that most directly relate to Darfur.

Conclusions

The primary objective of this paper was to explore whether elections can achieve effective political accommodation in the Sudan. The assessment presented here (Sections 4 and 5) has found that the process and likely outcomes of elections, in the absence of other modalities, will not achieve effective political accommodation in the Sudan, and as such will not deliver on the desire for equitable sharing of power at the core of the CPA. However, elections and new consociational arrangements – mechanisms that are politically feasible and can be implemented within the current framework of the CPA and Interim National Constitution – could significantly increase the prospects for effective political accommodation in advance of- and following national elections.

Contents

1. INTRODUCTION AND OBJECTIVES.....	3
2. A TYPOLOGY FOR POLITICAL ACCOMMODATION IN THE SUDAN	5
THE MEANING OF POLITICAL ACCOMMODATION	5
A TYPOLOGY OF FOCI FOR POLITICAL ACCOMMODATION	6
CRITERIA AND TOOLS FOR ASSESSING POLITICAL ACCOMMODATION	6
3. DEMOGRAPHY AND NATIONAL ELECTIONS IN THE SUDAN	10
THE FIFTH POPULATION CENSUS, 2008.....	10
POPULATION ESTIMATES FOR SOUTHERN SUDAN.....	11
4. PROSPECTS FOR POLITICAL ACCOMMODATION IN THE SUDAN	14
FOUR FOCI FOR POLITICAL ACCOMMODATION	14
ELECTORAL PROCESS	15
THE EXECUTIVE BRANCH	17
THE NATIONAL LEGISLATURE.....	18
REGIONAL- AND STATE LEGISLATIVE ASSEMBLIES.....	27
5. OBSERVATIONS ON ELECTIONS AND POLITICAL ACCOMMODATION	28
THE ROLE OF ELECTIONS IN REALIZING POLITICAL ACCOMMODATION	28
THE POTENTIAL OF CONSOCIATIONAL ARRANGEMENTS TO COMPLEMENT ELECTIONS AND DELIVER EFFECTIVE POLITICAL ACCOMMODATION	29
6. CONCLUSIONS	36
POLITICAL ACCOMMODATION AND THE REFERENDUM ON SOUTHERN SELF-DETERMINATION	36
POLITICAL ACCOMMODATION IN THE CONTEXT OF THE DARFUR POLITICAL PROCESS.....	37
AREAS FOR FURTHER RESEARCH	37
ANNEX I – FOCI AND EXISTING PROVISIONS FOR POLITICAL ACCOMMODATION IN THE SUDAN	39
ANNEX II – POPULATION OF THE SUDAN BY STATE (2008)	43

Table of figures

Figure 1 – The Lorenz curve.....	8
Figure 2 – Example of Lorenz curve: Level of equity in allocation of two seats per State in Council of States.....	9
Figure 3 – Comparison of Fifth Population Census result with extrapolated population estimates for Southern Sudan, 2008, from various sources.....	12
Figure 4 – Results of Tufts-IDMC survey (Greater Khartoum area) of respondents on question of ‘previous location’	13
Figure 5 – Lorenz curve of initial allocation of seats to Northern- and Southern parties (66 – 34 % respectively) in National Assembly (NA) during the pre-elections Interim Period.....	20
Figure 6 – Lorenz curves illustrating the likely regional representation and decision-making influence in the Council of States.....	22
Figure 7 – Lorenz Curve of distribution of political representation in Burundi: Allocation of seats in the National Assembly in accordance with the Arusha Accord and Pretoria Protocol.....	30
Figure 8 – Lorenz curves of political representation/influence in National Assembly across ethnic groups in Burundi, 2005, showing: actual elections results [ACT]; adjusted National Assembly composition [ADJ]; and decision-making influence using consociational arrangements [D-MAKE CD].....	31
Figure 9 – Steps in engineering political accommodation in Burundi: from demographic minority (A) to legislative parity (D).....	32
Figure 10 – Lorenz curves illustrating the implications of choice of decision-making procedures in the National Assembly for decision-making influence	35
Figure 11 – Map of the Sudan	44

1. Introduction and objectives

In early April 2009 the National Elections Commission (NEC) of the Republic of the Sudan announced that elections will take place during February 2010, with polling taking place over fifteen days commencing on 6 February and the final results to be announced on 27 February.¹ In addition to marking an important milestone in the implementation of the 2005 Comprehensive Peace Agreement (CPA), of which electoral reform is one of the main pillars, national elections in the Sudan are rightly being viewed as a major step forward in democratic transformation of the country's political system and institutions.² If undertaken in a transparent, inclusive and fair manner, elections will provide an unprecedented opportunity for participation by political parties, civil society constituencies and voters in the political affairs of the country.

However, elections in the Sudan cannot be the end goal in and of themselves. Rather, they must be a means to an end, and that end objective must be effective and sustainable mutual accommodation of oft-competing political interests and perspectives – referred to here as *political accommodation* – in the whole of the Sudan. Elections certainly represent an important avenue for realizing political accommodation, but elections alone may not be enough.

The stakes are high. If national elections and other modalities for political accommodation fail to effectively reconcile the political interests of various parties and constituencies, especially previously-marginalized groups, with the resulting increased potential for these groups to be excluded from decision making: (a) there will be increased risk of (potentially-violent) disputes following elections; (b) secession will likely become the only attractive political option for the Southern political parties in the run up to the 2011 referendum on self-determination, and (c) opposition Movements in Darfur will have little incentive to enter into substantive negotiations with the Government of the Sudan.

While the CPA partners – the National Congress Party (NCP) and the Sudan People's Liberation Movement (SPLM) – may view elections as a necessary step in implementing the Agreement, and may be distracted by other events (for the NCP, the issuance of an arrest warrant for President Al-Bashir by the International Criminal Court (ICC) in March 2009; for the SPLM, economic woes and preoccupation with the path towards the 2011 referendum), international supporters have placed their hopes for democratic transition almost exclusively in the electoral process.

In this context, a critical question is whether elections alone will be able to achieve the high degree of political accommodation necessary to avoid potentially-violent disputes, sustain the CPA and engage the parties to the conflict in Darfur in a meaningful dialogue. Put simply: can elections alone achieve effective political accommodation and thereby help to build peace? This is the central question which this Briefing Paper seeks to explore.

*Can elections
alone achieve
effective political
accommodation?*

¹ On 2 April 2009, the National Elections Commission published a proposed timeframe for elections. The schedule is available on the Internet site of the Sudan People's Liberation Movement/Army (SPLM/A), <http://www.splmtoday.com> [Accessed 23 May 2009]

² Under the timeframe for implementation of the CPA, national elections were originally supposed to take place by July 2009.

In pursuit of this overarching purpose of exploring the role of elections in realizing political accommodation, this paper has the following objectives:

- to apply a structured, technical approach – including scenario testing and case study analyses – to assessing the role of elections in achieving political accommodation;
- to draw on experiences from other situations of post-conflict transition that may have utility in considering how to achieve effective political accommodation in the Sudan;
- to introduce a new vocabulary – on the objectives, modalities of political accommodation, rather than focusing narrowly on elections – into the fora for political debate in the Sudan;
- to convey this assessment to the parties to the CPA, parties to the conflict in Darfur, other national stakeholders, and international mediators and partners; and, finally,
- [by all of the above] to help avoid some of the potential negative consequences of incomplete or ineffective political accommodation identified above.

This paper is organized in five sections. Section 2 presents a typology and criteria for political accommodation in the Sudan, and presents also a tool for assessing political accommodation. Section 3 highlights the nexus between demography and the electoral process in the Sudan and presents select aspects of Sudan’s demographic profile, drawing on the results of the 2008 Fifth Population Census released on 21 May 2009. Section 4 assesses the prospects for political accommodation in the Sudan prior to- and following elections using four ‘foci’ for political accommodation identified in the typology (Section 2): the electoral process, the Executive Branch, the National Legislature, and Regional- and State-level Assemblies. This assessment uses, among other techniques, a scenario-based approach to assess political accommodation in light of various possible outcomes following elections.

Section 5 presents observations that serve to answer the core question as to whether elections can achieve effective political accommodation, while Section 6 presents some concluding remarks.

The general approach to conducting the ongoing policy-directed research underpinning the assessment and observations in this paper is one based primarily on adherence to a technical analysis of the electoral law, peace agreement provisions and their implementation, and exploration of technical options for political accommodation. The methodology used in conducting this research includes the following components: (A) extensive literature and data review; (B) interviews with key interlocutors; (C) typology generation and refinement; (D) analysis of political accommodation including scenario testing; (E) comparative case study analyses; and (F) exploration of options for political accommodation.

This research does not assess previous electoral patterns or delve into public opinion research pertaining to elections. Other recent studies have focused on these and other aspects of the electoral process.³

³ Under its *Sudan Election History Project*, the Rift Valley Institute published a report in May 2009 which examines Sudan’s history of elections and the outcomes of those elections. See: Justin Willis et al., *Elections in Sudan: Learning from Experience* (Nairobi: Rift Valley Institute, 1 May 2009). Available at: <http://www.riftvalley.net> [Accessed: 29 May 2009]. The National Democratic Institute (NDI) has conducted research in the Three Areas – using a focus-group methodology – to examine public perceptions of progress towards sustainable peace since the CPA was signed in early 2005. The focus group findings include citizens’ perspectives on national elections. Traci D. Cook, *Losing Hope: Citizen Perceptions of Peace and Reconciliation in the Three Areas* (Washington, D.C.: National Democratic Institute, 31 March 2009).

2. A typology for political accommodation in the Sudan

The central question which this paper seeks to explore relates to the nexus between elections and political accommodation in the Sudan. In order to explore this question it is first and foremost necessary to: (i) clarify the meaning of political accommodation; (ii) develop a typology of focal areas for political accommodation, to provide a structure for thinking about how political interests can be reconciled; and (iii) develop criteria and identify tools for assessing the effectiveness of political accommodation. This section presents these three components which provide the foundation for the analyses and observations that follow.

The meaning of political accommodation

The term *political accommodation* encompasses the objectives, process, or outcome of mutual conciliation around competing political views and interests.⁴ Using this definition, political accommodation can include elements pertaining to a ‘means’ (the *process*) and an ‘end’ (the *objectives* or *outcome*). For the purposes of this paper, political accommodation is considered as an end objective or desired outcome in the Sudan. Later in this section a typology of foci or avenues for political accommodation is presented, which relates more to the *process* dimension of political accommodation reflected in the above definition.

For practical reasons of clarity in use of terminology, but also because one of the objectives of this paper is to introduce a new vocabulary into political debates on the Sudan, it is important to draw a distinction between political accommodation and the terms *power sharing* and *consociational democracy*. These latter two terms have almost exclusively been used or defined to pertain to the role of elites in the political system.⁵ Political accommodation does not limit its focus to the elites but can potentially include mechanisms for conciliation of political interests through public participation, including through participation in the electoral process. The term *consociational arrangements* is used later in this paper to connote the types of institutional arrangements (agreed and implemented by political elites) that can lead to or facilitate political accommodation.

While political accommodation can be a worthy objective in any political system, it has a particular allure in post-conflict societies for a number of reasons. First, political accommodation can assist in avoiding a return to violent conflict by ensuring that the previous belligerents have sufficient incentives to sustain their engagement in political dialogue and processes. Second, in societies and their political systems emerging from conflict, political accommodation can provide a voice for groups that were previously marginalized or excluded from political and socio-economic opportunities. Third, political accommodation can provide a useful ‘safety net’ in that minority parties can engage in political

⁴ The definition of political accommodation provided here is adapted from that presented in: Brian Barry, “Political Accommodation and Consociational Democracy,” *British Journal of Political Science* Vol. 5 Issue 4 (Oct. 1975) : 477 – 505.

⁵ A recent study on whether power-sharing institutions work defined *power-sharing* regimes as, “...those states which are characterized by formal institutional rules which give multiple political elites a stake in the decision-making process ...” See: Pippa Norris, *Driving Democracy: Do Power-sharing Institutions Work?* (Cambridge: Cambridge University Press, 2008) : 23. The classical definition of *consociational democracy*, from the seminal article on the subject, is, “*government by elite cartel designed to turn a democracy with a fragmented political culture into a stable democracy.*” Arend Lijphart, “Consociational Democracy,” *World Politics* 21 No. 2 (January 1969) : 207-225. [Emphasis added]

interactions and discourse without fear of being marginalized or excluded from decision making, and in this way political accommodation can assist in building trust between previously-hostile parties.

A typology of foci for political accommodation

To assist in considering the various avenues through which political accommodation can be achieved, a typology of six foci for processes/arrangements to achieve political accommodation has been developed consisting of:

1. Federalism and decentralization
2. Electoral process(es)
3. The Executive Branch
4. The National Legislature
5. Regional- and State level Legislative Assemblies
6. Public participation

The provisions of the Comprehensive Peace Agreement and Interim National Constitution (INC) of 2005, the Darfur Peace Agreement (DPA) of 2006, and various national laws that contain provisions to accommodate political interests and perspectives in the Sudan are presented using this typology in Annex I. It is important to note that the matrix presented in Annex I represents a compilation of *existing* provisions pertaining to political accommodation and does not include some of the technical options put forward in Section 5 of this paper.

Criteria and tools for assessing political accommodation

This paper has already mentioned the need to achieve *effective* political accommodation. In considering the extent to which national elections can achieve this objective, it is necessary to identify some means of assessing the effectiveness – in terms of equity/inequality – of political accommodation. Some qualitative criteria that can be used to gauge the effectiveness of political accommodation in the Sudan include:

- The extent to which the interests and perspectives of the CPA partners are accommodated in political representation and decision making at each of the four levels of government: (1) the National level; (2) the Southern Sudan level; (3) the State level; and (4) the local level.
- The extent to which the interests and perspectives of Darfurian opposition Movement are accommodated in political representation and decision making at each of the four levels of government.
- The extent to which the interests and perspectives of Northern- and Southern political parties other than the NCP and SPLM are accommodated in political representation and decision making at each of the four levels of government.

Ultimately, one can say that effective political accommodation has been achieved when the main stakeholders in the system believe that they have a role in political affairs which enables them to satisfy their respective political interests, in a manner acceptable to all parties. For the CPA partners, the SPLM, as the ‘minority’ partner, must be convinced that the Movement’s interests will be met by its continued participation in the arrangements put in place by the CPA, otherwise there will be little incentive to continue to implement the Agreement.⁶ For the Darfurian opposition Movements, effective political accommodation would result in the ability of Darfur’s elected political representatives to play an influential role in political decision making, particularly in decisions that most directly affect the people of Darfur.

The qualitative criteria against which to gauge the effectiveness of political accommodation identified above can be complemented by other, more quantitative, means of visualizing and measuring political accommodation.

In any system in which there is a distribution of power, wealth or resources (or other asset/commodity) within a population, the level of equity/inequality in that system (the system could be global, national, community) can be visualized and assessed using a simple but powerful conceptual and statistical tool: the Lorenz curve.⁷ The Lorenz curve is a graphical representation of the distribution of power/wealth/resources among various constituent groups within a given population.

