

# Idealism Without Illusions: Lessons from Post-Conflict Elections in Cambodia, Rwanda and Sudan

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## Authors

Mary An, Sarah Bush, Britt Lake, Summer Lopez, Ashley McCants, Julie Sawyer, Paul Skidmore, Carlos Velasco

## Project Advisor

Jeff Fischer



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We take full responsibility for any mistakes or omissions in this report.

# List of Acronyms

AEC	Assessment and Evaluation Commission
COMFREL	Committee for Free and Fair Elections in Cambodia
CPA	Comprehensive Peace Agreement
CPP	Cambodian People's Party
DfID	United Kingdom Department for International Development
EC	European Community
EOM	European Commission Electoral Observer Mission
ERIS	Electoral Reform International Services
EWS	Early Warning System
FUNCINPEC	<i>Front Uni National pour un Cambodge Indépendant, Neutre, Pacifique, et Coopératif</i>
GDP	Gross Domestic Product
GOSS	Government of South Sudan
GNU	Government of National Unity
HRP	Human Rights Party
ICG	International Crisis Group
IDP	Internally Displaced Person
IGAD	Intergovernmental Authority on Development
IRI	International Republican Institute
LIPRODHOR	<i>Ligue Rwandaise pour la promotion et la défense des droits de l'Homme</i>
NCP	National Congress Party
NCRC	National Constitutional Review Commission
NDI	National Democratic Institute
NEC	National Election Committee (Cambodia) National Electoral Commission (Rwanda)
NGO	Non-governmental Organization
NICFEC	Neutral and Impartial Committee for Free and Fair Elections in Cambodia
NORDEM	The Norwegian Institute of Human Rights
NRP	Norodom Ranariddh Party
PDC	Centrist Democratic Party
PL	Liberal Party
POER	<i>Programme d'Observatoire des Elections au Rwanda</i>
RPF	Rwandan Patriotic Front
SLA	Sudanese Liberation Army
SLM	Sudan Liberation Movement
SPLM	Sudanese People's Liberation Movement
SPLA	Sudanese People's Liberation Army
SRP	Sam Rainsy Party
UN	United Nations
UNDP	United Nations Development Programme
UNTAC	United Nations Transitional Authority in Cambodia
USAID	United States Agency for International Development

# Executive Summary

## Introduction

Managing elections in post-conflict settings has become one of the essential tasks of the international community over the past twenty years. Yet this task is associated with numerous challenges, many of which are still unfolding. This report is a comparative study of three countries which will all hold elections in 2008 or 2009, but which are at very different points on their post-conflict trajectories: Cambodia, Rwanda and Sudan. The selection of these countries for detailed case study treatment makes it possible to explore both how electoral challenges have changed over time within countries and how they compare across countries.

In particular the report seeks to address three important research questions concerning states that are emerging from a period of conflict and instability:

- What constitutes a “good enough” election?
- How does the meaning of “good enough” change as countries move further along their post-conflict trajectory?
- What does that imply about how the international community should engage in electoral processes?

## Cambodia

In July 2008, Cambodians will elect 123 representatives to their country’s National Assembly. The July 2008 National Assembly election will be the fourth legislative election held in Cambodia since the Paris Peace Agreement in 1991. However, an assessment of the political environment in Cambodia 15 years later raises the question of whether the country is planted firmly on the path to democratic consolidation.

### *Assessment of the political context*

Several features of the political context will likely impact the 2008 elections. First, the ruling Cambodian People’s Party (CPP) has shifted its techniques of electoral manipulation from outright violence and vote fraud to more subtle methods. Second, the primary threat to the CPP’s power comes from the opposition Sam Rainsy Party, while the traditionally effective royalist party, FUNCINPEC, is in decline. Third, Cambodian voters’ preferences are shaped most profoundly not by ideology or democratic values, but by the day-to-day economic issues. Fourth, the CPP has a loyal base of supporters among public sector employees, the older generation of Cambodians and rural voters. But the unpredictable impact of a large number of youth voters could destabilize the CPP’s power. Finally, voter participation has been declining from 83% in 1998 to 68% in 2007, and so the upcoming elections are an important test of the political system’s legitimacy.

### *Key challenges*

Stakeholders indicate that Cambodia faces a range of challenges to a fair and democratic electoral process due to the CPP’s control over the political environment. This occurs through the manipulation of voter registration, voter intimidation, control over media licenses and control of the National Election Committee.

### *Recommendations*

The international community should address these challenges with more assertive interventions. The following recommendations, listed in decreasing order of importance, propose ways in which it might do this:

- First, reform of Cambodia’s electoral institutions should be supported in three areas: NEC independence, voter registration and local election administration.
- Second, the diplomatic community should encourage the Cambodian government to allow opposition parties to have greater media access and for more diversified media ownership.

- Third, a greater number of domestic monitors should be funded and trained, while international monitors should be longer-term.
- Fourth, the message of civic education should be refocused to address key issues that could prompt political change, such as corruption and public works, and to target key communities, such as youth and rural voters.
- Finally, to create an environment in which power can be peacefully transferred, the personal stakes for leaving the office must be lowered for CPP leaders through immunity guarantees and pension plans.

### **Rwanda**

In September 2008, Rwandans will elect 80 new members of the Chamber of Deputies, the lower house of the Rwandan parliament. The first elections to the Chamber of Deputies, the Senate and the Presidency were all held in 2003. However, because of differing terms of office, the second set of elections for all these institutions will be spread out over a three-year electoral cycle. The 2008 elections therefore represent Rwandans' first opportunity to renew or withdraw the mandate of elected national politicians under the new post-genocide constitution.

#### ***Assessment of the political context***

Rwanda is arguably an “illiberal democracy.” Experts within and outside of Rwanda agree that it is well governed and that the speed with which state capacity has been rebuilt after its utter devastation by the genocide is impressive. However, the same experts also tend to agree that Rwanda's progress in making governance more democratic has not been nearly as swift. This political context has to be seen through the prism of the genocide, which made a lasting impact on people's faith in politics, parties and political competition. Even critics of the current government acknowledge that it was both inevitable and necessary to put stability first. Where the disagreement begins is in whether the current levels of political openness still represent a legitimate and proportionate response given how far Rwanda has come. Some would like to see the country move faster toward genuine, open multi-party competition.

#### ***Key challenges***

Rwanda administers technically proficient elections. But greater political openness and competition, in part due to reforms that allow political parties to campaign and organize at the local level for the first time, will put new strains on its electoral institutions. It also suffers from a lack of effective opposition due to the weakness of political parties and an inadequate, and inadequately, free media. Voters remain hesitant to embrace multi-party democracy.

#### ***Recommendations***

The Rwandan government remains concerned with international legitimacy and responsive to international advice. The international community should capitalize on this to encourage the institutional reforms and strengthening of key domestic actors that will pay dividends in the future. In decreasing order of importance, the international community should:

- First, increase the permanent staffing of the National Electoral Commission at the local level in anticipation of the challenges associated with a more open and competitive local campaigning environment.
- Second, increase and diversify support for domestic election observers.
- Third, create an Early Warning System to help identify potential sources of electoral conflict that could escalate into instability.
- Fourth, refocus voter education to educate and prepare voters for the new political party law.
- Fifth, encourage legislation for an independent President of the National Electoral Commission in order to safeguard its neutrality in a more competitive future political environment.