*Lorenz curve:
representation of
distribution of power
/ wealth / resources
among population
groups*

The Lorenz curve is generated by plotting the cumulative population against the cumulative power/wealth/resources, adding the size of the constituent population groups and the respective portion of power/wealth/resources possessed by that group. Distribution of power/wealth/resources in exact proportion to the size of every constituent population group (e.g. a group constituting 25 % of the population is allocated 25 % of power/wealth etc.) results in a diagonal line from the origin to the point of full allocation, as shown in Figure 1.

In general, the greater the area between the Lorenz curve and the line of exact proportional distribution, the greater the level of statistical inequality – in terms of deviation from exact proportional representation – in the system.⁸

⁶ In October 2007, as a result of deadlock between the CPA partners on a number of issues (including Abyei), and at a time when the SPLM believed that it could no longer fulfill its political interests through its participation in the institutions established under the CPA, the Movement recalled its Ministers and suspended its participation in the Government of National Unity (on 11 October). This provides an example of the consequences that can follow when parties believe that their political interests and objectives are not being accommodated in the system.

⁷ For a description of the Lorenz curve and GINI Index, and their use in analyzing equitable distribution of land (as an example of an area of interest in the field of political science research), see: Bruce M. Russett, “Inequality and Instability: The Relation of Land Tenure to Political Instability,” in, Eric A. Nordlinger, Ed., *Politics and Society* (Englewood Cliffs, NJ: Prentice-Hall, Inc., 1970) : pp. 312 – 314.

⁸ The GINI Index provides a quantitative, numeric representation of the level of equality/inequality in a system and has been used by the author to assess the degree of political accommodation in various systems, although it is not included prominently in this paper. The GINI Index is a normalized quantity related to the area between the Lorenz curve and the line of exact proportional distribution.

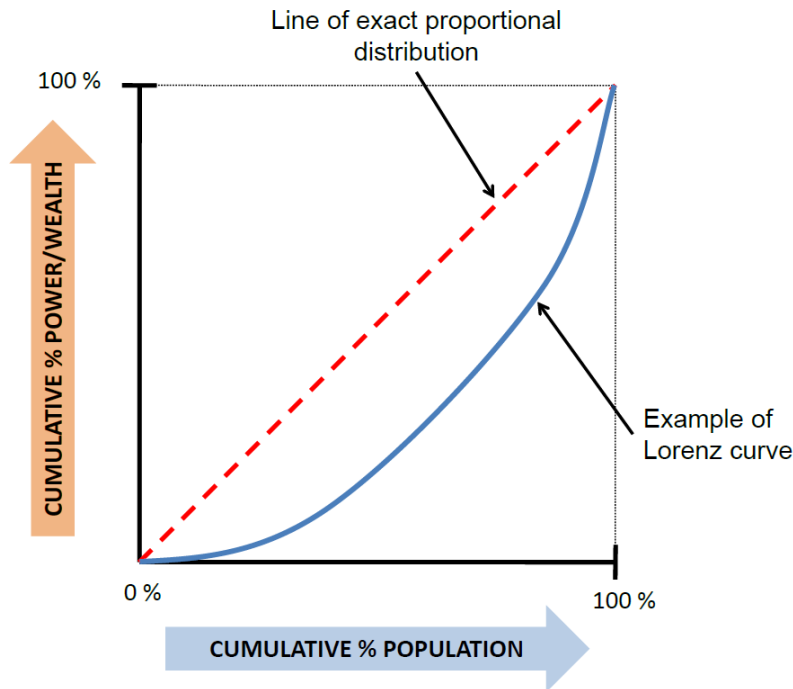


Figure 1 – The Lorenz curve

A simple example can help to illustrate the use of the Lorenz curve in assessing the equity/equality of political representation. As will be presented in more detail below, the Council of States is one of the two chambers in the bicameral National Legislature in the Sudan. This chamber is composed of two representatives from each State in the Sudan and two observers from the Abyei Area. Each State will therefore have the same number of representatives, irrespective of the population of the State. Members of the Council of States will, following national elections in February 2010, be elected by the members of the newly-constituted State Legislative Assemblies.

If the Council of States were to have a system of representation whereby each State was represented in exact proportion to its population, the resulting curve would be a diagonal line indicating exact proportional representation. Based on the results of the Fifth Population Census 2008, and actual Lorenz curve for the distribution of representation in the Council of States and the notional exact proportional representation (PR) line are shown in Figure 2. The populations of all States in the Sudan are accumulated along the horizontal axis in order of descending State population (Khartoum, the most populous State, is first; South Darfur is second etc.). The implications of the allocation of a fixed number of seats per State – a system used in the upper chamber of the legislature in several other democratic systems – will be discussed later in this paper.

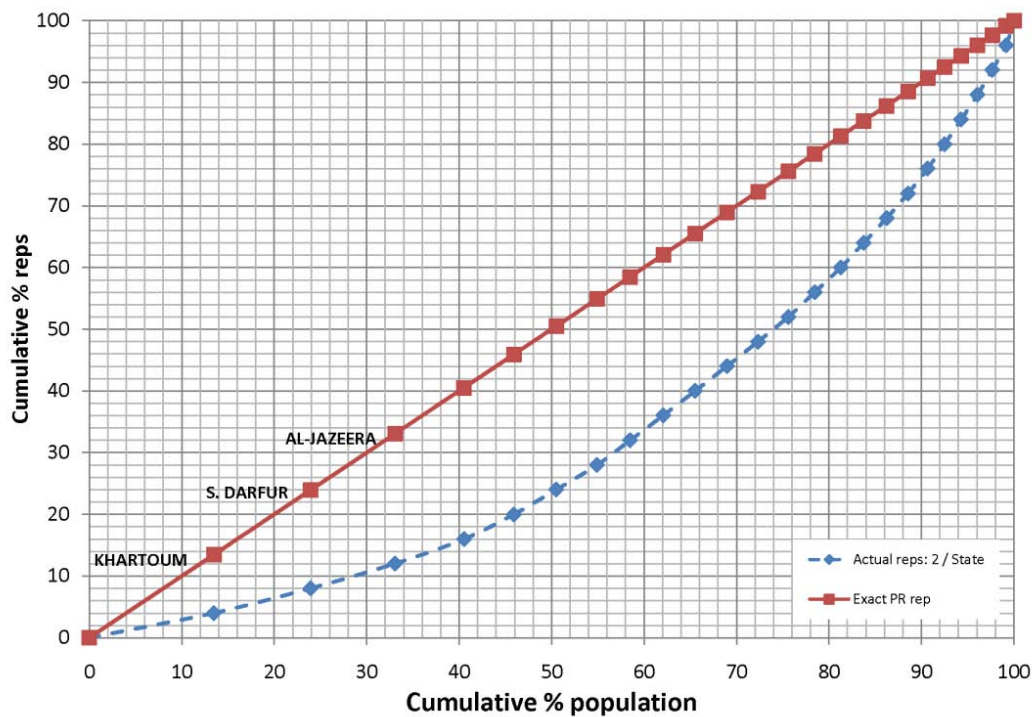


Figure 2 – Example of Lorenz curve: Level of equity in allocation of two seats per State in Council of States

The Lorenz curve will be used in this paper for two main purposes: (i) to map the degree of equity/inequality in political representation for various levels of government in the Sudan; and (ii) to assess the equity/inequality of decision-making procedures in the political institutions, particularly in the National Legislature. In this way, the Lorenz curve will assist in visualizing and assessing political accommodation in the Sudan.

In working to ensure the greatest degree of political accommodation in a political system the two-fold objectives can be summarized as follows: to ensure a distribution of political representation for population groups that comes as close as possible to the exact proportional distribution (i.e. smallest area between the Lorenz curve and the ‘exact PR’ diagonal line) while also ensuring that decision-making influence is distributed equitably among the constituent population groups.

Effective political accommodation requires equitable representation AND equitable decision-making influence

3. Demography and national elections in the Sudan

Several facets of Sudan's demographic profile, especially population distribution and origins, play a particularly important role in the electoral process, because:

- the number of seats in the National Assembly which will be filled by representatives from the Northern- and Southern regions will be determined by the cumulative population of the constituent States in the respective region;
- the population distribution identified in the Fifth Population Census (2008) will be used to demarcate constituency boundaries for those elections using sub-State level geographical constituencies;
- the population of each State relative to the total population of the country (see Annex II) will dictate the number of seats in the National Assembly for that State;
- the support bases for the major political parties in the Sudan are largely homogeneous, by Northern- and Southern geographic regions, which infers a stronger link between (regional) geographical location and voting preferences than would otherwise be the case.⁹ The exception to this assertion is the Darfur region in which pro- and anti-Government political support bases are more heterogeneous, geographically;
- Sudan has a large population of displaced persons (whether Internally Displaced Persons (IDPs) or refugees) which, as explained below, has important implications for the conduct of elections.

This section briefly presents the priority results of the Fifth Population Census (2008) as well as estimates for the population of Southern Sudan, as these data are necessary for the analysis that follows later in this paper.

The Fifth Population Census, 2008

The Fifth Population Census was undertaken throughout the Sudan between 22 April and 6 May 2008. Enumeration faced significant logistical challenges and was acknowledged to be incomplete in certain parts of the country, especially in parts of Darfur and Southern Sudan.¹⁰

The priority results of the population census were approved by the Population Census Council on 26 April 2009 for transmission to the Presidency and onward release. The census results were officially released on 21 May 2009.¹¹ The population in the regions of Northern Sudan (excl. Darfur), Darfur and

⁹ In practice this means that the primary support base for the 'Southern' parties will be from the Southern States and supporters in other States, while the primary support base for 'Northern' parties will be in the Northern States.

¹⁰ See, for example: United Nations Security Council, *Report of the Secretary-General on the Sudan*, U.N. document ref. S/2008/485 (New York: United Nations, 23 July 2008) : paragraphs 29 – 34; "Census ends unsuccessfully in South Sudan," *Sudan Tribune* (Juba: 7 May 2008); "Sudan says 90 percent covered on last day of census," *Sudan Tribune* (Khartoum: 6 May 2008).

¹¹ The Fifth Population Census (2008) results were published for public release on 19 May and officially released in Khartoum on 21 May. See: Central Bureau of Statistics of the Government of the Sudan. Census results available at: <http://www.cbs.gov.sd> [Accessed 25 May 2009].

Southern Sudan are presented in Table 1, and data on the population per State are presented in Annex II.

Region	Population	Percentage (%)
Northern Sudan (excl. Darfur)	23,378,555	59.71 %
Darfur	7,515,445	19.19 %
Southern Sudan	8,260,490	21.10 %
Total population	39,154,490	

Table 1 – Results of the Fifth Population Census (2008) for regions of the Sudan

Population estimates for Southern Sudan

Perhaps the two most politically-contentious aspects of the 2008 Fifth Population Census results have been the enumerated population of Southern Sudan and the number of Southerners resident in the Northern States.¹²

The Southern Parties’ expectations for the population of the region were not matched by the census results. The SPLM has long held the view that the people of Southern Sudan make up approximately one-third of the overall population of the whole of the Sudan. Indeed, the SPLM has previously expressed its view that it had a right to reject the census results if it was felt that the results did not adequately reflect the population of Southern Sudan.¹³

While the *exact* population of Southern Sudan is not currently known, a process of data triangulation can assist in comparing the current population data from the Fifth Population Census with that from previous surveys/censuses. The following data from multiple sources can assist in triangulating to compare the 2008 census results:¹⁴

- The Central Bureau of Statistics of the Government of the Sudan estimated the combined population of the Southern regions of Upper Nile, Bahr el-Ghazal and Equatoria to be 5.285 million in 2003. Using the same population growth rate as that specified for the period 1998-2003 (1.61 % for the three regions) and extrapolating forward, the estimated population in 2008 for these regions would be 5.731 million;
- In October 2006, the U.N. Population Fund estimated the population of Southern Sudan to be between 7.5 and 9.7 million, and further estimated that the population would grow by up to 3 million (including natural increase and return of displaced persons) over the

¹² See, for example: Andrew Heavens, “Southerners dismiss Sudan pre-poll census count,” *Reuters*, Khartoum, 21 May 2009.

¹³ In a radio interview on 19 February 2009, First Vice President and President of Southern Sudan, Salva Kiir, stated: “... We should ask ourselves why the result [of the Fifth Population Census] has not been released. Maybe there are some people who are attempting to delay the announcement of the results of the southern Sudan population census. I have said before that if the result comes out in a way which doesn’t satisfy us, we will reject it.” Source: Sudan Radio Service, 19 February 2009.

¹⁴ These data are presented here for comparative purposes only. The various data were compiled from various years, and from different organizations using potentially different methodologies. The reader is directed to the source of the various data to gain more information on the methodologies used etc.

following six years. Based on these estimates, and a linear population growth extrapolation, the estimated population range in early 2008 would be 8.25 to 10.45 million;¹⁵

- The New Sudan Centre for Statistics and Evaluation, in association with UNICEF, estimated the population of the Southern Sudan areas controlled by the SPLM/A (referred to in the survey as “SOSUS”) to be 7.514 million in 2003 with an estimated population growth rate of 2.85 %. Using this growth rate to extrapolate forward, the estimated population in 2008 would be 8.647 million.¹⁶

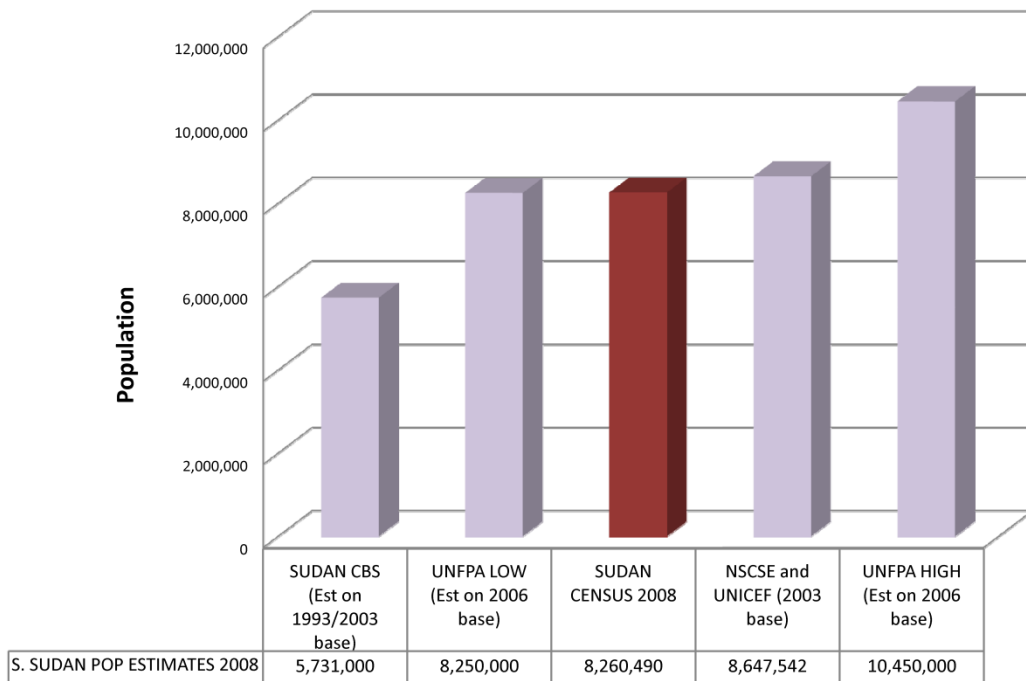


Figure 3 – Comparison of Fifth Population Census result with extrapolated population estimates for Southern Sudan, 2008, from various sources

Notwithstanding the methodological cautions and caveats, this elementary comparison of data (see Figure 3) illuminates two important points:

- The results of the Fifth Population Census for 2008 fall in the approximate middle range of data from the three other sources (CBS, UNFPA, NSCSE-UNICEF), indicating that these data are at least reasonably plausible in terms of the range of existing population estimates.
- Even if the population of Southern Sudan were to be equivalent to the highest estimate (UNFPA ‘HIGH’, 10.45 million) the corresponding percentage of the Southern population compared to the total population of the country would be 25.28 %.

¹⁵ United Nations Population Fund (UNFPA), *Briefing Note on Southern Sudan* (Juba: UNFPA, October 2006). Available at: http://sudan.unfpa.org/souther_Sudan/index.htm#general%20profile [Accessed 27 May 2009]. The estimates/extrapolations provided in this paper assume a linear increase in the population over 18 months (October 2006 to April 2008).

¹⁶ New Sudan Centre for Statistics and Evaluation (NSCSE) in association with UNICEF, *Towards a Baseline: Best Estimates of Social Indicators for Southern Sudan* (NSCSE: May 2004).

Regarding the population of Southerners residing in the North of the Sudan, the published 2008 census results provide only a breakdown of enumerated persons in each State according to whether they were born in that State and/or are permanent residents of that State (see Annex II). For example, for Khartoum State the enumerated population was 5.274 million, with 3.148 million of those enumerated (or roughly 60 percent) identifying Khartoum State as their place of birth.

A recent study to profile internal displacement in Greater Khartoum area provides a useful comparison to these data. The Tufts University-IDMC study, conducted between 2006 and 2008, included a survey of households and persons which included in the survey some questions regarding respondents’ previous locations.¹⁷ The survey results in five categories of “previous location” – defined as location of birth and (if relevant) where the person had been living before coming to Khartoum – are summarized in Figure 4.¹⁸

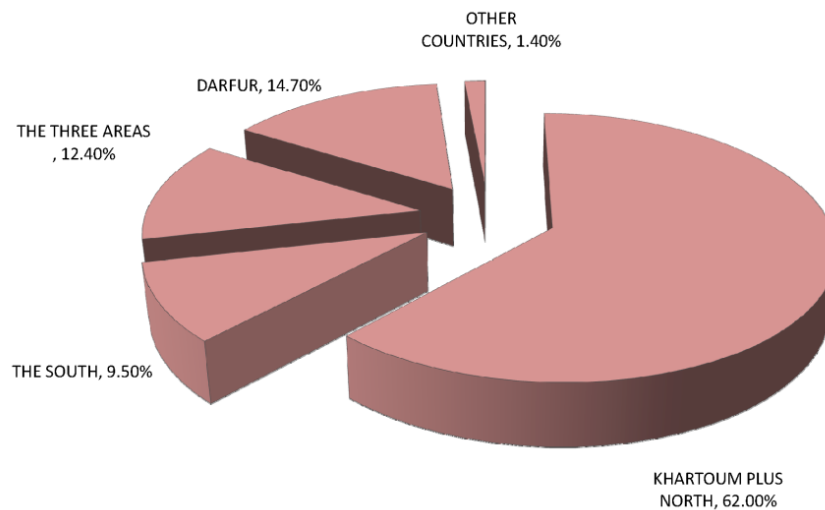


Figure 4 – Results of Tufts-IDMC survey (Greater Khartoum area) of respondents on question of ‘previous location’

While it is difficult to compare the Tufts-IDMC and Fifth Population Census data directly, the findings of the Tufts-IDMC study indicate that in Greater Khartoum area, the majority of survey respondents came from Khartoum and the North (excluding Darfur). The reasons for migration to Khartoum expressed by respondents not originally from the area included seeking employment; escaping conflict; seeking housing, land; education or joining the family.

The implications of this demographic feature of the population of parts of Northern Sudan for the outcome of elections are presented in Section 4.

¹⁷ Karen Jacobsen, *Internal Displacement to Urban Areas: the Tufts-IDMC Profiling Study - Khartoum, Sudan: Case 1*. Conducted by Tufts University and the Internal Displacement Monitoring Center (IDMC) (Medford, USA: Tufts University Feinstein International Center, August 2008).

¹⁸ “Khartoum plus North” refers to Khartoum and the Northern States; “The South” includes Equatoria, southern Bahr el Ghazal, Unity, Jonglei, Lakes, and Upper Nile; “The Three Areas” includes northern Bahr El Ghazal, most of South Kordofan, and southern Blue Nile.

4. Prospects for political accommodation in the Sudan

The preceding sections identified a typology for political accommodation in the Sudan (Section 2) and presented briefly some of the elements of Sudan's demographic profile that relate to elections and political accommodation (Section 3). This section now uses the typology presented above to assess the prospects for political accommodation in the Sudan, including through the electoral process and possible electoral outcomes.

Four foci for political accommodation

Of the foci for political accommodation identified in the typology (Section 2 and Annex I), this assessment of the prospects for political accommodation centers on: (Focus area 2) the electoral process; (Focus area 3) the Executive Branch; (Focus area 4) the National Legislature; and (Focus area 5) Regional- and State Legislative Assemblies. This is because these are the four avenues for political accommodation that relate most closely to- and are influenced by the process and outcome of elections. This exploration uses the criteria and tools introduced in Section 2 for assessing the effectiveness of political accommodation which may be achieved through each of the focal areas.

Before embarking on this assessment, it is worthwhile to note some of the provisions of one of the focal areas for political accommodation which will not be addressed in detail here: (Focus area 1) 'Federalism and Decentralization.' The CPA states that "... *within the framework of a unified Sudan ...*" there will be 4 levels of Government: National level; Southern Sudan level; States throughout Sudan; and local government.¹⁹ The Interim National Constitution also states that Sudan will be a "...*a democratic, decentralized ... country ...*"²⁰ This decentralized system already goes some distance towards accommodating political interests within the whole territory by providing for regional autonomy for Southern Sudan.

However, even with this decentralized system and regional autonomy there is a need to ensure effective political accommodation where the political interests of the regions converge at the national level: through the electoral process, in the Executive Branch and in the National Legislature. The decentralized system identified in the CPA and INC therefore reinforces the need to ensure effective political accommodation where these regional interests converge.

Furthermore, the Darfur Peace Agreement attempted to accord some degree of regional autonomy to Darfur through the Transitional Darfur Regional Authority (TDRA) established under the Agreement and through the requirement for a (simple-majority) referendum in Darfur to decide whether to create a semi-autonomous Darfur Region by July 2010.²¹ The DPA was never widely endorsed and only one (then) opposition Movement signed the Agreement. Similarly as in the case of the Southern Sudan region, the decentralized approach attempted in Darfur, even if it were to be fully implemented and endorsed, would still necessitate some arrangements to reconcile regional interests at the central or national level.

¹⁹ Government of the Republic of the Sudan and The Sudan People's Liberation Movement/Sudan People's Liberation Army, *Comprehensive Peace Agreement*, Nairobi, 9 January 2005. Chapter I, Part C (Structures of Government).

²⁰ Ministry of Justice, Republic of the Sudan, *Interim National Constitution of the Republic of the Sudan 2005*. Part One, Article 1.

²¹ Darfur Peace Agreement, 5 May 2006, Article 6.

For Southern Sudan and Darfur alike, therefore, regional autonomy alone will not achieve effective political accommodation.

The following sections assess prospects for political accommodation in the four identified focal areas.

Electoral process

The following assessment of the electoral process as a focal area for achieving political accommodation looks specifically at the electoral systems to be used for the various types of elections. This does not include an assessment of the feasibility of conducting elections (logistical or security assessment).

The National Elections Act of 2008 specifies the electoral systems to be used for elections to six political offices or institutions: (i) the President of the Republic; (ii) the President of the Government of Southern Sudan; (iii) the Governors or each State; (iv) members of the National Legislature; (v) members of the South Sudan Legislative Assembly; and (vi) members of the State Legislative Assemblies.²²

System for election of the President of the Sudan, the President of Southern Sudan and the State Governors

The type of election system to be used for election of the President of the Republic and the President of the Government of Southern Sudan is one based on a majoritarian principle, which dictates that the candidate who secures fifty percent of the valid votes cast plus one vote or more shall be declared elected.²³ In the event that no candidate achieves this threshold of votes, a second ‘run off’ vote between the two candidates with the highest number of votes is to be held within sixty days of the original election. The winner of the run-off election is the candidate who secures the majority of votes. Within each State, the Governor (the State-level Executive) is to be elected by voters in the State based on a majoritarian system; the candidate with the highest number of valid votes wins the election.²⁴

System for election of members of the National Legislature

The bicameral National Legislature consists of the National Assembly and the Council of States. The electoral system specified in the National Elections Act 2008 for returning representatives to the Council of States is one whereby two members of the Council will be returned from each State with two observers from Abyei Area. Representatives to the Council of States are to be elected indirectly, by the members of the State Legislative Assemblies in each State.²⁵

The National Assembly is to be composed of 450 elected representatives. The electoral system for election of members to the National Assembly is one which combines majoritarian- and proportional representation (PR)-type systems, with representatives elected as follows:²⁶

²² The National Elections Act 2008 was officially published in the Gazette of the Ministry of Justice (Ref. No. 1758/15.07.08). An English-language translation was provided by the Ministry of Justice and is available on the Internet sites of the Sudan People’s Liberation Movement (SPLM) [<http://www.splmtoday.com>] and the United Nations Mission in the Sudan [<http://www.unmis.org>] (Accessed 19 May 2009). The types of electoral system for the various elections are specified in Chapter 4 of the National Elections Act, 2008, in Articles 26 – 33.

²³ Government of the Republic of the Sudan, *National Elections Act 2008 (July 2008)*, Article 26(1)-(2).

²⁴ National Elections Act 2008, Article 26(3).

²⁵ National Elections Act 2008, Article 29(3).

²⁶ National Elections Act 2008, Article 29(2).

- Sixty percent of the members of the National Assembly to be elected, using a majoritarian system, to represent single-seat geographical constituencies throughout the Sudan;
- Twenty five percent of members of the National Assembly to be women elected on the basis of proportional representation (PR) at the State level from women’s lists;
- Fifteen percent of members to be elected from political party lists at the State level, also using PR system.

System for election of members of the State Legislative Assemblies

The electoral system for election of members to the State Legislative Assemblies uses a combined majoritarian-PR system similar to that used for the National Assembly elections, with identical allocation of seats between single-seat geographical constituencies, women’s lists and political party lists.²⁷ However, the number of seats in each of the State Legislative Assemblies is set by the Constitution of each State.²⁸

It is noteworthy that the single-seat geographical constituencies to be used for election of the ‘60 %’ component of the National Assembly representatives will differ (geographically) from those to be used for election of the ‘60 %’ component to the relevant State Legislative Assembly.

Prospects for political accommodation through the electoral process

The prospects for achieving effective political accommodation through the electoral systems specified in the National Elections Act 2008 can be summarized as follows:

- Because the positions of President of the Republic, President of Southern Sudan and Governor of each State are single-member elected positions, there is little scope for implementing an electoral system for these offices based on proportional representation. The electoral law specifies a majoritarian electoral system, and this, combined with the unitary positions, reduces the potential for political accommodation in the State- and National Executives to be elected based on the law itself. Other mechanisms that have instilled a degree of political accommodation in the Executive Branches – such as the system of decision making in the three-member Presidency – will be discussed later in this section.
- The electoral system for the election of representatives to the Council of States does facilitate some degree of political accommodation as it gives: (i) equal representation to each State, irrespective of population; and (ii) disproportionately high representation to the Southern region. Based on the system of elections, the fifteen

²⁷ National Elections Act 2008, Article 31.

²⁸ The Interim National Constitution of 2005, Article 180, states that the State Legislature will be composed of members elected in accordance with the provisions of the respective State Constitution and the National Elections Law 2008. The Model Constitution for the Northern States (dated October 2005) left the number of members of the State Legislative Assembly to be set by each State, within the range of 30 – 48 seats (except for Southern Kordofan, 54 seats). The DPA mandated that the number of seats in Darfur State Legislative Assemblies during the pre-elections Interim Period be increased to 73. *Darfur Peace Agreement*, 5 May 2006, Article 91.

Northern States will return 30 members of the Council while the ten Southern States will return 20 members of the Council.

- Although a combined majoritarian-proportional representation system will be used for election of representatives to the National- and State Legislative Assemblies, the allocation of 60 percent of the seats to the ‘majoritarian’ component means that the majoritarian dimension of the system will dominate.
- The electoral law does not contain any special provisions for the conduct of elections in Darfur. The electoral system facilitates only a small minority role for Darfurian representatives within the national-level institutions (e.g. no pre-defined ‘quota’ of representatives for Darfur), and particularly the National Legislature (discussed in more detail below). Therefore, the electoral system provides little scope, under current conditions, for accommodation of the various political interests in Darfur in the national arena, beyond the participation of voters in the elections and the possible election of a minority caucus of representatives of the Darfurian opposition Movements to national-level institutions.

The Executive Branch

During the pre-elections Interim Period, the Presidency consists of the President and two Vice Presidents, with the First Vice President to be SPLM Chairman who will also hold the position of President of the Government of Southern Sudan (GOSS).²⁹ The CPA and the Interim National Constitution stipulate that the Presidency will operate in partnership and according to “*collegiate decision making*.”³⁰ In addition to this collegiate decision-making process there are four categories of decision for which the President requires the consent of the First Vice President: (i) declaration/termination of a State of Emergency; (ii) declaration of war; (iii) appointment that the Presidency is required to make under the CPA; and (iv) summoning, adjourning or suspension of the National Legislature.³¹

Following the elections the posts of President and Vice-President will be occupied by representatives from the Northern and Southern regions of Sudan. If a candidate from Northern Sudan is elected President, then the President-elect for the Government of Southern Sudan is appointed as First Vice President. If a person from Southern Sudan is elected President, the First Vice President is to be appointed from Northern Sudan.

The Darfur Peace Agreement provided for the establishment of the position of Senior Assistant to the President, the fourth-ranking member in the Presidency, who is appointed by the President on the basis of nominees from DPA signatory parties.³² Minni Arkou Minawi, former Secretary-General of one faction of the Sudan Liberation Movement, was appointed to this position following his signing of the DPA.

²⁹ Comprehensive Peace Agreement (2005), Part II, 2.3

³⁰ Comprehensive Peace Agreement (2005), Part II, 2.3.4; Interim National Constitution (2005), Article 51(2).

³¹ Comprehensive Peace Agreement (2005), Part II, 2.3.6

³² Darfur Peace Agreement, 5 May 2006, Article 8.