## Executive Summary

### Sudan

In 2009, Sudan will hold elections at six levels: for the presidencies of the Government of National Unity (GNU) and the Government of Southern Sudan (GOSS); for the National Assembly and the South Sudan Legislative Assembly; and for the governorships and state legislatures in all 25 states. These elections have a dual function: they are a decisive and final step in cementing the peace that has finally come to North and South Sudan, while simultaneously serving as an important first step in Sudan's long-term transition to democracy.

#### *Assessment of the political context*

After decades of international humanitarian intervention and attempted peace negotiations, the North-South civil war officially ended on January 9, 2005 with the signing of the Comprehensive Peace Agreement (CPA). The CPA calls for three milestones designed in the following sequence: a national census planned for 2007 but delayed until 2008, an internationally observed general election at six levels in 2009 and a referendum on self-determination for South Sudan in 2011. However, as the three year anniversary of the peace agreement approaches, a difficult paradox exists: the NCP in the North has the capacity to carry out their CPA responsibilities but lacks the will to do so, while the SPLM in the South remains committed to the process but lacks the necessary capacity. After strongly advocating for elections during the CPA negotiations, the international community now finds its role drastically diminished from the types of mandates often accorded to it for "founding" post-conflict elections, and there is a deep pessimism among some donors about whether these elections will occur and meet internationally accepted norms.

#### *Key risks*

During a peace process, elections and the steps leading up to them can act as either a stabilizing or destabilizing force. Therefore it is vital that those involved in running the elections pay close attention to the areas of risk that are most likely to lead to a return to conflict. In the case of Sudan, these include first, a flawed and ambiguous legal framework, with inadequately independent institutions responsible for implementing key parts of it. Second, misinformation, disinformation and unmet expectations pose a danger. Third, small local conflicts could potentially be triggered by elections-related fears or grievances, or manipulated in order to destabilize certain key areas. And finally, key actors and vulnerable populations, including smaller political parties, women and internally-displaced persons could be excluded from the political process.

#### *Recommendations*

The following recommendations for the international community seek to nest short-term proposals for overcoming planning delays within a long-term framework of creating institutions and norms that will be critical to ensuring that democracy in Sudan survives beyond 2009:

- First, target support towards "catalytic" events, including training and technical assistance for the Electoral Commission and an election logistics assessment.
- Second, allow all non census-dependent elections planning to begin in earnest now and develop a contingency plan for delimitation if a census cannot be completed in time for the elections.
- Third, strengthen existing conflict dispute and prevention mechanisms, including Village Peace Councils.
- Fourth, strengthen mechanisms for accountability by deploying long-term observers as soon as possible and improving the effectiveness of the Assessment and Evaluation Commission.
- Finally, create and advocate for mechanisms of inclusion for marginalized populations.

### **Conclusion**

#### ***Key themes***

Three key themes emerge from these case studies. First, it is vital to look beyond the “next” electoral event to the broader process of which it is part. Second, the international community should move away from a narrowly technical interpretation of electoral assistance towards a broader concern with fair political environments – of which elections are only one, albeit important, part – from the very beginning. Third, it is crucial to develop more flexible approaches to electoral assistance, which can anticipate and adapt to the changing domestic environment for elections. In particular, there is a need to develop a strategy for the first post-conflict elections that looks ahead both to the potential challenges of subsequent elections and to the future sources of the international community’s leverage.

#### ***A new framework***

It is difficult to generalize from three distinct case studies to a theory about electoral assistance. Nevertheless, there is some value in thinking about how the lessons that emerge from the case studies might be captured in a new conceptual framework.

Electoral assistance represents an investment of political, financial and human capital, the returns to which – in terms of a country’s democratic development – are different at different points in time. However, there is often a mismatch between when and how this investment in electoral assistance is made and the returns that it is likely to yield. This mismatch arises because the international community tends to concentrate resources on high-stakes electoral events, when the returns may be rather low, and to overlook lower-stakes moments later on that may offer more promising returns.

This tendency arises for understandable – and largely political – reasons, since the potential cost of failure seems highest in high-stakes elections and the potential impact of intervention promises to be most visible. The problem is that the returns on this investment are often lower in high-stakes elections, in part because the political situation is inherently unpredictable, but also because democratic norms and expectations take time to embed and must be nurtured over a sustained period.

After 15 years of experimentation, electoral practitioners increasingly recognize the lessons offered here about how to improve electoral assistance and are trying to adopt a different model, such as the “electoral cycle approach.” There is now a pressing need to generate the political will for these efforts. More research could help strengthen the argument for longer-term, broader-based commitments to electoral assistance. Meanwhile, leveraging resources from elsewhere, including conflict prevention budgets and broader governance programs, could alleviate concerns about the costs.

# Introduction and Overview

## Aims of the Report

Managing elections in post-conflict settings has become one of the essential tasks of the international community over the past twenty years. Yet this task is associated with numerous challenges, many of which are still unfolding. Identifying these challenges and developing responses to them will be crucial to the future success of international electoral support, as well as to the maintenance of democracy and stability in many fragile states.

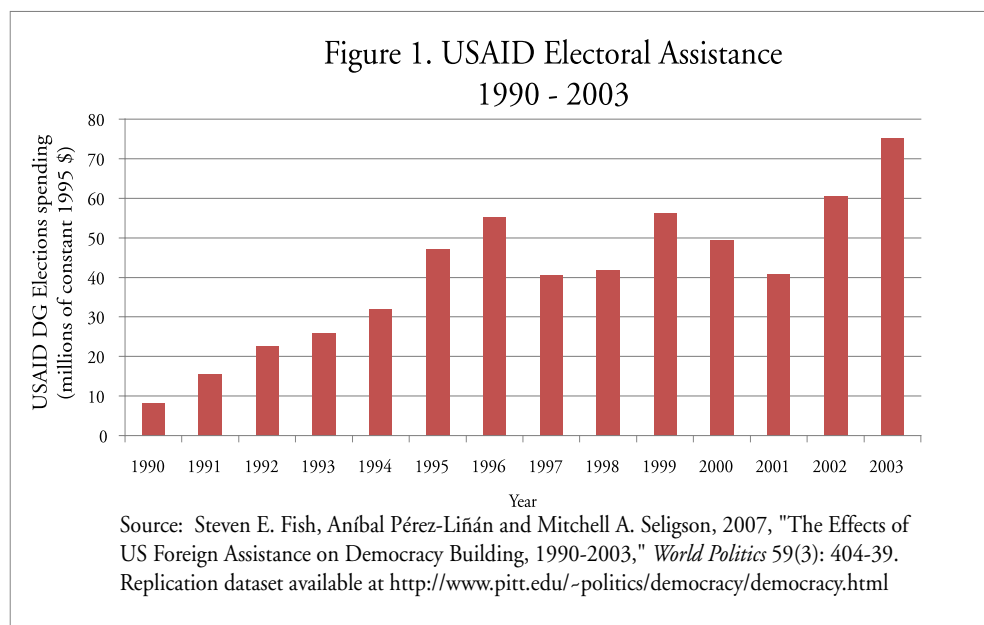
This report is a comparative study of three countries which will all hold elections in 2008 or 2009, but which are at very different points on their post-conflict trajectories: Cambodia, Rwanda and Sudan. It seeks to address three important research questions concerning fragile states that are emerging from a period of conflict and instability:

- What constitutes a “good enough” election?
- How does the meaning of “good enough” change as countries move further along their post-conflict trajectory?
- What does that imply about how the international community should engage in electoral processes?

## The Context

The 1990’s were a halcyon era for electoral assistance. The optimism about what electoral assistance could achieve was exemplified by the case of Cambodia. The implementation of free and fair elections formed a key part of the mandate that was given to the United Nations Transitional Authority in Cambodia (UNTAC), which was established in 1992 and has been one of the UN’s most complex peacekeeping operations to date.

Yet the UN’s engagement in Cambodia merely formed part of a broader trend of international assistance to electoral institutions. From 1989 through 1991, the UN received an average of fewer than three requests for electoral assistance per year. From 1992 through 1999, that rose to an average of 24 requests per year.<sup>1</sup> The growing priority attached to electoral assistance was not simply a feature of the UN system. As Figure 1 illustrates, the United States Agency for International Development (USAID) dramatically increased the amount of money it was committing to electoral assistance over the course of the 1990s.



The 2000’s, by contrast, have been marked by an end to the earlier idealism about international support for elections.

<sup>1</sup> “Overview Information,” United Nations Electoral Assistance Division, Accessed at <http://www.un.org/Depts/dpa/ead/overview.html>.

This has been the result of four key factors:

- First, there has been a growing recognition among electoral practitioners that implementing technically sound elections does not necessarily lead to a flourishing of genuine political competition or stable democracy.<sup>2</sup>
- Second, there has been a “backlash against democracy promotion,” especially among oil-rich (e.g. Russia, Venezuela) and economically successful (e.g. China) nations, with some emboldened regimes cracking down on external and internal democracy promoters.<sup>3</sup>
- Third, the failure of the political process in Afghanistan and especially in Iraq to contribute to a stable political and security environment has renewed cynicism about the effectiveness of elections as a stabilizing force.<sup>4</sup>
- Finally, there is what might be termed the “ Hamas phenomenon.” The electoral success in several countries of Islamist political parties, such as Hamas, the Muslim Brotherhood, Hizbullah and Jamaa Islamiyya, has prompted some policymakers in the West to question whether elections are necessarily aligned with other strategic imperatives.

The result of all this is that policymakers and electoral practitioners are in an introspective mood. This is evidenced by a proliferation of studies and retrospectives attempting to evaluate the achievements and disappointments of the last 15 years<sup>5</sup> and growing debates on what lessons the past can offer for assistance and intervention in the future.

## The Research Design

The purpose of this report is to make a timely contribution to the ongoing debate about elections in fragile states. To do so, three countries were chosen for detailed case study analysis in order not only to generate valuable insights for upcoming elections, but also to provide useful comparative lessons about post-conflict democratization. The case studies offer two different types of variation that enable comparative analysis:

- Cross-sectional variation *across* countries and
- Historical variation *within* countries.

Each of the countries chosen – Cambodia, Rwanda and Sudan – is at a very different stage in its post-conflict trajectory from conflict to stability, as Figure 2 illustrates. Cambodia largely stabilized in the second half of the 1990’s. Rwanda stabilized later but caught up rapidly in the first half of the 2000’s, while Sudan remains very unstable. Yet while these countries may be at very different points when it comes to political stability, the challenges they face in relation to the consolidation of democracy are quite similar, as Figure 3 illustrates.

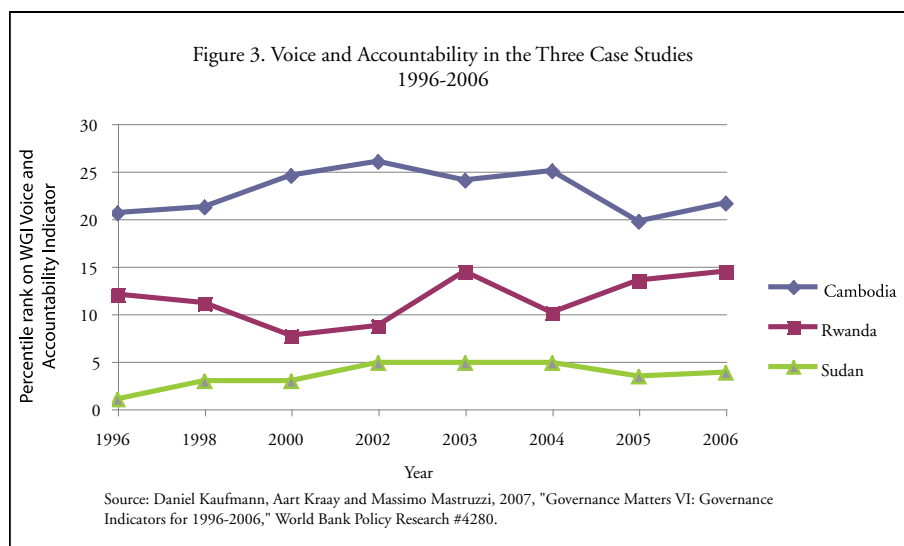
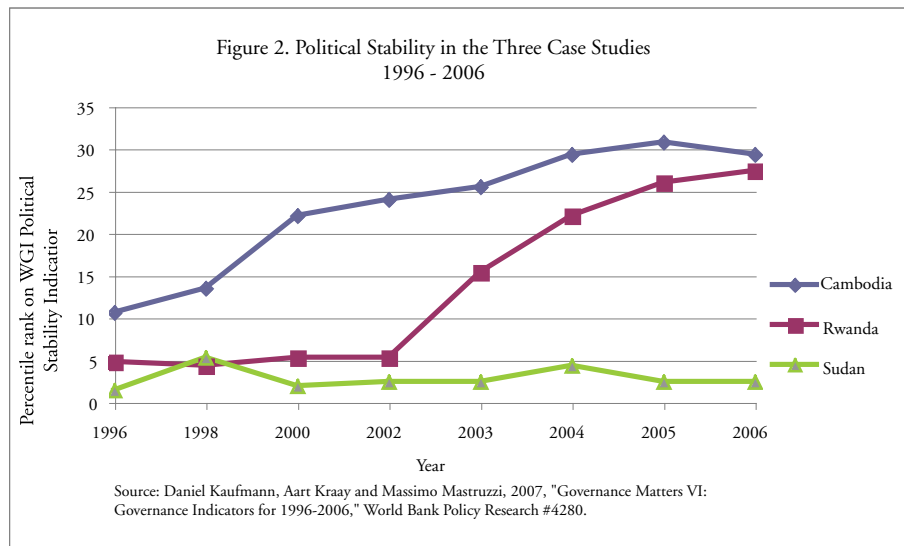
2 Domenico Tuccinardi, Paul Guerin, Fabio Bargiacchi, Linda Maguire, 2007, “The Hard Lessons of the 1990s,” ACE Project, Accessed at <http://aceproject.org/ace-en/focus/focus-on-effective-electoral-assistance/the-hard-lessons-of-the-1990s>.

3 Thomas Carothers, 2006, “The Backlash Against Democracy Promotion,” *Foreign Affairs*, March/April 2006, 55-68.

4 For example, one observer said, “Iraq is at a juncture and the level of violence has everything to do with the political process.” See Mona Iman, 2005, “Iraq at a Juncture: Constitution, Referendum and Elections” United States Institute of Peace Briefing, Accessed at [http://www.usip.org/pubs/usipeace\\_briefings/2005/1005\\_iraq.html](http://www.usip.org/pubs/usipeace_briefings/2005/1005_iraq.html).