At the State level of government, the State Governors (the *Walis*) are unitary positions, previously appointed by the President, but which will in future be elected using a majoritarian system.

Prospects for political accommodation in the Executive Branch

The use of a three-member Presidency combined with qualified decision making (consent of First Vice President required) on certain key issues ensures that there is a high degree of political accommodation within the Presidency on those specific issues. However, the implication of the constitutional guarantees for certain decisions requiring the consent of the First Vice President is that such consent is not required for all other types of decision, albeit that the Presidency must operate in partnership and according to collegiate decision making.

Unlike the CPA, the provisions of the Darfur Peace Agreement, post-dating as they did the Interim National Constitution, do not enjoy the same constitutional guarantees as, for example, the decision-making procedures within the core of the Presidency that were specified in the CPA. Moreover, the position of Senior Assistant to the President has been shown to have limited influence within the Presidency on issues of high importance to the people of Darfur. As a result, the extant provisions for achieving political accommodation of pro-DPA Darfurian parties in the National Executive are largely ineffectual.

The National Legislature

The Council of States

In providing an example of the use of the Lorenz curve in visualizing and assessing the degree of equity or inequality in a political system, Section 2 described the composition of the Council of States. For the pre-elections Interim Period the members of the Council of States were appointed by the Presidency following consultations with State institutions. Following the national elections, the members of the Council of States will be elected by the members of the State Legislative Assemblies for each State, each of whom will cast two votes for two candidates.³³

Because of the largely homogeneous (by major geographic region) support bases for the dominant political forces in the Sudan – the NCP and the SPLM – the composition of the Council of State following elections will in all likelihood reflect the North-South ‘split’ of representation with the 30 members representing the Northern States (including Darfur) likely drawn from the ‘Northern’ political parties and the 20 members representing the Southern States likely coming from ‘Southern’ parties.

In the Council of States, initiation of legislation and decision making are undertaken as follows:

- The Council can initiate legislation on the decentralized system of government and on other issues of interest to the States and pass such legislation with two-thirds majority of members;³⁴

³³ National Elections Act 2008, Article 29(3).

³⁴ Interim National Constitution (2005), Article 91(4)(a).

- With regard to the role of the Council of States in considering legislation passed by the National Assembly:³⁵

“(b) a bill passed by the National Assembly shall be referred to a standing Inter-Chamber Committee for scrutiny and decision on whether it affects the interests of the states. Should the Committee decide that the Bill affects the interest of the states, the bill shall be referred to the Council of States,

(c) should the Council of States introduce any amendments in the referred bill, by a two-thirds majority of the representatives or pass it as is, the bill shall be sent to the President ... without being returned to the National Assembly.”

- Resolutions of the Council of States are to be taken by unanimity of consensus, whenever possible, alternatively resolutions should be passed by simple majority.³⁶ This provision would appear to relate to resolutions other than those identified above that require two-thirds majority of Council members.

The National Assembly

The CPA and the INC specified the initial allocation of seats in the National Assembly during the pre-elections Interim Period. The percentages and number of seats – based on a total of 450 seats in the Assembly – are presented in Table 2.

	Seats	Percentage
NCP	234	52 %
Other Northern parties	63	14 %
SPLM	126	28 %
Other Southern parties	27	6 %

Table 2 – CPA/INC allocation of seats in the National Assembly during the pre-elections Interim Period

This allocation of seats in the National Assembly reflects a 66 – 34 % split in seats between the Northern and Southern regions of the Sudan, respectively. This allocation was agreed based (among other criteria and interests) on the SPLM’s position that Southern Sudan comprises approximately one-third of the population of the Sudan. The original Northern-Southern allocation was further subdivided as follows:

- **‘Northern’ parties:** NCP, 234 seats; National Democratic Alliance, 20 seats; Registered Democratic Unionist Party, 7 seats; Umma Party Reform and Renewal, 3 seats; Federal Umma Party, 3 seats; Umma Party Collective Leadership, 3 seats; Ansar Al-Suna, 3 seats; Muslim Brotherhood, 3 seats; Parties’ Forum, 5 seats; Umma Party (Mainstream) and Popular National Congress, 8 seats (Total, 289 seats)

³⁵ Interim National Constitution (2005), Article 91(5).

³⁶ Interim National Constitution (2005), Article 99.

- **‘Southern’ parties:** SPLM, 126 seats; Union of Sudan African Parties, 10 seats; United Democratic Salvation Front, 5 seats; United Democratic Front, 3 seats; Sudanese African National Union, 5 seats; Southern Sudan Democratic Forum, 4 seats (Total, 153)
- **Prominent ‘National personalities’:** 8 seats (from ‘Northern’ allocation).

The Darfur Peace Agreement subsequently allocated 12 of the 450 seats (from the “Other Northern parties” allocation) in the National Assembly to the signatory Movements during the pre-elections Interim Period.³⁷ The Eastern Sudan Peace Agreement provides for the allocation of eight seats in the National Assembly to members of the Eastern Front.

The macro-level distribution of Northern- and Southern political representation in the National Assembly among the populations of Northern and Southern Sudan is illustrated using a Lorenz curve in Figure 5.

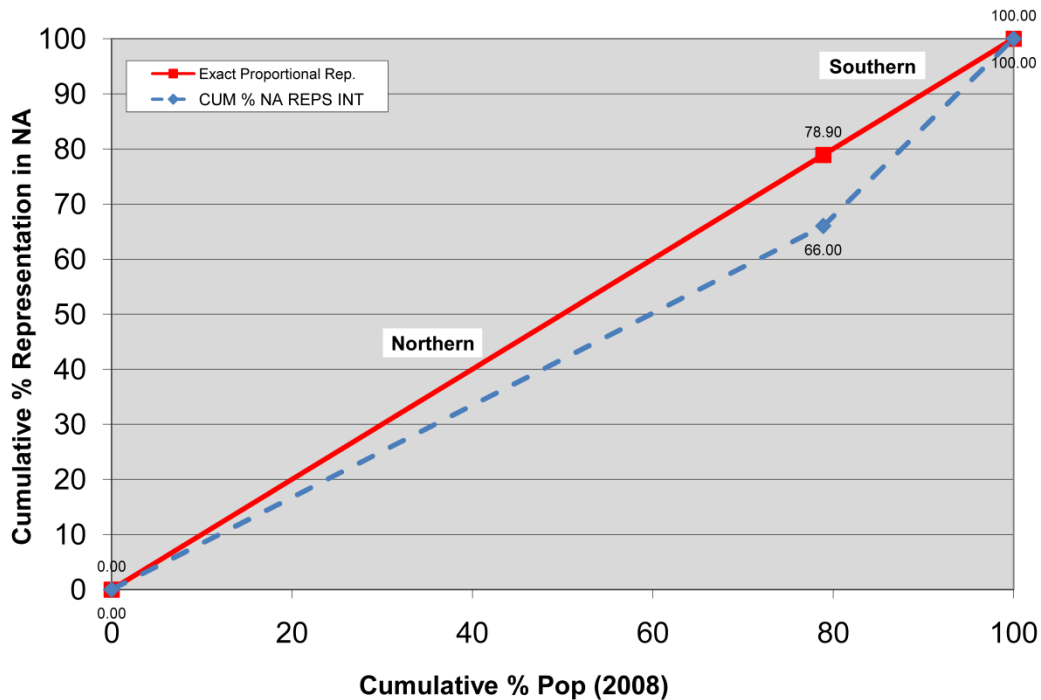


Figure 5 – Lorenz curve of initial allocation of seats to Northern- and Southern parties (66 – 34 % respectively) in National Assembly (NA) during the pre-elections Interim Period

The Lorenz curve illustrates that based on the 2008 census results (see Table 1) the allocation of 34 % of seats to Southern parties constitutes the representation for a region constituted 21.1 % of the population of the whole country.

In the post-elections Interim Period the National Assembly will be constituted of representatives duly elected using the mixed majoritarian-proportional representation electoral system specified in the

³⁷ Darfur Peace Agreement, 5 May 2006, Article 9.

National Elections Act (2008). Several scenarios for the outcome of the elections to the National Assembly are presented below.

In the National Assembly legislative resolutions are to be taken, as in the case of the Council of State, “... wherever possible ... by unanimity or consensus ... [or alternatively] ... by simple majority of those present.”³⁸

Prospects for political accommodation in the Council of States

The structure and likely composition of the Council of States following elections will achieve a moderately high degree of political accommodation in this chamber of the National Legislature, since it will give equal representation to each State irrespective of population, and since it will result in an overrepresentation of the Southern States (20 seats or 40 % of representatives in the 50 member- plus 2 observer Council).

However, because of the system by which the members of the Council will be elected (described above) the majority composition of each State Legislative Assemblies will be reflected in the political affiliations of the Council members elected for that State.³⁹ This is not so much of an issue for the largely politically-homogeneous Northern region excluding Darfur and for the Southern region, however, in Darfur this system of election will likely result in the exclusion of State Legislative Assembly minority parties from representation (from that State) in the Council of States.

Furthermore, the decision-making procedures for the Council of States (outlined above) are such that were the SPLM and other Southern parties to secure 20 of the ‘50 plus 2’ seats, they would not be in a position (absent support through a coalition with other Council members) to amend referred Bills or initiate legislation, as this would require a two-thirds majority. Southern parties would, however (should they vote as a bloc), have the ability to veto legislation that may run counter to the Southern parties’ political interests.

Two Lorenz curves are presented in Figure 6, one which represents the distribution of members in the Council of States by region, and a second curve which represents the regional influence in decision making in the Council of States.

The two-thirds majority of members required to initiate or amend legislation means that effectively the Northern (excluding Darfur) and Southern regions have an equal (50 % - 50 %) share in decision making as either regional group (assuming they were to vote in unison) could block legislation. It should be noted, however, that the two-thirds majority rule applies to certain categories of legislation, as outlined above. Darfur’s regional representation of 6 seats in the Council of State is such that it will not be able to significantly influence decision-making in the absence of a coalition with one or more of the dominant parties. Such a coalition is

³⁸ Interim National Constitution (2005), Article 99.

³⁹ One option for a more equitable system of electing members of the Council of States (by the members of the State Legislative Assemblies) would have been election of Council representatives by State Legislative Assembly members casting 1 vote each, with the two candidates securing the highest number of votes elected.

unlikely, since both the Northern (excluding Darfur) and Southern region delegations will have sufficient influence to veto legislation without entering into a coalition with the smaller Darfur delegation in the Council of States.

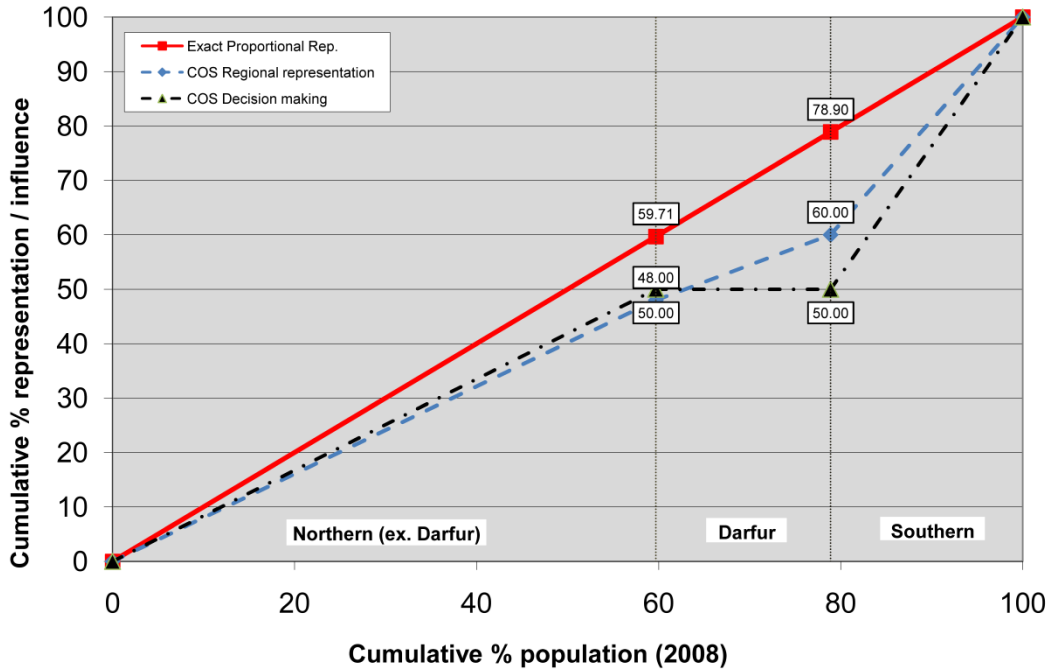


Figure 6 – Lorenz curves illustrating the likely regional representation and decision-making influence in the Council of States

Prospects for political accommodation in the National Assembly

During the pre-elections Interim Period the allocation of a majority of seats to the NCP combined with a ‘fall-back’ simple majoritarian decision-making procedure limits the potential for political accommodation in the National Assembly. Should the dominant parties in this lower chamber of the Legislature conduct the business of the chamber according to the consensus approach mandated in the INC, then the prospects for political accommodation would be enhanced.⁴⁰

The prospects for political accommodation in the National Assembly following the elections will clearly depend on the outcome of the national elections, but will also be strongly influenced by the way in which the post-elections National Assembly will make decisions, within the latitude allowed in the Interim National Constitution (unanimity, consensus, or simple majority). There are a number of scenarios, six of which are presented below, that can be considered for the outcome of the National Assembly elections.

⁴⁰ For a description by a Sudanese Member of the National Assembly of the current approach to initiating legislation see comments of Dr. Mudawi El-Turabi, in: National Endowment for Democracy (NED), *Towards Democratic Elections in Sudan* (Conference Report), (Washington, DC: National Endowment for Democracy, September 2008).

Scenario 1: NCP retains a majority in the National Assembly

The first scenario is the retention by the NCP of a majority of seats in the National Assembly following elections. In the pre-elections Interim Period the NCP was allocated 52 % of the 450 seats. If the NCP wins a majority of seats (226 seats or more) in the national elections, and based on the current decision-making procedures, the party will continue to play a dominant role in the National Assembly. Opportunities for other political parties – the SPLM, non-NCP Northern parties and Darfurian opposition parties – to influence the legislative agenda will be dictated primarily by the willingness of the NCP to reach out to other parties in the spirit of consensus.

Scenario 2: SPLM secures sufficient seats for majority in the National Assembly

A second scenario to be considered is one in which the SPLM secures a majority of seats in the National Assembly, capitalizing – as the party believes it will – on support from disaffected voters in Darfur, Eastern Sudan and indeed among the displaced Southerners in the North (and in the populous State of Khartoum in particular).

Scenario 3: Northern opposition parties form an alliance and build a majority coalition

At the time of writing, a number of Northern opposition political parties were exploring the formation of a political alliance to oppose the incumbent NCP-dominated government. A third scenario to be considered, therefore, is one in which these Northern opposition parties form a coalition to oppose the NCP, and this coalition secures a majority of seats in the Assembly.⁴¹

Scenario 4: SPLM forms a coalition to include non-NCP Northern parties

A fourth scenario is one which envisages a coalition formed around an SPLM core in opposition to the NCP; Under this scenario, the opposition coalition would secure a majority of seats in the National Assembly and would therefore be in a position to implement a legislative agenda reflecting the interests of the coalition partners.