5 See Steven E. Finkel, Anibal Pérez-Liñan, Mitchell A. Seligson and Dinorah Azpuru, 2006, *Effects of U.S. Foreign Assistance on Democracy Building: Results of a Cross-National Quantitative Study* (USAID, Vanderbilt University and University of Virginia), Accessed at [http://www.usaid.gov/our\\_work/democracy\\_and\\_governance/publications/pdfs/impact\\_of\\_democracy\\_assistance.pdf](http://www.usaid.gov/our_work/democracy_and_governance/publications/pdfs/impact_of_democracy_assistance.pdf); The ACE Project (The Electoral Knowledge Network), Accessed at <http://www.aceproject.org>; International Institute for Democracy and Electoral Assistance, 2005, *Ten Years of Supporting Democracy Worldwide* (Stockholm: IDEA); Michael W. Doyle and Nicholas Sambanis, 2006, *Making War and Building Peace: United Nations Peace Operations* (Princeton: Princeton University Press); Roland Paris, 2004, *At War’s End: Building Peace After Civil Conflict* (Cambridge: Cambridge University Press).

## Introduction and Overview



This approach provides therefore three distinctive perspectives on a common dilemma: How fast can countries move towards greater democratic openness without putting at risk their achievements in stability? To pose the question the other way around, how can the momentum for democratic openness be maintained in periods when stabilization is necessarily the priority? How much pressure is put on fragile states to democratize, how “good” those states’ elections are expected to be and what kinds of support and engagement they therefore receive from the international community – these will help determine whether the speed of transition to democracy ultimately ends up being too fast, or not fast enough.

### The Research Methods

To shed some light on these questions, members of the research team traveled to Cambodia (Phnom Penh), Rwanda (Kigali) and Sudan (Khartoum and Juba) to conduct interviews with stakeholders and experts, including election administrators, government officials, political parties, media representatives, domestic and international NGOs and the donor community. In total more than 60 people were interviewed. Lists of those interviewed are included in Appendix 1. This fieldwork was supplemented with intensive desk research and follow-up interviews with country experts.

### A Summary of The Main Findings

To briefly preview the main conclusions, the research uncovered:

- *That the meaning of a “good enough” election changes dramatically over time.* In Sudan, the logistical and political barriers to the elections even happening are so high that having the election happen at all, and in a way that does not jeopardize the fragile peace, would be an achievement. In Rwanda and Cambodia, where elections are increasingly becoming a test of the maturity of the broader political environment and of the openness of elites to change, a more demanding standard is increasingly expected.
- *That support from and engagement by the international community is not always designed with this changing timetable in mind.* There is a tendency in the international community to focus on the next election, not the broader, evolving electoral and political processes of which it is part. This report’s claim, which is fleshed out in detail later in the report, is that the international community’s “investment” is not always made at the moments and in the ways that will yield the biggest return.
- *That this has important implications for the tactics and strategies that the international community should pursue.* When the critical opportunities for intervention are, how the international community uses first elections to secure longer-term leverage and what kinds of long-term planning and programming it conducts are especially important.

### Structure of the Report

The next three chapters provide detailed assessments of the three case studies. They address in turn the background and political context in each country and assess the main challenges for their electoral processes in both the short and long term. They then recommend a series of effective, feasible and affordable steps that could be taken to address these challenges, ranked in order of their priority. The report considers first the case of Cambodia before turning to Rwanda and finally Sudan.

The final chapter draws together some key lessons learned from the case studies. It also outlines a conceptual model, informed by the field research, that aims to help policy-makers and electoral practitioners think about how the returns to international electoral assistance change over time. The report concludes with a call to scholars and practitioners alike to help secure the political will for longer-term forms of electoral assistance and to develop the evidence base needed to make that assistance effective.

# The 2008 Elections in Cambodia

## Britt Lake – Julie Sawyer

### 1. Introduction

In July 2008, Cambodians will elect 123 representatives to the country's National Assembly. The purpose of this chapter is:

- To assess the political context in which these elections will occur;
- To identify the main challenges to a genuinely fair and democratic electoral process in Cambodia; and
- To recommend how domestic and international stakeholders can best support an electoral process that will advance the consolidation of democracy in Cambodia.

### *Background to the 2008 Elections*

The July 2008 National Assembly election will be the fourth legislative election held in Cambodia since the Paris Peace Agreement in 1991. Cambodia's political system is a parliamentary monarchy, and the National Assembly is the lower house in the Cambodian legislature. In 1993, the United Nations Transitional Authority in Cambodia (UNTAC) organized and administered the country's first post-conflict election, effectively managing the transition from violence and conflict to peace and stability. However, an assessment of the political environment in Cambodia 15 years later raises the question of whether the country is planted firmly on the path to democratic consolidation.

The World Bank's Worldwide Governance Indicators reveal that Cambodia has steadily improved since 1996 in terms of political stability and absence of violence. However, in recent years the country's performance has fallen on other key indicators of good governance, such as voice and accountability, rule of law and government effectiveness.<sup>6</sup> While Cambodia was expected to become a more robust democracy as it moved forward on its post-conflict trajectory, the World Bank indicators show otherwise.

Reflecting the picture emerging from these indicators, both domestic and international stakeholders express concern that the ruling Cambodian People's Party (CPP) is not committed to fair and open political competition. Thus, Cambodia's democratic future remains questionable, even as the country enters its fourth electoral cycle.

### 2. An Assessment of the Political Context

Several features of the political context will likely impact the 2008 elections, which are considered in turn below:

- The CPP's political strategy – both past and present;
- The dynamics of the current political party environment;
- The factors shaping voter preferences; and
- The questionable legitimacy of elections.

Some domestic commentators have referred to the 1993 UNTAC-administered election as the only democratic election in Cambodia's history, which is also notably the only election that the CPP has not won. However, the CPP was quick to reverse the outcome of the 1993 election, staging a bloody coup in 1997 to oust the then-president of the FUNCINPEC party, Norodom Ranariddh, from his position as Prime Minister. In the years following the coup, the CPP successfully maintained hold of political power, though there are differing interpretations as to why this has been the case. One opposition party argues that the CPP's rule is illegitimate since it rests on electoral outcomes that have been engineered through evolving techniques of electoral and political manipulation. Allegations brought against the CPP by the opposition party include cheating during vote-counting in 1998, vote-buying in 2001 and falsifying the reporting of votes in 2003.

Both domestic and international stakeholders allude to the CPP's desire to appear as a legitimate, democratically elected

<sup>6</sup> "Country Data Report for Cambodia, 1996 – 2006," *Governance Matters 2007*, The World Bank, Accessed at <http://info.worldbank.org/governance/wgi2007/pdf/c118.pdf>.

government. The party has shifted its techniques of electoral manipulation from the outright violence and vote fraud that characterized previous elections to more subtle methods during the 2007 commune election. The implication is that the CPP is aware that it is being watched – literally and figuratively – on Election Day and values the domestic and international legitimacy that comes from a technically sound and peaceful Election Day process.