Scenario 5: NCP and SPLM form ‘grand coalition’ in National Assembly in spirit of Government of National Unity

A fifth scenario to be considered is one in which the NCP and SPLM form a *grand coalition* and agree to make decisions in the National Assembly based on the consensus procedures preferred as a first option (for decision making) in the Interim National Constitution.

Scenario 6: An unstable, juxtaposition of coalitions or parties with small party/parties deciding the balance of power

A sixth, and final, scenario to be considered is one in which two large parties or coalitions of parties come close to achieving a majority of seats, and one or more smaller parties (by choosing which alliance of parties to align itself/themselves with) determined the balance of power. In any parliamentary democracy this system can prove to be extremely volatile.

⁴¹ This scenario does not include the possibility of SPLM inclusion on the Northern party coalition, as that is considered separately in Scenario 4.

The six scenarios above can be grouped together in three categories: (I) single party majorities (Scenarios 1 and 2); (II) stable multi-party majority coalitions (Scenarios 3, 4 and 5); and (III) volatile multi-party majority coalitions (Scenario 6).

The degree to which effective political accommodation can be achieved in the post-elections National Assembly will depend in part on which of these, or potentially other, scenarios transpires to be the situation in reality. Completely apart from (unknowable) future voter preferences, there are a number of systemic and/or technical considerations that can help shed light on which of the aforementioned scenarios will likely be realized.

First, the National Elections Act 2008 specifies that election of 60 percent of the members of the National Assembly, the Southern Sudan Legislative Assembly and the State Legislative Assemblies will be according to a majoritarian system using single-seat geographical constituencies. The use of single- rather than multi-seat constituencies reduces the potential for supporters of minority parties to elect their chosen representative in their constituency. Multi-seat constituencies lower the threshold to minority representation. The SPLM has maintained that it will garner significant support from disaffected voters in the Northern States. This is unlikely to be the case since the use of single-seat geographical constituencies will make it extremely difficult for the SPLM or other parties to secure a seat in constituencies where the parties' supporters are in the minority. Based on one survey of residents in areas of Greater Khartoum (presented in Section 3) it is likely that persons of Northern origin, whatever their political affiliations, will constitute a majority in most Northern constituencies.

Second, the National Elections Act specifies that 40 percent of the members of the National-, Southern Sudan- and State Legislative Assemblies are to be elected from women's- and political party lists (25 and 15 percent respectively). However, the electoral law also mandates that these political party- and women's lists are to be presented by political parties at the State level, rather than, for example, at the national level. This stipulation will favor those parties that have an existing political organization/structure in the relevant State and will make it more difficult for parties with dispersed support to secure seats.

Third, the National Elections Act 2008 stipulates that for election of the 40 percent of the members of the Legislative Assemblies that are to be elected using the proportional representation (PR) system: (i) the qualifying threshold for political party- and women's lists to be considered in the election of representatives using the PR system is that the list secures 4 percent of valid votes (cast for the relevant list category); and (ii) party lists are to be for a single party and not an alliance of parties. These provisions will reduce incentives for pre-election coalitions to canvas as an alliance of parties as they will only be able to present themselves as single parties on the political party and women's lists.⁴²

⁴² Interestingly, if the '4 %' rule were to be applied to the results of the 1986 elections, all but 3 of the 16 political parties represented in the pool of successful candidates would have been eliminated (for not reaching the threshold).

Separate from these three technical factors, even a cursory analysis of recent alliance forming preferences of political parties in the Sudan (and in Northern Sudan in particular) highlights the fact that Northern parties generally only engage in ‘tactical’, short term alliance formation.⁴³ This has implications for coalition formation prior to- and following elections.

In light of these technical factors and demonstrated alliance-formation preferences, the probability (low / medium / high) of a particular scenario can be considered according to the category of scenario:

Likelihood of Scenario in Category I – Single-party majority: There is a medium- to high likelihood that Scenario 1 (*“NCP retains a majority in the National Assembly”*) is realized following elections, as the NCP has the advantage of existing, extensive organizational structures in the Northern States. Also, as mentioned above, the single-seat geographical constituencies and the use of political party lists at State level (rather than at national level) will make it difficult for non-NCP parties, particularly the Southern parties, to secure large numbers of National Assembly seats to represent the Northern constituencies. By corollary, this significantly reduces the likelihood of Scenario 2 (*“SPLM secures sufficient seats for majority in the National Assembly”*) to one of low probability. Furthermore, because a large percentage of opposition Movement supporters in Darfur may choose not to participate in elections or may not be in a position to do so due to voter registration requirements, the NCP will likely gain proportionally more seats than opposition parties in Darfur.⁴⁴ This will increase the party’s chances of securing a majority of seats in the National Assembly (i.e. Scenario 1).

Moreover, past political behavior by the NCP indicates that, were it not to secure an outright majority of seats in the National Assembly, it would co-opt, through tactical commitments, other Northern opposition parties in order to block the formation of an opposing coalition with the SPLM as its nucleus (Scenario 4).

Likelihood of Scenario in Category II – Stable multi-party majority coalitions: Even if the SPLM were to secure a number of seats in the National Assembly disproportionately higher than the potential primary support base (approx. 21 % of total population in Southern Sudan according to the 2008 census, plus Southerners residing/located in Northern Sudan), it is unlikely that the Movement will be in a position to put together a majority coalition, and therefore there is a low likelihood of Scenario 4 (*“SPLM forms a coalition to include non-NCP Northern Parties”*). This is because, (a) there is political and ideological fragmentation among the non-NCP Northern parties; (b) the SPLM and other non-NCP parties will have difficulty in securing seats

⁴³ For example, in May 2008 the NCP engaged in active consultations with Northern opposition parties with a view to finding common ground on some of the pressing national issues. In May 2009, several Northern opposition parties were exploring a possible alliance to run against the NCP in the national elections.

⁴⁴ The National Elections Act 2008 specifies a three-month residency requirement, in the constituency in which the voter is to be registered, before voter registration. The elections schedule published by the NEC identifies a 30-day registration period commencing 2 June 2009. Displaced persons in Darfur will therefore have to now register, if their documentation permits, in the constituency to which they have been displaced.

in the National Assembly in the Northern States (for the technical reasons highlighted above) and (c) the SPLM will have difficulty in securing agreement with non-NCP Northern parties on a common platform, in light of the differing political ideologies and interests.

Even if SPLM were to pull together a coalition of parties to secure a majority in the National Assembly, it is highly unlikely that some of the existing Northern opposition parties – for example, the Popular Congress Party and the Umma Party – would align themselves against the NCP on ‘existential’ issues pertaining to the very survival (political, economic) of the country or its territorial integrity. Not least among the reasons for this is that these Northern political parties will be acutely aware that they will have to continue to deal with the NCP following the referendum on self-determination of Southern Sudan in 2011.

Based on a similar analysis of the technical constraints and alliance forming preferences as that used above, it will be extremely difficult for the Northern opposition parties to build and sustain a sufficiently broad based coalition which could constitute a majority of members of the National Assembly. Therefore there is low likelihood of Scenario 3 (*“Northern opposition parties form an alliance and build a majority coalition”*).

For Scenarios 3 and 4, if the SPLM or Northern opposition parties were to form a coalition, the current (default) simple-majority decision-making procedures in the National Assembly would require that the coalition secure an absolute majority of seats to enact legislation.

Based on the track record of cooperation between the NCP and SPLM in implementing the CPA, it is considered unlikely that both parties – absent any internal- or external existential threats – would agree to form a ‘grand coalition.’ As a result, Scenario 5 (*“NCP and SPLM form ‘grand coalition’ in National Assembly in spirit of Government of National Unity”*) is considered to be one which has a low likelihood of being realized.

Likelihood of Scenario in Category III – Volatile multi-party majority coalitions: In the absence of the pending referendum which will have such far reaching implications for Northern- and Southern political parties alike, it could be conceivable that an unstable (‘seesaw’-type) majority coalition could form, potentially comprising parties around an SPLM core on the one side, and parties around an NCP nucleus on the other. However, in light of the fact that all parties will have to align themselves along a geographically- and ideologically polarizing debate in the near term following elections, it is unlikely that many Northern parties would enter into a balancing coalition for any purpose other than short term gains. The likelihood of a multi-party coalition which, by nature of the constituent parties would be inherently volatile (i.e. Scenario 6), sustaining itself for any extended duration is considered to be low.

Regional- and State Legislative Assemblies

Since the Southern Sudan Legislative Assembly is to be composed of members elected from the (largely) politically-homogeneous Southern region, this section will focus primarily on the State Legislative Assemblies as foci for political accommodation at the State level.

The State Legislative Assemblies

As described above, the State Legislative Assemblies will be elected using the same mixed majoritarian-PR system as that which will be used for election of members to the National Assembly. The Interim National Constitution mandates that each State Legislative Assembly will “*decide its own rules of procedure.*”⁴⁵ With regard to decision making in the State Legislature, the Model State Constitution for the Northern States stipulates that:⁴⁶

“Decision of the State [Legislative Assembly] shall be taken by consensus or agreement whenever possible, otherwise it shall be approved by the simple majority attending unless this Constitution states otherwise.”

Prospects for political accommodation in the State Legislative Assemblies

Much of the technical analysis presented above relating to prospects for political accommodation in the National Assembly is equally pertinent to the prospects for political accommodation in the State Legislative Assemblies. The dominance of the ‘majoritarian’ component of the mixed electoral system for election of members from single-seat geographical constituencies and the threshold for parties to be included in the election of representatives from political party- and women’s lists will reduce the potential for effective minority representation in the State Legislative Assemblies. Perhaps more importantly, the use of simple majority decision-making procedures in the State Legislative Assemblies (as the ‘fall back’ decision-making rule), will further exclude minority groups from an influential role in the legislative agenda at the State level.

While Southern Sudan is largely homogeneous in terms of its political and ideological perspectives, political interests at the State level in Northern Sudan, and particularly in Darfur are more divergent. The State Legislative Assemblies therefore could provide an important focal area for reconciling political interests and perspectives at the State level, but this potential cannot be fully realized with the current system of election and decision-making procedures.

In Darfur in particular, opposition Movements, unlikely to secure a majority of seats in the State Legislative Assemblies for the technical reasons outlined above, even if there were to be full and fair participation in the State elections, will need to look towards other foci or approaches to realize their political interests.

⁴⁵ Interim National Constitution, 2005, Article 180(4).

⁴⁶ The National Commission for Constitutional Review, Government of the Republic of the Sudan, *Model of the States’ Constitution*, October 2005 [Unofficial English-language translation] : Article 56.

5. Observations on elections and political accommodation

The preceding section has provided an assessment of the prospects for political accommodation using four of the six foci identified in the typology for political accommodation. This section builds on that assessment to present observations on the nexus between elections and political accommodation and therefore addresses the question at the core of this paper.

The observations and underlying analysis are presented in two thematic areas: (I) the role of elections in realizing political accommodation; and (II) the potential of consociational arrangements to complement elections and deliver effective political accommodation

The role of elections in realizing political accommodation

The assessment presented in Section 4 indicates that the electoral *systems* will not achieve effective political accommodation, in large part as a result of the predominance of the majoritarian type of system in the electoral systems specified for the Executive Branch (at National-, Regional- and State-levels) and for the Legislative Branch.

The assessment also found that the *outcome* of elections – the election of representatives to the various political institutions – will also not achieve effective political accommodation, with the possible exception of the outcome of elections to the Council of States, for reasons that relate to how decisions are made in the relevant institutions, including:

Limited SPLM 'veto' and limited role for Darfurian representation in Presidency

There are a limited number of key decisions for which the consent of the First Vice President is required in the Presidency; The position of (Darfurian) Special Assistant to the President has been shown through practice to be lacking in decision-making influence.

Limited minority decision-making influence in the National- and State Legislative Assemblies

In the absence of unanimity or consensus, the default system of voting in the National Assembly and State Legislative Assemblies is one of simple majority. Political actors that can secure – whether alone or in coalition – a majority in the National Assembly can dominate the legislative agenda, potentially at the expense of minority groups.

In light of the foregoing analysis, and based on the criteria for effective political accommodation presented in Section 2: Neither the technical systems specified for the various elections nor the likely outcome of the elections for the President, the National Assembly, nor the State Legislative Assemblies will realize the degree of political accommodation to ensure that minority groups in the Sudan can be guaranteed a sufficiently influential role in political decision making to safeguard their political interests and objectives.

*Elections alone
will not achieve
effective political
accommodation!*

The potential of consociational arrangements to complement elections and deliver effective political accommodation

In light of this important assertion that elections alone will not achieve effective political accommodation, what additional measures can be considered to complement elections and to enhance the prospects for political accommodation?

It is clear that the type of decision-making procedures employed in the Presidency, the National Legislature, and the State Legislative Assemblies can critically affect the degree of political accommodation. Simple majority decision-making procedures generally reduce scope for political accommodation while consensus-type decision-making arrangements increase the prospects for political accommodation.

This section explores the potential for consociational arrangements in the political institutions – and decision-making procedures in particular – to complement elections with a view to realizing more effective political accommodation. To initiate that exploration, it is useful to draw on lessons from other contents. The cases of Burundi and Northern Ireland are presented below.

Consociational arrangements in Burundi's National Assembly

The case of Burundi holds important lessons for political accommodation in the Sudan. In 2000, Hutu, Tutsi and Twa population groups constituted an estimated 85, 14 and 1 percent of the total population of Burundi, respectively. If the members of the National Assembly were to be elected in exact proportion to their demographic constituencies (assuming, for the sake of this simple example, no cross-community voting) – that is, in an exact proportional representation (PR) system – then the Hutu group could be expected to secure 85 percent of the seats, the Tutsi group 14 percent of the seats, and the Twa group 1 percent of the seats. The resulting Lorenz Curve for this notional scenario is shown in Figure 7 (curve labeled "Exact Proportional Rep.").

However, the Arusha Peace and Reconciliation Accord of 2000 mandated a, "... reorganization of the State institutions to make them capable of integrating and reassuring all the ethnic components of Burundian society."⁴⁷ Subsequently, the Pretoria Power-Sharing Protocol of 2004 intentionally provided for a disproportionate allocation of seats in the National Assembly, allocating 40 percent and 60 percent of the seats in the National Assembly to the Tutsi and Hutu ethnic groups, respectively.⁴⁸ The resulting Lorenz curve is also shown in Figure 7. The intent of this disproportionate or quote-type allocation was to reflect minority group interests in a manner that goes beyond simple proportional representation.

The post-Transition Constitution of Burundi was endorsed by referendum on 28 February 2005 and reflected the provisions of the Pretoria Protocol pertaining to the required quotas of seats in the National Assembly. Elections for the National Assembly subsequently took place in July 2005, initially for 100 members in 17 constituencies. The results of the election are presented in Table 3. Because the results of the election did not satisfy the constitutional requirements for the allocation of seats among

⁴⁷ Arusha Peace and Reconciliation Accord, 2000, Article 5(2).