Although the CPP is the dominant political party in Cambodia, it is well aware that it is not unchallenged. The primary threat to the legitimacy and power of the CPP comes from the opposition Sam Rainsy Party (SRP). While the SRP operates on an unequal political playing field, the party is allowed to organize from the national to local levels, maintain a party headquarters and recruit party supporters. The SRP has taken steps to strengthen itself as a party, such as recently undertaking a party decentralization process and refocusing its platform on key issues, such as wages and anti-corruption. These efforts have had positive effects and the SRP has steadily increased its support from 14% of the vote in 1998 to 21.9% in 2003 and 25.2 % in 2007.<sup>7</sup>

In addition to the SRP, the traditional royalist FUNCINPEC party (which won the 1993 elections) has historically played an important role in Cambodian politics. But its position is dwindling. A law requiring a two-thirds majority to form a government has led the CPP to make a coalition with FUNCINPEC in every election since 1993. However, internal party strife, a party split and the perception of FUNCINPEC's subordination have severely weakened the party, which many no longer consider a threat to CPP power. FUNCINPEC's poor showing in the 2007 commune elections, in which it won only 5.4% of votes, is evidence of the party's decline.<sup>8</sup>

FUNCINPEC's traditional role as a CPP coalition partner may weaken further as a result of a new electoral law that takes effect in 2008. Under this new law, a party requires only a simple majority of National Assembly seats to form a government, rather than the previously mandated two-thirds majority. This change may make the CPP – which won 57.7% of the seats in the National Assembly in 2003<sup>9</sup> – more confident in 2008, but more vulnerable to the SRP in the long-run if the SRP continues to grow in strength. Additionally, while the SRP has been historically opposed to the CPP, some speculate that if neither the CPP nor the SRP garner the requisite majority of seats, the SRP may join the CPP to create a CPP-SRP coalition. A coalition would allow the SRP to gain ministerial seats and to build a record of political leadership, which may have significant implications for the CPP's ability to control electoral outcomes in the future.

There are also two new parties competing for seats for the first time in 2008: the Norodom Ranariddh Party, a royalist split-off party founded in November 2006, and the Human Rights Party founded by civil society leader Kem Sokha in June 2007. While it is not expected that either of these parties will gain many seats in 2008, one interviewee indicated that both could take away votes from the FUNCINPEC and Sam Rainsy parties, while leaving the CPP voter base largely untouched.

An assessment of the political context in Cambodia would be incomplete without an examination of the characteristics and political preferences of Cambodia's population, as these factors shape how political parties campaign and how international donors and civil society should target their voter and civic education programs. Not surprisingly for a country where 77.7% of the population lives on less than \$2 per day,<sup>10</sup> Cambodian voters' preferences are shaped most profoundly not by political ideology or democratic values, but by the issues that impact their daily lives. A poll released by the International Republican Institute (IRI) in June 2007 confirmed that the issue driving 43% of voters to support a particular party was the creation of new infrastructure projects in the country. Several commentators in Phnom Penh

7 "Profile - Sam Rainsy," *BBC News*, February 3, 2005, Accessed at [http://news.bbc.co.uk/2/hi/special\\_report/1998/07/98/cambodia/138764.stm](http://news.bbc.co.uk/2/hi/special_report/1998/07/98/cambodia/138764.stm); "Important Figures and Percentages on the 3<sup>rd</sup> National Assembly Election," National Election Committee of Cambodia, Accessed at [http://www.neclect.org.kh/English/ElectionResult/Result\\_2003/Result\\_2003.html#T1](http://www.neclect.org.kh/English/ElectionResult/Result_2003/Result_2003.html#T1); "Total Number of Votes for Political Parties for the 2007 Commune Council Election," National Election Committee of Cambodia, Accessed at <http://www.neclect.org.kh/English/ElectionResult/2007/Official%20results/Total%20Votes%20Number.pdf>.

8 "Total Number of Votes for Political Parties for the 2007 Commune Council Election," National Election Committee of Cambodia, Accessed at <http://www.neclect.org.kh/English/ElectionResult/2007/Official%20results/Total%20Votes%20Number.pdf>.

9 The CPP won only 47% of the votes cast in the 2003 National Assembly election, but this gave the party 71 out of 123 seats. See "Important Figures and Percentages on the 3<sup>rd</sup> National Assembly Election," National Election Committee of Cambodia, Accessed at [http://www.neclect.org.kh/English/ElectionResult/Result\\_2003/Result\\_2003.html#T1](http://www.neclect.org.kh/English/ElectionResult/Result_2003/Result_2003.html#T1).

10 "Cambodia HDI Rank – 131, 2007/2008 Reports," *Human Development Reports*, United Nations Development Programme, Accessed at [http://hdrstats.undp.org/countries/data\\_sheets/cty\\_ds\\_KHM.html](http://hdrstats.undp.org/countries/data_sheets/cty_ds_KHM.html).

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indicated that those voters who genuinely support the CPP do so because they attribute economic development and improvements in standards of living to the benevolence of the CPP. This makes it challenging for other political parties, who lack a track record of providing services and infrastructure to the people, to shift political support away from the CPP.

In addition, the CPP has established a loyal base of supporters among large segments of Cambodia's population. Some, mainly government employees and the military, depend on it for their livelihood and thus fear what a change in political power may bring. Others, especially the older generation of Cambodians, tend to be loyal to the CPP as the party that liberated the country, brought peace and stability and improved the standard of living. Many domestic stakeholders noted that the older generation of Cambodians are still profoundly affected by memories of the Khmer Rouge and associate political change with instability and violence and thus are hesitant to vote for opposition parties. One international stakeholder also explained that rural voters are also more likely to support the CPP.

The outcome of the 2008 National Assembly elections may also be greatly impacted by the participation of youth voters. As one opposition party figure pointed out, since the 2003 National Assembly election, 1.5 million Cambodians will have reached voting age, which has the potential to increase the size of the electorate by nearly 20%. They are in the first generation of Cambodians who do not remember the terror of the Khmer Rouge and may therefore be more willing to vote for political change.

Finally, voter participation will be a critical variable to watch in the 2008 elections as an indicator of the Cambodian people's perceptions of the democratic process. Voter participation declined from 83% in 1998 to 68% in 2007.<sup>11</sup> While there are likely many explanations for this, one factor may be that the continued success of the CPP in every local and national election has led to voter apathy. If elections are not perceived to be a legitimate vehicle for holding leaders accountable or for influencing the composition of the government, frustration with the system discourages participation. If people see that the fourth National Assembly election does not bring political change, they may lose hope in the system. In this sense, the stakes in the 2008 elections are quite high, as they will indicate whether elections are part of a legitimate democratic political process in Cambodia or simply another moment for the CPP to flex its political muscle.

### 3. Key Challenges for the Upcoming Elections

Domestic and international stakeholders indicate that Cambodia faces a range of challenges to a fair and democratic electoral process. These obstacles will not only impact the outcome of the July 2008 National Assembly election, but will shape the political environment in the years to come.

#### 1. Manipulation of the Voter Registration Process

Registration for the 2008 elections took place from September 15 to October 20, 2007. Voters cannot necessarily register in the village or city where they reside; according to the electoral law, citizens must return to their native village to register to vote, check their name on the voter registry and vote on Election Day. Interviews with members of opposition parties and civil society leaders indicate that the CPP uses a variety of tactics to illegitimately define who can and cannot participate in the electoral process. This reflects the CPP's shift in focus from manipulation on Election Day to manipulation in the months *leading up to* Election Day. By enfranchising illegitimate but loyal CPP supporters and disenfranchising opposition supporters, the CPP can influence electoral outcomes in advance.

There are several ways in which the CPP has been reported to undermine the accuracy and legitimacy of the voter registry list. For example, a domestic civil society leader explained that the CPP registered Vietnamese living on the border with Cambodia – individuals who do not have the right to vote – by providing them with voter cards and bringing them to vote for the CPP on Election Day. There is also concern that CPP election administrators intentionally delete

11 "Election Guide – Voter Turnout," International Foundation for Electoral Systems (IFES), Accessed at [http://www.electionguide.org/reports1.php?region=5&start\\_year=1998&submitted=1](http://www.electionguide.org/reports1.php?region=5&start_year=1998&submitted=1); "Turnout for the 2007 Commune Council Elections," National Election Committee of Cambodia, Accessed at [http://www.neclect.org.kh/English/ElectionResult/2007/Official%20results/Percent%20of%20turn%20out%20\\_official%20results\\_.pdf](http://www.neclect.org.kh/English/ElectionResult/2007/Official%20results/Percent%20of%20turn%20out%20_official%20results_.pdf).

names of known or suspected opposition supporters under the aegis of a “clean-up” of the voter registry. The voter list revision and voter registration processes were handled exclusively by the village chiefs and commune council members, nearly of whom are members of the CPP. A report issued by the Committee for Free and Fair Elections in Cambodia (COMFREL) on October 18, 2007 expressed concern that names were removed from voter lists without adequate legal documentation or evidence, as required by the National Election Committee guidelines.<sup>12</sup> As a result, some domestic stakeholders maintain that the names deleted from the list as part of the clean-up were largely opposition supporters.

A related problem is that the growing garment industry has led many Cambodians to migrate outside of their home villages for work, and these migrant workers must take time off from work for long and costly trips back to their native village in order to register and to vote. There is some concern that village chiefs will intentionally delete the names of migrant workers from voter registries, because, as one civil society representative explained, migrant workers are less susceptible to the influence and intimidation of village chiefs and thus less likely to be guaranteed votes for the CPP.

### **2. Intimidation and Manipulation of Voters During the Election Process**

Intimidation can take many different forms. Opposition party figures report that the CPP has influenced voter preferences by threatening to withhold infrastructure projects from communities that do not support the CPP and to withhold salaries from military barracks whose polling stations do not support the CPP. Both international and domestic stakeholders have confirmed the problem of vote buying. Parties “buy” votes both with money and with material goods such as sarongs. One international NGO representative also claimed that the CPP may use a new technique: paying known opposition supporters *not* to vote. These practices are especially hard to detect, document and quantify as they often occur before the Election Day and far from polling stations.

### **3. Lack of Fair Access to Radio and Television Media for All Political Parties**

An international civil society representative indicated that the CPP controls all of the broadcast media in Cambodia by determining who can and cannot receive media licenses. This largely denies the prospect of an independent broadcast media and limits opposition parties’ access to radio and television programs. The bias in media ownership creates an unfair political environment in which the CPP promotes itself and its infrastructure projects in the media year-round, while the platforms and activities of opposition parties go largely unnoticed. Furthermore, there is a culture of self-censorship, in which the more “independent” media stations fear the consequences of broadcasting criticism of the CPP. For example, Beehive Radio suspended a Norodom Ranariddh Party program because it criticized the Prime Minister on air. While the National Election Committee has established national television time allotments for all political parties during the campaign period, this does not address the lack of fair access during the rest of the year.

### **4. Lack of Full Independence and Neutrality of the National Election Committee**

The NEC is located in the Ministry of Interior and receives its budget from the Ministry of Commerce. This results in the perception that the NEC is subordinate to the CPP. Several international stakeholders commented that the NEC relies on the Ministry of Interior to “get things done.” In addition, NEC membership is biased toward the CPP: five of its nine members are CPP members and two are from the CPP’s coalition partner, FUNCINPEC. Non-CPP members cannot exert significant influence over NEC decisions and policies.

One opposition party member referred to the NEC as both a player and a referee in the electoral process: it conducts the election and also adjudicates disputes about election irregularities. This lack of impartiality places additional burdens on civil society organizations and opposition parties to foster electoral integrity. While these groups can bring complaints about the electoral process to the NEC’s attention, one opposition party member explained that complaints are often

12 “2nd Preliminary Report on Voter List Revision and Voter Registration Irregularities,” 2007, Committee for Free and Fair Elections in Cambodia (COMFREL), Accessed at [http://www.comfrel.org/images/others/1193193735PR%2021%20on%20VR%20\(En\).pdf](http://www.comfrel.org/images/others/1193193735PR%2021%20on%20VR%20(En).pdf) and “First Preliminary Report on Voter List Revision and Voter Registration,” 2007, COMFREL, October 2, 2007, Accessed at [http://www.comfrel.org/images/others/1191546509PR%2019%20on%20VR%20\\_En\\_.pdf](http://www.comfrel.org/images/others/1191546509PR%2019%20on%20VR%20_En_.pdf).

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rejected on technical grounds, such as lack of documented evidence. Opposition parties maintain that the NEC selectively chooses which cases to investigate and does not adjudicate them in a fair and impartial manner.

### ***5. The Continued Consolidation of the CPP's Power***

The consolidation of the CPP's power is a product of a variety of factors. As was discussed earlier, the CPP has used evolving techniques of electoral and political manipulation to secure its hold on power. It has weakened and undermined other political parties by bringing charges against their leaders, such as Sam Rainsy. The CPP also harnesses state assets in support of the party, whereas other parties have limited financial resources.

Furthermore, the CPP has created an environment in which many Cambodian citizens fear any alternative to the CPP. Given the CPP's domination of the media and the lack of access to independent information for the 80% of Cambodians that reside in rural areas, the population is very susceptible to psychological threats. Specifically, several international stakeholders noted that the CPP has warned that if they are voted out of power, the country may devolve into conflict. There is no way to quantify the impact this psychological manipulation may have, but it is certain that it does affect the views and opinions of much of the population. The village chiefs, who are selected through an indirect election process by the CPP-dominated commune councils, oversee the entire electoral process and also greatly influence rural Cambodians.

## **4. Recommendations**

### ***Rationale for the Recommendations***

There are several themes that unify the recommendations presented below. First, the recommendations recognize that there are both short- and long-term challenges to a more democratic political and electoral process in Cambodia. Some structural and institutional obstacles will inevitably take years to fully address. However, efforts must begin now to remedy these challenges. Second, the focus of international assistance to Cambodia's electoral process should be reassessed and reevaluated to meet the most critical current and anticipated challenges. While in earlier elections international assistance focused on building technical capacity and ensuring a free, fair and peaceful Election Day, the priority now should be to support a fairer political playing field and to help the country progress down a more democratic path. Third, the recommendations consider that all stakeholders, including international donor organizations, the diplomatic community, civil society and the government of Cambodia, can advance reform. Each recommendation will require the cooperation and coordination of key stakeholders in order to be implemented effectively. Finally, the recommendations incorporate the needs and concerns of members of civil society organizations, political parties, the media and international stakeholders in Cambodia's democratic future.

The following recommendations are designed to best address the core challenges to genuine democracy in Cambodia. They may be considered a more assertive and aggressive line than the international community has taken in recent years. However, a more robust international approach to promoting fair and democratic elections in Cambodia is essential at this juncture in the country's history.

However, international donors face legitimate constraints when designing an agenda for electoral assistance. One constraint for the donor community is cost. Certain recommendations may be very important for advancing a fair political environment in Cambodia, but too costly for the international community to invest in at this time. Another constraint is political feasibility. While some recommendations may be both important and cost-efficient, the political reality may be such that the Cambodian government would not be willing to implement the necessary changes. The recommendations below are listed in decreasing order of importance.

### ***1. Reform Electoral Processes and Institutions.***

Reform of Cambodia's electoral processes and institutions is necessary for a free and fair political and electoral environment in Cambodia. Reform should focus on three areas: NEC independence, voter registration and local election administration.