⁴⁸ Accord de Partage de Pouvoir au Burundi, August 2004, Article 13. The Protocol also provided that the Twa ethnic group would be allocated three seats in the National Assembly.

the Hutu, Tutsi and Twa ethnic groups, the National Elections Commission of Burundi co-opted additional candidates to ensure the quotas were satisfied in a (now augmented) 118-member National Assembly. The adjusted composition of the National Assembly is also presented in Table 3.⁴⁹

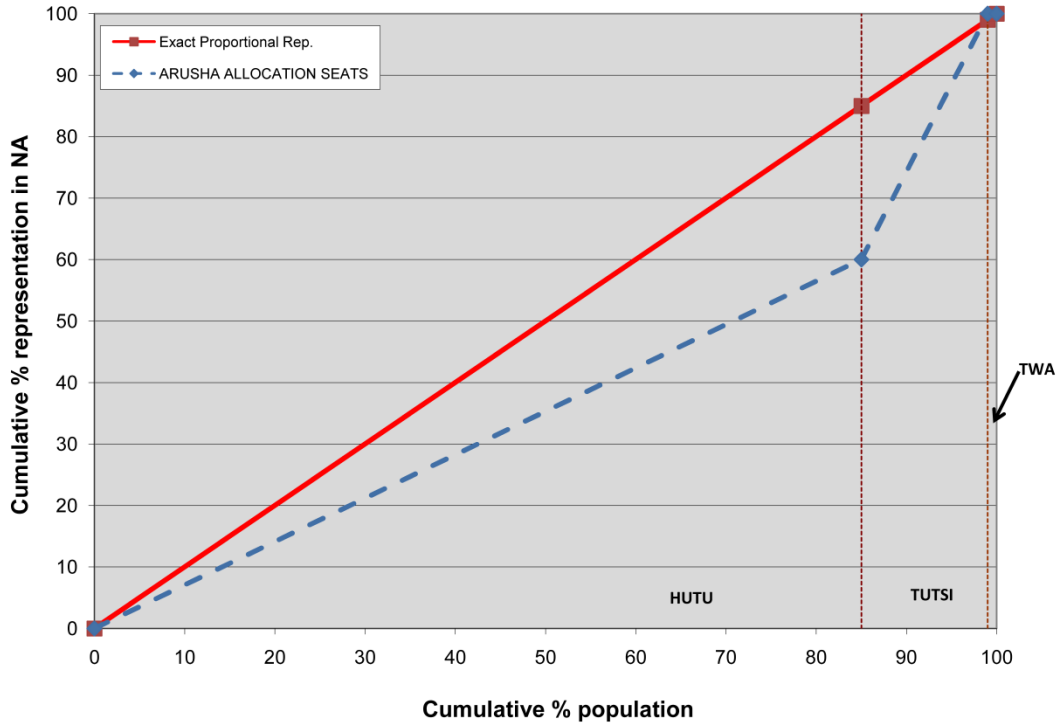


Figure 7 – Lorenz Curve of distribution of political representation in Burundi: Allocation of seats in the National Assembly in accordance with the Arusha Accord and Pretoria Protocol

Party	Election results, July 2005			Composition following adjustment			
	Seats	Hutu	Tutsi	Seats	Hutu	Tutsi	Twa
CNDD-FDD	59	41	18	64	43	21	0
Frodebu	25	21	4	30	23	7	0
Uprona	10	0	10	15	0	15	0
CNDD	4	3	1	4	3	1	0
MRC	2	0	2	2	0	2	0
Twa				3	0	0	3
TOTALS	100	65	35	118	69	46	3

Table 3 – Results from National Assembly elections in Burundi, July 2005, and composition of National Assembly following addition of members to satisfy quotas

⁴⁹ A more detailed analysis of the elections results and the process of adjustment of ethnic quotas is provided in the following article, from which the data pertaining to elections results presented here are drawn: Filip Reyntjens, “Briefing - Burundi: A Peaceful Transition after a Decade of War? *African Affairs*, 105/418 (2005) : 117–135.

However, this allocation of seats alone would not have achieved political accommodation were simple majority decision-making procedures to be employed in the National Assembly. The post-Transition Constitution of Burundi also mandated that legislation must be enacted by two-thirds majority of members of the National Assembly.⁵⁰ This combination of allocation of 40 % of seats in the National Assembly to the minority Tutsi group (15 % of population) and the two-thirds majority decision-making procedure guaranteed a veto for the Tutsi ethnic group in the Assembly. For a 15 % demographic minority therefore, the Tutsi community (were they to vote as a single bloc) gained a 50 % stake in legislative decision making. The combined ethnic representation and ethnic decision-making influence are shown in the Lorenz curves in Figure 8. It is noteworthy that the successive Lorenz curves for engineered political representation and decision making are deviating further away from the exact PR diagonal line. In systems that seek to protect the influence of small minorities the level of statistical inequality (here the large area between the Lorenz decision-making curve and the exact PR line) in the system will be greater than in systems with larger minorities or multiple groups.

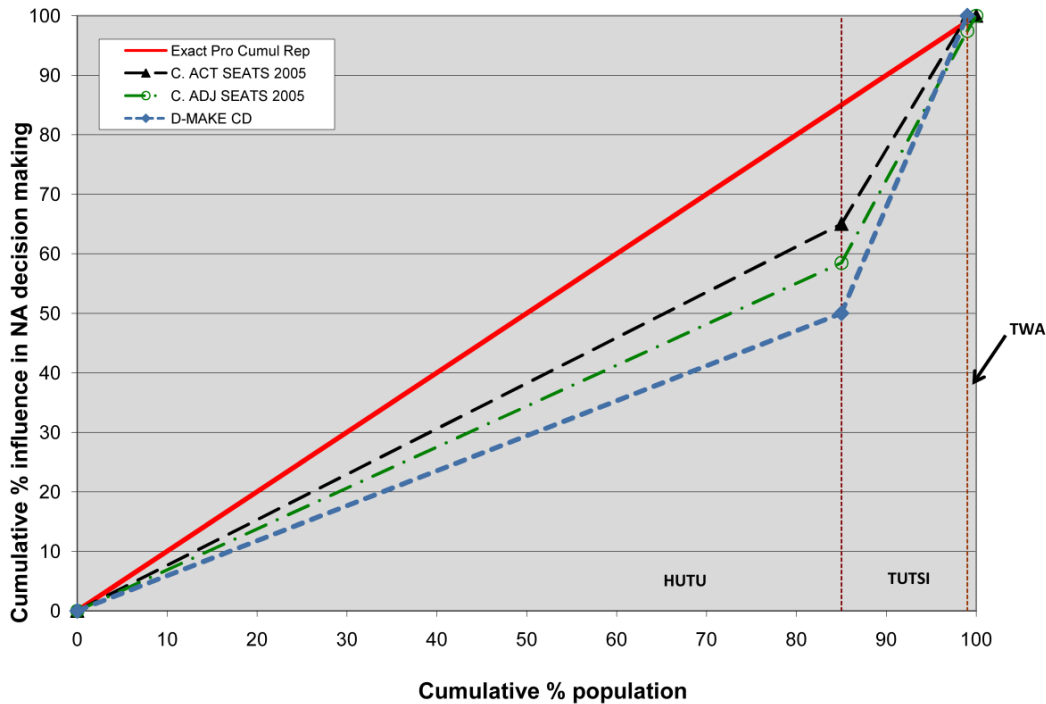


Figure 8 – Lorenz curves of political representation/influence in National Assembly across ethnic groups in Burundi, 2005, showing: actual elections results [ACT]; adjusted National Assembly composition [ADJ]; and decision-making influence using consociational arrangements [D-MAKE CD]

The evolution of political accommodation, from demographic composition to legislative decision making is also summarized in the four charts in Figure 9.

⁵⁰ Post-Transition Constitution of the Republic of Burundi, 2005, Article 175.

The political dynamics within the National Assembly after 2005 are described in other studies and will not be explored in this paper.⁵¹

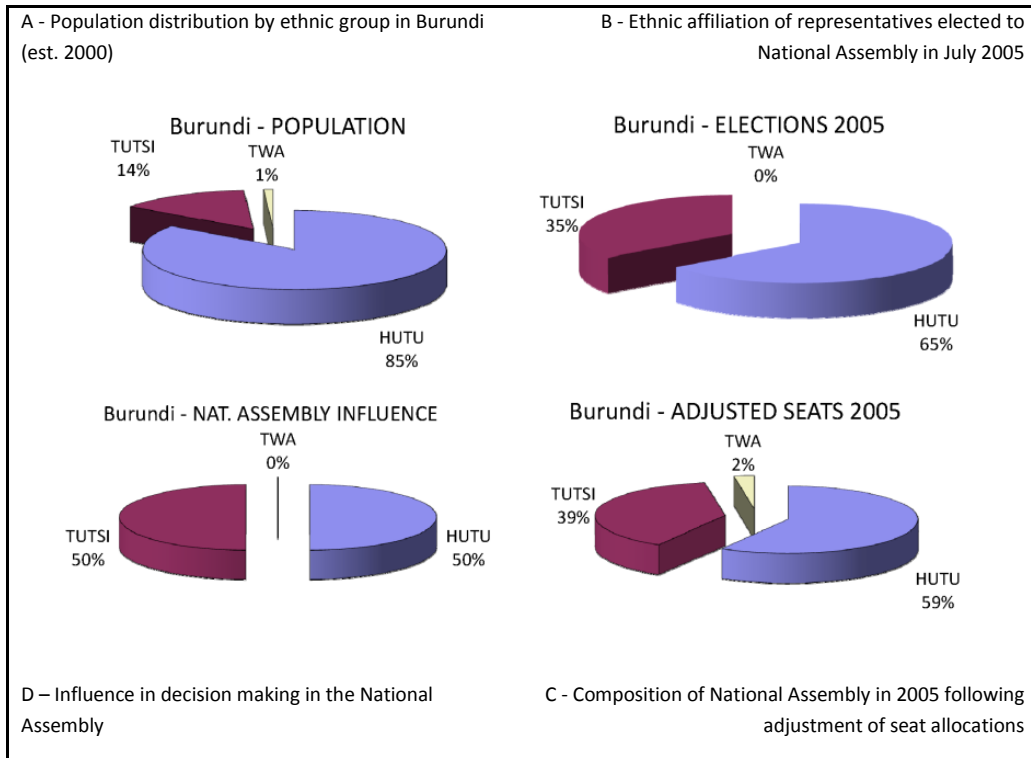


Figure 9 – Steps in engineering political accommodation in Burundi: from demographic minority (A) to legislative parity (D)

Consociational arrangements in Northern Ireland’s Legislative Assembly

The terms of the Northern Ireland Peace Agreement (the "Belfast Agreement") of 1998 mandated that a Legislative Assembly – consisting of 108 members – was to be established in Northern Ireland and arrangement were to be put in place to ensure key decisions are taken on cross-community basis.⁵²

The first elections to the Northern Ireland Legislative Assembly took place in June 1998. Of the main parties that represented one or other of what had been the two main political ideologies/perspectives – namely “Unionist” and “Nationalist/Republican” – the Unionist parties secured 58 seats (53.7 % of seats) and the Nationalist/Republican parties secured 42 seats (38.9 % of seats) in the elections.⁵³ The results of the Census of Population for Northern Ireland conducted in 2001 indicated that 43.8 and 53.1 percent of persons enumerated identified their community background as “Catholic” and “Protestant and other Christian”, respectively. The census results therefore inferred that political support for the main Unionist

⁵¹ See, for example: International Crisis Group, *Burundi: Restarting Political Dialogue*, Africa Briefing No. 53 (Nairobi and Brussels: International Crisis Group, 19 August 2008).

⁵² These provisions are contained in: Northern Ireland Agreement, Strand One, Paragraphs 1 and 5(d).

⁵³ Source: Northern Ireland Assembly Education Service. Internet site: <http://education.niassembly.gov.uk/index.html> [Accessed 28 May 2009].

and Nationalist/Republican political parties had come primarily from the Protestant and Catholic communities, respectively.⁵⁴

The types of decision-making procedures specified in the Belfast Agreement are:

*"(i) either parallel consent, i.e. a majority of those members present and voting, including a majority of the unionist and nationalist designations present and voting;
(ii) or a weighted majority (60%) of members present and voting, including at least 40% of each of the nationalist and unionist designations present and voting.*

Key decisions requiring cross-community support will be designated in advance, including election of the Chair of the Assembly, the First Minister and Deputy First Minister, standing orders and budget allocations. In other cases such decisions could be triggered by a petition of concern brought by a significant minority of Assembly members (30/108)."

As in the case of Burundi, irrespective of the election outcome, the decision-making procedures mandated to be used in the Northern Ireland Legislative Assembly guaranteed (with the parallel consent provisions) a veto for the Nationalist parties that constituted a minority in the Legislative Assembly.

Potential consociational arrangements in the Sudan

The examples of Burundi and Northern Ireland clearly illustrate that, in post-conflict situations where there is a need to reconcile the political interests of different groups, a greater degree of political accommodation can be achieved by the combination of elections and consociational decision-making procedures than can be achieved through elections alone.

Drawing on the lessons from these contexts, the following consociational arrangements could be explored for the Sudan, to achieve a greater degree of political accommodation that elections alone will likely achieve:

1. Expansion of the range of decisions of the Presidency that require the consent of the First Vice President (beyond the current four categories of decisions);
2. Institution of a 'parallel consent' voting procedure (similar to that used in Northern Ireland) in the Council of States which would facilitate greater cooperation and cross-group cooperation in passing legislation;
3. Institution of a two-thirds majority voting procedure in the National Assembly, as exists in the Council of States for certain types of legislation (and as used in Burundi), to ensure a greater role for the larger minority groups in legislative decision making;

⁵⁴ This is purely an inference as it cannot be shown conclusively which community members voted for which parties. However, the main Unionist and Nationalist/Republican parties have traditionally derived their support almost exclusively from Protestant and Catholic communities, respectively.

4. Institution of a 'parallel consent' voting procedure for key decisions in the National Assembly (as used in N. Ireland), which would require that such decisions be taken by a majority of members, including a majority within each of the blocs of 'Northern' and 'Southern' representatives;
5. Institution of a 'three-way consent' voting procedure for key decisions in the National Assembly, which would require that such decisions be taken by a majority of members, including a majority within each of the blocs of 'Northern', 'Southern' and 'Darfurian' representatives;
6. Institution of a two-thirds majority voting procedure in the State Legislative Assemblies in Darfur to ensure a greater role for the larger minority groups in legislative decision making;
7. Institution of a 'parallel consent' voting procedure in the State Legislative Assemblies in Darfur, which would require that key decisions be taken by a majority of members, including a majority within each of the blocs of pro- or anti-Government representatives;
8. Establishment of a senior position within the Presidency to represent Darfur, and which would have a constitutionally-guaranteed role. The President would require the consent of this elected official to make certain key decisions that most directly relate to Darfur.