The membership imbalance and lack of independence of the NEC is a key obstacle to a fair electoral process. Thus, the regulations governing membership of the NEC should be revised to ensure the institution's impartiality. No political party should dominate the Committee and its membership should include representatives from civil society. In addition, rules should be instituted to prohibit NEC members from working in the government directly after their tenure at the NEC. This will ensure that NEC members are less vulnerable to the influence of political parties. To address the concern that the NEC fails to handle election-related complaints impartially, international donors should work with civil society to advocate for, fund and establish an independent and non-partisan electoral dispute resolution tribunal. They should first support the creation of a domestic and international assessment team to determine the cost and feasibility of such a tribunal and then develop a detailed action plan on the steps necessary to carry it out.

Second, voter registration should be reformed to prioritize the enfranchisement of all Cambodians. Many Cambodians are disenfranchised simply because of the short registration period and the requirement that citizens register in their native village. To address this challenge, the voter registration period should be extended and voter registry lists for all communes should be made available throughout the country so that voters can confirm the accuracy of the lists without having to journey to their native village. The international community should emphasize the need for longer voter registration periods and that access to voter lists is necessary for a transparent electoral process. Domestic civil society groups should undertake a formal advocacy campaign to support this reform from the bottom up, targeting factory workers and migrant laborers in particular.

Third, professional election administrators should replace village chiefs during registration and Election Day. Since individuals deeply invested in the continuation of CPP power currently handle these processes, voter intimidation and administrative obstacles are possible. Accordingly, a cadre of professional election administrators should be funded and developed to slowly phase-out the village chiefs. To promote reform, civil society and international donors should design and fund workshops to train interested individuals in election administration so that a pool of skilled individuals exists when it is time to replace village chiefs. These workshops should especially target teachers, students and civil society members.

To facilitate these changes, the diplomatic community should prioritize institutional reform in its bilateral agenda. It should be made clear that to gain international legitimacy, the CPP government must make the necessary changes to ensure free and fair elections. The donor community should provide technical assistance to the appropriate legislative committee to help draft laws addressing NEC independence, voter registration period and professional election administrators. Domestic civil society should also be encouraged – and assisted – in providing draft legislation to the National Assembly that can serve as a model for final reform decisions.

### ***2. Increase Support for an Open and Free Media Environment.***

The diplomatic community should encourage the Cambodian government to allow opposition parties greater access to broadcast media year-round. International donors should partner with civil society organizations to design and fund television and radio programs that provide a forum for candid political debate. Such programs should be issue-oriented, not campaign-oriented, in order to enable citizens to learn about the platforms of all political parties and to contribute to a well-informed electorate.

International stakeholders should also encourage the government of Cambodia to grant media licenses to individuals not affiliated with the CPP and to allow more diversified media ownership. More balanced media ownership should

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allow for more balanced coverage of political parties. Allowing all parties to articulate their platforms in the media would counter the CPP's monopoly of political space. To encourage this, the international donor community could provide incentives to the government, such as free media equipment or public praise for the government's efforts to increase media freedom.

### **3. Revise the Role of Election Monitors.**

A greater number of domestic monitors should be funded and trained to observe the electoral process in Cambodia. Domestic monitors often pick up on more subtle forms of voter intimidation and manipulation than do international monitors because of language or cultural barriers. Supporting domestic monitors also provides an opportunity for the international community to build the capacity of civil society and promote democratic values. In the 2007 commune elections, the domestic election monitoring groups COMFREL and NICFEC deployed 5,000 independent and neutral election observers.<sup>13</sup> However, considering that there are 1,621 communes and urban sub-districts (*sangkats*) in Cambodia, the number of domestic monitors should be substantially increased to ensure adequate coverage of polling stations. International donors can help domestic civil society by conducting training sessions.

This is not, however, to say that there is no role for international monitors. International monitors should continue to play a key part in future elections, although their role should be revised to enable them to serve as long-term monitors with greater responsibility. They should be present prior to registration, throughout the campaign, on Election Day and during electoral dispute resolution. Many observers are only present on Election Day, though the time of greatest concern is the prior period, when voter registry manipulation, media censorship and intimidation occur. Assessments offered by short-term international monitors do not fully capture the flaws and irregularities of the electoral process. The role of international monitors should also be expanded to monitor not only elections, but also good governance, such as the use of public resources, government corruption and legislative oversight.

### **4. Refocus the Message of Civic Education Programs.**

International donors and domestic civil society groups have done a commendable job in recent years in civic education. However, the message of civic education programs should be refocused to address the aspects of political culture in Cambodia that now pose the greatest obstacle to political participation and democratic values. For instance, to counter the temptation to "sell" one's vote, programs should emphasize the value and sanctity of the individual vote and the power of political participation to create real social and economic change. In addition, programs should teach citizens to not to fear political authority, how to withstand intimidation and how changes in power take place in order to counter the mindset that they are inevitably violent and tumultuous.

An IRI poll released in June 2007 found that Cambodians identify infrastructure as the primary issue driving their voting preferences. Of the 71% of Cambodians who responded that the country was going in the "right direction," 78% attributed that positive direction to "infrastructure."<sup>14</sup> Of those who thought that the country is going in the "wrong direction," almost half attributed that to "corruption."<sup>15</sup> Civic education programs should harness these perceptions to highlight how corruption diverts resources from infrastructure projects and public services and how citizens can stop corruption by voting corrupt officials out of power. Specifically, programs should stress that every dollar lost to corruption is one less dollar that can be spent on public works.

Civic education programs should also attempt to de-link public works projects from the CPP. When asked in the same IRI poll, "Who is responsible for new schools in your area?" almost half of the respondents (47%) answered that either the CPP or Prime Minister Hun Sen was directly responsible. Only 36% named either the national or local government.<sup>16</sup>

<sup>13</sup> "Cambodia," National Democratic Institute, Accessed at <http://www.ndi.org/worldwide/asia/cambodia/cambodia.asp>.

<sup>14</sup> Survey of Cambodian Public Opinion, December 20, 2006 – January 20, 2007," 2007, International Republican Institute (IRI), June 2007, Accessed at <http://www.iri.org/asia/cambodia/pdfs/2007-06-12-Cambodia.pdf>.

<sup>15</sup> Ibid.

<sup>16</sup> Ibid.

With this in mind, civic education programs should emphasize that public works are government projects carried out with public funds – *not* CPP-initiated projects. Citizens should learn to expect government funds to be spent on roads, schools and similar public works so that they begin to identify these projects with the government – and so that they begin to identify the impact of corruption on their daily lives.

Most importantly, the donor community and civil society organizations should target critical segments of the population with civic education. Rural Cambodians have less direct experience with democracy, less overall education and greater vulnerability to intimidation and psychological manipulation. They put an especially high value on infrastructure and public works. A refocused civic education message would address the challenges to democratic political culture that are specific to rural Cambodians.

Cambodian youth should also be a target of this revised civic education program. As discussed earlier, as youth reach voting age, they have the potential to impact Cambodia's political future. Since Cambodian youth may be more willing to challenge authority and participate in the political process than the older generation, they are a critical group. Now is the crucial time to direct resources towards educating and instilling democratic values in them.

When developing new civic education programs, stakeholders should consider four factors: message, messenger, media and audience. These factors should be catered to Cambodia's social and political context. Thus, international donors should increase support for civic education programs run by domestic NGOs, who are more likely to be familiar with the current needs and concerns of their fellow citizens. This would naturally involve capacity-building for local NGOs to further develop and manage these programs independently.

### ***5. Encourage the Peaceful Rotation of Power.***

Democracy's future in Cambodia rests on the acceptance of election results by all political parties, no matter who wins. A change in government control should not result in political violence or authoritarian measures. However, several stakeholders in Phnom Penh expressed uncertainty about whether Cambodia could peacefully manage this. One interviewee explained that many CPP party elites fear that if the CPP is voted out of power, they will be subjected to corruption charges and risk having their financial and material goods confiscated. This fear creates a compelling incentive for the CPP to hold on to power.