The focus of these consociational arrangements is (primarily) on decision-making procedures in the Legislative Assemblies because changes to the decision-making rules and procedures merely require the consent of the parties involved. The Interim National Constitution already enshrines the preference for decision making based on unanimity or consensus, and certainly the consociational arrangements proposed above would provide for a more consensual approach than simple-majority decision making.

The Lorenz curves presented in Figure 10 illustrate the potential advantages of parallel consent or three-way decision-making procedures for a notional future composition of the National Assembly, for blocs of representatives designated as "Northern", "Southern" and (where applicable) "Darfur". Purely for the purposes of illustration, these notional Lorenz curves were produced using Scenario # 1 presented in Section 4 ("*NCP retains a majority in the National Assembly*") with the following simplifying assumptions: (1) that the 'Northern' and 'Southern' blocs of representatives elected to the National Assembly would mirror closely the respective demographic support bases; (2) that the non-NCP Northern parties would secure the same percentage of seats as that allocated to them during the pre-elections Interim Period; (3) that the NCP would secure 50 % of the vote in Darfur; and (4) that the Southern parties will secure few seats in the Northern constituencies.

The Lorenz curves highlight the greater degree of inequality in political decision making associated with simple majority decision-making procedures compared to the degree of inequality in the system when parallel- or three-way consent procedures are used for certain decisions. While these Lorenz curves pertain to Scenario 1 (NCP majority), a similar situation would present itself were any Northern- or Southern party/group of parties to secure a majority without significant cross-region party coalitions.

This analysis again emphasizes that irrespective of the likely outcomes of National Assembly elections, the prospects for political accommodation will remain extremely low in the absence of non-majoritarian decision-making procedures.

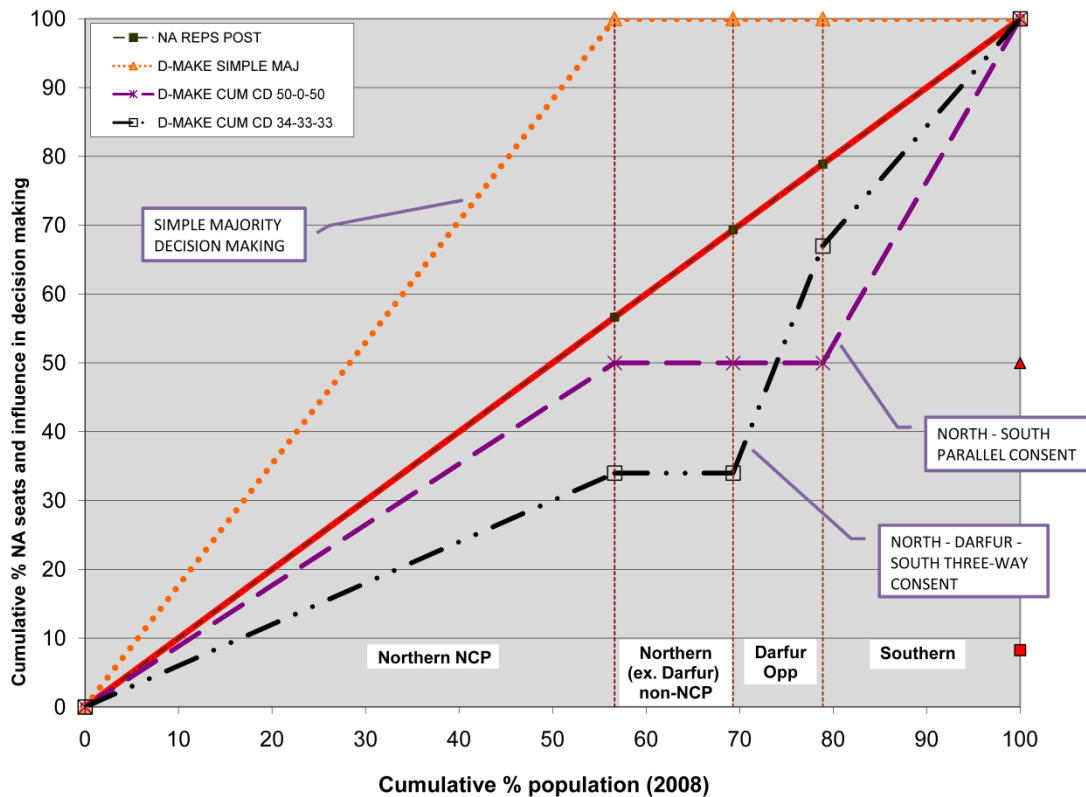


Figure 10 – Lorenz curves illustrating the implications of choice of decision-making procedures in the National Assembly for decision-making influence

In addition to those mentioned above, other forms of consociational arrangements or other modalities to be considered for enhancing political accommodation could include:

- extension of the range of legislation for which consent of both chambers of the National Legislature would be required;
- specification of the role of the Standing Inter-Chamber Committee to guide which types of legislation are referred to the Council of States for consideration;
- institution of multi-member State Executives in Darfur with qualified decision-making procedures (e.g. consent of Deputy *Wali* required) or rotating position of *Wali*;
- amendments to National Elections Act 2008 to facilitate influential quota of elected representatives for Darfur in national institutions;
- guarantees for equality of access to resources across political parties to facilitate equal opportunities for engagement in the electoral process; and,
- strategies to enhance engagement of civil society constituencies in political affairs.

6. Conclusions

In its Preamble, the Comprehensive Peace Agreement conveyed the desire of the parties to establish a, *“framework for governance through which power and wealth will be equitably shared and human rights guaranteed.”* Notwithstanding the imperfect implementation of the Agreement, the CPA partners have without doubt travelled a long way on this road to equitable sharing of power and wealth. The forthcoming national elections, more than a milestone, will represent a fork in that road. The different paths that follow on from that bifurcation will be one on which opportunities are vested solely in the outcome of the elections and a second path on which the outcome of free and fair elections could be complemented by additional consociational arrangements.

The primary objective of this paper has been to explore whether elections can achieve effective political accommodation in the Sudan. The assessment presented in this paper has found that the process and likely outcomes of elections, in the absence of other modalities and with the exception of certain decision-making in the Council of States and the Presidency, will not achieve effective political accommodation in the Sudan, and as such will not deliver on the desire for equitable sharing of power at the core of the CPA. However, elections and new consociational arrangements – mechanisms that are politically feasible and can be implemented within the current framework of the CPA and Interim National Constitution – could significantly increase the prospects for effective political accommodation in advance of- and following national elections.

Consociation arrangements, by definition, require the consensus of the political elites to establish and implement them, and therefore any potential for instituting consociational arrangements will require the ‘buy in’ of the NCP and SPLM in the North-South context, and of the Government of the Sudan and the Darfuran opposition Movements in the Darfur context.

The consequences of a failure to deliver effective political accommodation are grave. Perceived or actual exclusion from political decision making that will follow from a failure to achieve effective political accommodation will increase the risk of (potentially-violent) post-elections disputes, will likely make ‘fast track’ secession the only perceived viable option for Southern parties, and will provide little incentive for Darfuran opposition Movement to engage in substantive negotiations with the Government of the Sudan.

Political accommodation and the referendum on Southern self-determination

Many observers view Southern secession following the 2011 referendum on self-determination as a foregone conclusion. Indeed, if the referendum were to take place during 2011 as planned, the political institutions formed following national elections would have little time to establish themselves and to demonstrate the potential of an elected Government of National Unity as envisaged in the CPA to enhance political accommodation, assuming that those institutions would reflect consociational arrangements (as proposed above).

Nevertheless, striving for the most effective political accommodation in the post-elections period will prepare the CPA partners for the negotiations on political accommodation that will inevitably have to

take place, irrespective of the outcome of the 2011 referendum. The referendum will provide the people of Southern Sudan with an opportunity to either: (a) confirm unity of the Sudan based on the system of government established under the CPA; or (b) vote for secession.⁵⁵ However, a decision on secession will necessitate exploration of options for political accommodation of North Sudan and South Sudan which will have to go beyond complete political and economic separation (at least in the medium term). Options could include, for example: confederation, political autonomy but economic union etc. Furthermore, the CPA affirms that there may be other opportunities, beyond the referendum, for the people of Southern Sudan to realize their right to self-determination.⁵⁶

Modalities for political accommodation in the post-elections period can therefore enhance the capability of the national political institutions to demonstrate the potential of national unity, and can also prepare the CPA partners for the inevitable negotiations that will follow the 2011 referendum.

Political accommodation in the context of the Darfur Political Process

Political accommodation of the interests of the people of Darfur in the national political institutions – whether that future *national* environment is one of a unified Sudan or a North-only Sudan – will be the ‘make or break’ issue for any future substantive negotiations between the parties to the conflict in Darfur. The assessment presented in this paper has found, conclusively, that neither the extant political institutions and institutional arrangements nor the envisaged process and likely outcome of elections will deliver effective political accommodation for the people of Darfur.

Irrespective of the outcome of the 2011 referendum, effective political accommodation will require negotiated agreement between the Government of the Sudan, the opposition Movements and other relevant parties in Darfur to provide for a guaranteed and influential role for elected Darfurian representatives in the national political institutions on issues that directly affect Darfur (whether issues of governance, resource allocation, land tenure etc.). In the absence of such a role for Darfurian representatives, there will be little incentives for the opposition Movements to engage seriously in substantive negotiations.

While ongoing efforts to mediate between the parties to the conflict in Darfur are necessarily focusing heavily on process-related aspects of mediation, there exist significant opportunities for dialogue on aspects of political accommodation that could interject a new vocabulary and provide increased incentives for all parties to commit to engaging in substantive negotiations. In this regard, some of the consociational arrangements presented in Section 5 could usefully provide a starting point for such discussions on political accommodation in the Darfur context.

Areas for further research

The research findings and observations presented in this paper represent a starting point for a more in-depth exploration of technical options for political accommodation in the Sudan. Areas for further

⁵⁵ Interim National Constitution, 2005, Article 222(2).

⁵⁶ Article 1.3 (Part A) of the Interim National Constitution states: “That the people of South Sudan have the right to self-determination, *inter alia*, through a referendum to determine their future status.”

research include: (I) more detailed analysis of decision-making patterns in the National Assembly to date; (II) more detailed exploration of Burundi, Northern Ireland and other case studies, including decision-making patterns in the relevant legislatures; (III) broader consultations around possible technical options for political accommodation; and (IV) further development of technical options for political accommodation in the Sudan.

A further and more expansive area for exploration will focus on options for political accommodation between Northern- and Southern Sudan following the CPA-mandated referendum on self-determination in 2011. Rather than a black-white perspective of unity or secession, there exist opportunities to explore, and convey to the CPA partners, technical options for political accommodation.

This paper has not discussed the feasibility of conducting inclusive and fair elections in the Sudan. It must be noted, however, that for Darfur in particular, it will not be possible to have inclusive and fair elections until such time as: (i) political parties and their candidates can organize and canvass voters without hindrance; (ii) persons displaced by the conflict have an opportunity to register and vote, by their choice, in their location of origin or their location of resettlement; (iii) the security environment is conducive to the conduct of voter registration and polling activities; and (iv) the parties to the conflict in Darfur have considered the implications of the electoral process for any future negotiated settlement to the conflict in Darfur. Because of these challenges, there exist opportunities for further research to explore options for conducting future elections in Darfur (beyond 2010).

Annex I – Foci and existing provisions for political accommodation in the Sudan

	1. Federalism and Decentralization	2. Electoral Process	3. Executive Branch	4. Legislative Branch (National level)	5. Legislative Branch (Regional, State level)	6. Public Participation
Comprehensive Peace Agreement (CPA), 2005	<p>“... within the framework of a unified Sudan ...”</p> <p>4 levels of Government: (1) National level; (2) Southern Sudan level; (3) States throughout Sudan; and (4) local government. [Chapter II, 1.3]</p> <p>Khartoum will transfer proportional funds to S. Sudan [Chapter IV, 1.3]</p> <p>Southern Sudan will be brought to equal socio-economic status [Chapter IV, 1.7]</p> <p>50% of oil wealth and taxes from Southern Sudan will go directly to the GOSS [Chapter IV, 5.6 and 7.3]</p>	[As per electoral law]	<p>Presidency: President and two Vice Presidents</p> <p>“... Partnership and collegiate decision-making process within the Presidency ...” [Chapter II, 2.3.4]</p> <p>Certain decisions taken with consent of First VP [Chapter II, 2.3.6]</p> <p>National Council of Ministers: 30 Ministries clustered in three groupings [Appendix D]</p> <p>Government of National Unity; Sharing of national ministerial portfolios: NCP – 52 %; SPLM – 28 %; other N. parties – 14 %; other Southern – 6 %. [Chapter II, 2.5.5]</p>	<p>Bicameral National Legislature: National Assembly and Council of States.</p> <p>“Representation of the north and south at the National level shall be based on population ratio.” [Chapter II, 2.2]</p> <p>Allocation of National Assembly seats before elections: NCP – 52 %; SPLM – 28 %; Other N Parties – 14 %; Other Southern – 6 %. [Chapter II, 2.2]</p>	<p>Allocation of Assembly of Southern Sudan seats before elections: SLPM – 70%; NCP – 15%; Other Parties – 15% [Chapter II, 3.5]</p> <p>Northern State-Level Legislative Assemblies: NCP – 70%; SLPM – 10%; Other Parties – 20%</p> <p>Southern State-Level Legislative Assemblies: NCP – 10%; SLPM – 70%; Other Parties – 20% [Chapter II, 4.4.2]</p>	<p>Universal, equal suffrage over 18; Secret ballot [Chapter II, 1.6.2.11]</p> <p>“The Government of National Unity will ensure that civil service... is representative of the people of Sudan.” [Chapter II, 2.6.1]</p> <p>25% minimum, 30% maximum representation of Southern Sudanese citizens in middle- and upper-level civil service posts by 5 years [Chapter II, 2.6.2]</p> <p>Self-Determination Referendum for the People of Southern Sudan [Annex II]”]</p> <p>“Popular consultation” of the legislatures of Blue Nile and Nuba Mountain states will allow each state to independently ratify CPA. [Protocol on Resolution of the Blue Nile and Nuba Mountains States, 3.0]</p>
Interim National Constitution (INC), 2005	<p>“...a democratic, decentralized ... country ...” [Article 1]</p> <p>4 levels of Government: (1) National level; (2) Southern Sudan level; (3) State level; and (4) local</p>	[as per electoral law]	<p>National Executive: Presidency and National Council of Ministers [Article 49]</p> <p>Presidency: President and 2 Vice Presidents.</p> <p>Certain decisions taken</p>	<p>Bicameral National Legislature: National Assembly and Council of States. [Article 83]</p> <p>National Assembly composed of members elected in free and fair</p>	<p>Unicameral Assembly of Southern Sudan</p> <p>Assembly shall have legislative power over Southern Sudan, except for power inherited solely in the National Legislature</p>	<p>25% minimum, 30% maximum representation of Southern Sudanese citizens in middle- and upper-level civil service posts by 5 years [Article 139]</p>

	1. Federalism and Decentralization	2. Electoral Process	3. Executive Branch	4. Legislative Branch (National level)	5. Legislative Branch (Regional, State level)	6. Public Participation
	<p>level. [Article 24]</p> <p>Southern Sudan level exercises authority in respect of the people and states in Southern Sudan. Non-southern Sudan will use <i>Sharia</i> and the will of the people as a basis of law.</p> <p>“The wealth of the Sudan shall be shared equitably...” [Article 185]</p> <p>50% of oil wealth and taxes from Southern Sudan will go directly to the GOSS [Articles 192 and 192]</p>		<p>with consent of First VP [Article 58(2)]</p> <p>Government of National Unity; Sharing of national ministerial portfolios: NCP – 52 %; SPLM – 28 %; other N. parties – 14 %; other Southern – 6 % . [Article 80]</p>	<p>elections.</p> <p>Council of States: Two representative from each State; two Observers from Abyei. [Article 85]</p> <p>Resolutions of the National Legislature and either Chamber shall be taken by unanimous vote or consensus, whenever possible, or alternatively by simple majority of those present, except in cases where the Interim National Constitution provides otherwise [Part IV, Chapter 1, Para 99].</p> <p>The President may be impeached or removed for infirmity by a 75% vote of the National Assembly [Art. 59, 60]</p> <p>The Constitution can be amended by a 75% approval of both houses [Article 224]</p> <p>During Interim Period: Members of National Legislature appointed by Presidency [Article 117]</p>	<p>[Article 171]</p> <p>During interim, Assembly of Southern Sudan shall have 170 seats: SPLM – 70%; NCP – 15%; Other southern parties: 15% [Article 176]</p> <p>State legislatures shall have powers granted by constitution.</p> <p>Northern States: NCP – 70%; SLPM – 10%; Other Parties – 20%</p> <p>Southern States: NCP – 10%; SLPM – 70%; Other Parties – 20% [Article 184]</p> <p>State legislatures may pass a vote of No Confidence in a Governor by a margin of 75% [Article 179]</p>	<p>20% minimum participation by Southern Sudanese citizens middle- and upper-level civil service during interim period [Article 139]</p> <p>Any resolution which has achieved the consent of the people by referendum shall have authority above any other legislation. It shall not be annulled save by another referendum. [Article 217]</p>
Darfur Peace Agreement (DPA), 2005	<p>Gov’t of Sudan shall create Transitional Darfur Regional Authority to implement DPA in Darfur [Section 49], and encourage development and administration [Section 53]</p> <p>Simple-majority referendum in Darfur to</p>	[as per electoral law]	<p>President of Sudan appoints a Senior Assistant (fourth-ranked civil servant in Sudan) from candidates presented by JEM and SLM/A [Section 65]; candidates from Darfurian Governors after elections [Section 68]</p>	<p>During interim, 12 seats in National Assembly shall be allocated to candidates from the JEM and SLM/A [Section 71]</p> <p>Council of States representatives shall not be from any party during the interim [Section 72]</p>	<p>“Organization of the local government... shall be conducted in accordance with the relevant state constitution.” [Section 47]</p> <p>Seats in the legislature of all 3 states shall be increased to 73, with 21 seats reserved for JEM and SLM/A nominees [section</p>	<p>The Darfur-Darfur Dialogue Commission (DDDC) is an advisory group that will advocate adherence to the DPA in Darfur, as well as advise local and national authorities on peace and reconciliation issues, including reintegration, wealth-sharing, land and</p>

	1. Federalism and Decentralization	2. Electoral Process	3. Executive Branch	4. Legislative Branch (National level)	5. Legislative Branch (Regional, State level)	6. Public Participation
	<p>decide whether to create a semi-autonomous Darfur Region by July 2010 [Sections 55-60]</p> <p>National government will transfer wealth to appropriate Darfurian authorities. [Section 98]</p> <p>FFAMC will determine proportion of wealth from National Revenue Fund due to Darfur [Section 129]</p> <p>States negotiate individually with Khartoum for share of resources produced in state [Section 161]</p>		<p>Senior Assistant will be member of National Security Council, National Planning Council, National Council of Ministers [Section 66]</p> <p>In interim, Sudan executive will add two State Ministers, one Cabinet Minister, and Chair of the Parliamentary Committees of the National Assembly from JEM and SLM/A candidates.</p>		91]	<p>border issues, etc. [Section 469, 470</p> <p>“Affirmative Action [on the national level] will be taken in favor of Darfurians...” [Section 19]</p> <p>Committee on redressing imbalances in the National Civil Service will use the 1993 Census as guidepost. [Section 76]</p> <p>“The National Civil Service... shall reflect at all level a fair and equitable representation of all citizens, including those from Darfur.” [Section 11]</p>
Other: National legislation and initiatives	<p>Sudan People's Forum (2008):</p> <p>Recommended a single administrative region for all of Darfur.</p>	<p>National Elections Act (2008):</p> <p>Voters must be: Sudanese, over 18 years old, in enjoyment of all political rights, registered in the Electoral Register, and of sound mind. [Section 21]</p> <p>President (of GoS and GoSS): elected by simple majority of singular votes. Non-majorities decided by runoff of top 2 candidates. [Section 26]</p> <p>Governors of each state shall be elected by rules of the constitutions of each state [Section 26]</p> <p>National Assembly: 450</p>	<p>Sudan People's Forum (2008):</p> <p>Recommended a Vice President from Darfur in the Khartoum government.</p>			<p>Political Parties Act (2007):</p> <p>Any citizen over 18 may join or form any political party in Sudan, given that the party does not contradict the Interim Constitution, the Comprehensive Peace Agreement, or form military/violent wings. [Article 14]</p> <p>Sudan People's Forum (2008):</p> <p>A recommending committee that included representatives from Khartoum, the South</p>

	1. Federalism and Decentralization	2. Electoral Process	3. Executive Branch	4. Legislative Branch (National level)	5. Legislative Branch (Regional, State level)	6. Public Participation
		<p>seats; 60% - geographical constituencies of Sudan; 25% - women only, proportional state-level representation, separate party lists; 15% - proportional state-level representation, separate party lists. Assembly of S. Sudan's rules and state legislature rules are analogous. [Section 29]</p> <p>Council of States: 2 seats per state, elected by State Legislative Assemblies, first-past-post. [Section 29]</p> <p>The threshold for a party to hold seats in the National Assembly is 4% of the vote [Section 31]</p> <p>A National Elections Commission of 9 Sudanese citizens will be appointed by the President and approved by 2/3 of the National Assembly [Section 6]</p>				<p>Sudanese Government, and Darfurian rebel groups.</p> <p>The forum recommended that the Khartoum government incorporate political party status for some Darfurian rebels in peace negotiations.</p>

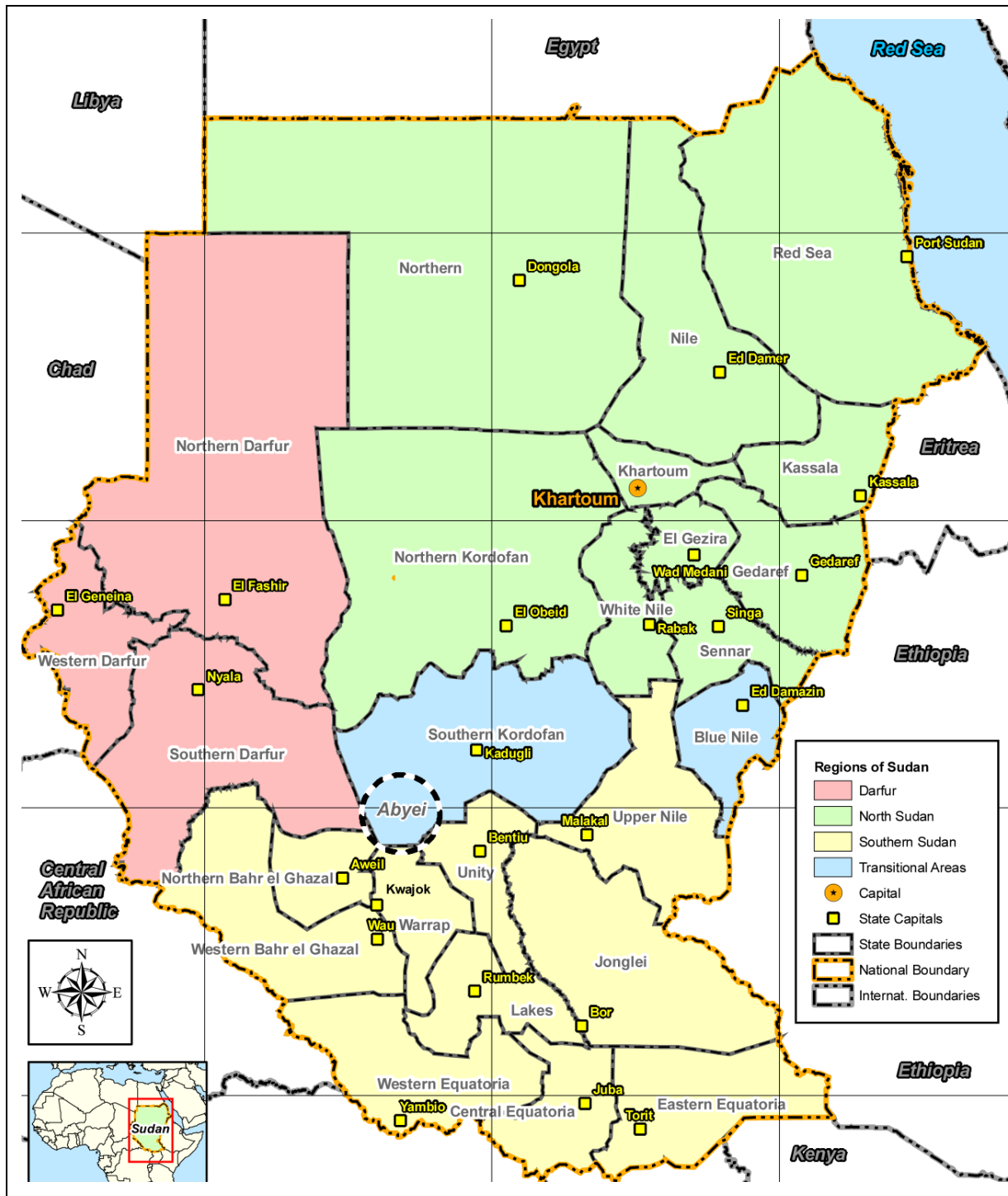
Annex II – Population of the Sudan by State (2008)

Table 4 – Population of the Sudan based on Fifth Population Census, 2008: Population Distribution by State of Enumeration, State of Birth and State of Usual Residence⁵⁷

	State of Enumeration	State of Birth	State of Usual Residence
All States	39,154,490	39,154,490	39,154,490
Northern	699,065	948,340	707,356
River Nile	1,120,441	1,239,635	1,110,869
Red Sea	1,396,110	1,328,499	1,381,946
Kassala	1,789,806	1,760,450	1,783,076
Al-Gadarif	1,348,378	1,266,735	1,339,679
Khartoum	5,274,321	3,148,606	5,098,442
Al-Gezira	3,575,280	3,679,758	3,563,676
White Nile	1,730,588	1,844,555	1,735,714
Sinnar	1,285,058	1,343,955	1,291,395
Blue Nile	832,112	805,507	829,434
Northern Kordufan	2,920,992	3,264,130	2,934,872
Southern Kordufan	1,406,404	1,688,337	1,421,505
Northern Darfur	2,113,626	2,278,819	2,111,559
Western Darfur	1,308,225	1,504,770	1,305,082
Southern Darfur	4,093,594	4,187,747	4,084,371
Upper Nile	964,353	965,549	956,285
Jonglei	1,358,602	1,388,165	1,350,992
Unity	585,801	556,987	574,016
Warrap	972,928	1,004,478	973,748
Northern Bahr-El-Ghazal	720,898	749,234	720,836
Western Bahr-El-Ghazal	333,431	300,200	322,962
Lakes	695,730	707,775	696,952
Western Equatoria	619,029	634,758	615,473
Central Equatoria	1,103,592	951,379	1,072,970
Eastern Equatoria	906,126	869,802	909,169
Not reported	-	357,068	229,896
Not born in Sudan	-	379,252	32,215

⁵⁷ Source: 5th Sudan Population and Housing Census -2008, Central Bureau of Statistics, Government of the Republic of the Sudan. Official English-language translation of census results. Available at: <http://www.cbs.gov.sd> [Accessed 4 June 2009].

Figure 11 – Map of the Sudan⁵⁸



⁵⁸ Source: Generated by the United Nations based on following data sources: Data Sources: National, State and County Boundaries based on Anglo-Egyptian Sudan Map Series, 250k, 1936-1951, United Kingdom Directorate of Overseas Survey; Payam Boundaries Source unknown. The U.N. indicates that "The information shown on this map does not imply official recognition or endorsement of any physical, political boundaries or feature names by the United Nations or other collaborative organizations."

ABOUT CONFLICT DYNAMICS

Conflict Dynamics International is an independent, not-for-profit organization which works to prevent and resolve violent conflict, and to alleviate human suffering resulting from conflicts and other crises around the world.

Conflict Dynamics was founded in 2004 and strives to fulfill its mission through conflict resolution activities and humanitarian policy development. Conflict Dynamics' activities span three intersecting program areas: (I) Peacebuilding in Transition States, (II) New Frontiers in Humanitarian Policy and (III) Pressure Points for Conflict Prevention and Resolution. The organization has a proven track record in the provision of mediation support to U.N. peace processes and in researching and working on political accommodation in post-conflict societies.

Conflict Dynamics works closely with several departments and agencies within the United Nations system as well as with academic institutions, NGOs and national governments.

As part of its ongoing project on Political Accommodation in the Sudan, Conflict Dynamics conducts policy-directed research and consultation/outreach activities to: explore and develop technical options for political accommodation in the Sudan, provide technical inputs to key stakeholders, and introduce innovative approaches and concepts to facilitate dialogue between the relevant parties.

This Briefing Paper is the second in Conflict Dynamics' Governance and Peacebuilding Series. The first publication in this series was issued in October 2008:

Electoral Reform in Sudan and Prospects for Peace in Darfur: Implications of The National Elections Act 2008 for the Darfur Political Process, October 2008

ABOUT THE AUTHOR

Gerard Mc Hugh is Founder and President of Conflict Dynamics and has worked extensively in conflict resolution and humanitarian policy development for over eleven years, building on a professional foundation in healthcare established over twenty years ago. Mr. Mc Hugh has worked extensively in the Sudan since 2005. Between July 2005 and September 2007 he successfully completed three mandates as Coordinator of the U.N. Security Council Panel of Experts concerning the Sudan; Subsequently Mr. Mc Hugh served as Senior Advisor to the U.N. Special Envoy for the Darfur Political Process, Ambassador Jan Eliasson.

CONFLICT DYNAMICS INTERNATIONAL

111 RICE STREET CAMBRIDGE, MA 02140 USA +1 617 661 1066 TEL +1 617 661 1686 FAX INFO@CDINT.ORG EMAIL
WWW.CDINT.ORG