To create an environment in which power can be peacefully transferred between parties, the personal stakes must be lowered for individuals who stand to lose power. Accordingly, international donors and the diplomatic community should take carefully orchestrated steps to foster an environment in which the CPP could gracefully step down. One proposal is to support legislation that would guarantee CPP elites immunity from past actions if voted out of office. Such a proposal has been "on the table" in the past. Another idea would be to design a pension system for former National Assembly members and elite government officials that would incentivize compliance.

The international community could encourage these proposals by providing technical assistance to the National Assembly or political parties to help draft such legislation. As part of a move towards immunity assurances, CPP leaders should be encouraged to state publicly that they will peacefully abide by electoral results, regardless of the outcome. Voters must feel assured that a vote for the opposition is not a vote for a return to violence and instability.

### **5. Conclusion**

There is promise for a genuine, robust democracy in Cambodia, although it is not likely right around the corner. The main obstacle to the further consolidation of democracy is the unchecked power of the CPP. As the CPP continues to hold onto power, it becomes further entrenched in all aspects of society. The challenges outlined above will impact not only the outcome of the 2008 elections, but will contribute to a political environment without equal opportunities for all political parties and make it nearly impossible for opposition parties to gain control of government in the future.

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Yet, there is potential for peaceful rotation of power through elections. A strong, well-organized opposition with growing popularity exists. The SRP's steady gains in popularity and FUNCINPEC's losses over the years indicate that citizens are politically aware and that their preferences do change. The relatively vibrant political party environment in Cambodia suggests hope for multi-party democracy in the future. Since the younger generation of voters does not fear political change like their elders, there is the potential that they can be a force for change in years to come.

Cambodia is at a point in its post-conflict trajectory where it has transitioned from a “post-conflict” country to one that is simply an “emerging democracy.” At this critical juncture, the international community must address the root causes of the challenges to democratic consolidation in Cambodia. Undoubtedly, this requires coordination and cooperation among all stakeholders – both international and domestic. By adopting a more assertive approach now to promoting a fair political and electoral environment in Cambodia, the international community can help plant Cambodia firmly on the path to democracy. Failure to act, however, may cause a drift from democracy to authoritarianism that many fear is already under way.

# The 2008 Elections in Rwanda

## Sarah Bush – Paul Skidmore – Carlos Velasco

### 1. Introduction

In September 2008, Rwandans will elect 80 new members of the Chamber of Deputies, the lower house of the Rwandan parliament. The purpose of this chapter is threefold:

- To assess the political context in which these elections are taking place and their significance given Rwanda's post-conflict trajectory;
- To identify the main challenges to the success of the elections from both a short and long-term perspective; and
- To recommend actions that domestic and international stakeholders should take to address these challenges and to maximize the contribution of the 2008 elections to the consolidation of democracy in Rwanda.

### Background to the 2008 Elections

In a referendum in May 2003, Rwandans adopted a constitution to replace the transitional arrangements put in place in the aftermath of the 1994 genocide. The new constitution established Rwanda as a presidential republic, with executive power concentrated in the office of the President as head of state and head of government and a bicameral legislature consisting of the Chamber of Deputies and the Senate.

The first elections to the Chamber of Deputies, the Senate and the Presidency were all held in 2003. However, because of differing terms of office, the second set of elections will be spread out over a three-year electoral cycle. With its members serving five-year terms, the Chamber of Deputies' elections will come first in 2008, followed by Presidential elections in 2010 and Senate elections in 2011. The 2008 elections therefore represent Rwandans' first opportunity to renew or withdraw the mandate of elected national politicians under the new constitution. Looking ahead to the upcoming elections, their underlying symbolic importance is clear: they can turn a "beat" into a rhythm. The question, however, is what the tune will be.

### 2. An Assessment of The Political Context

Three key features characterize the current Rwandan political context:

- The consolidation of highly effective, but not highly democratic, governance in Rwanda over the last ten years;
- The lasting legacy of the genocide in explaining this disparity; and
- The consequent emergence of the central strategic dilemma for those interested in Rwandan governance: can democratization happen faster without putting stability at risk?

First, Rwanda is arguably an "illiberal democracy," i.e. a regime with a democratically elected leader but where the protection of political rights and a respect for the rule of law do not always exist.<sup>17</sup> Experts within and outside Rwanda agree that it is well governed and that the speed with which state capacity has been rebuilt after its utter devastation by the genocide is impressive. For example, GDP grew 7.6% a year from 1996-2005, one of the strongest performances in Africa.<sup>18</sup> In the recent Ibrahim Index of African Governance, which covers 48 African countries over the period 2000-2005, Rwanda emerged as the most improved performer.<sup>19</sup> This improvement in the quality of governance matches the description of one interviewee that the current regime is "a government in a hurry."

However, the same experts also tend to agree that Rwanda's progress in making governance more democratic has not been nearly as swift as its progress in making governance more effective. Regular elections have not been enough to convince observers that genuine political competition exists in Rwanda. In 2003 for instance, the National Democratic Institute criticized the political control exercised during the pre-election period and argued that this could impede the

17 Fareed Zakaria, 1997, "The Rise of Illiberal Democracy," *Foreign Affairs* 76(6), 22-43.

18 World Bank, 2007, *African Governance Indicators*, Accessed at [http://news.bbc.co.uk/2/shared/bsp/hi/pdfs/14\\_11\\_07\\_africa\\_dev.pdf](http://news.bbc.co.uk/2/shared/bsp/hi/pdfs/14_11_07_africa_dev.pdf).

19 *Ibrahim Index of African Governance*, 2007, Accessed at <http://www.moibrahimfoundation.org/index/index.asp>.

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progress of democracy in the country.<sup>20</sup> Similarly, the European Commission's Electoral Observer Mission noted that the elections that year took place in a context of unequal competition and little opposition.<sup>21</sup> According to the 2007 *Freedom in the World Survey*, Freedom House's annual evaluation of global political rights and civil liberties, Rwanda continues to be "Not Free."<sup>22</sup>

Rwanda's performance on the World Bank's Worldwide Governance Indicators reinforces this disparity. Its percentile rank on five of the six dimensions – government effectiveness, regulatory effectiveness, control of corruption, rule of law and political stability – is an average of 28 points higher in 2006 than it was just ten years earlier. But its score on the sixth dimension, voice and accountability, puts it at about the 14<sup>th</sup> percentile worldwide, a figure that has barely improved since 1996.<sup>23</sup>

Second, like most features of contemporary Rwanda, this political context must be seen through the prism of the genocide, which for many remains, understandably, the central point of departure. A recurring theme in the research interviews was the huge damage the genocide caused to people's faith in politics, parties and political competition. Because the opening up of the political space to multi-party competition at the beginning of the 1990's coincided with and in some ways fuelled the rise of political violence,<sup>24</sup> many spoke of the lasting suspicion – even fear – that ordinary Rwandans feel towards politics. This is particularly acute among those with longer memories, who associate the post-independence elections in the 1950's and 1960's with violent ethnic conflict. As one interviewee put it, "The perception is that all problems in Rwanda have been caused by elections."

These fears are fuelled by the perception among many stakeholders within and outside Rwanda that the underlying social and cultural fracture that produced the genocide has not yet healed. Because the genocide continues to cast such a long shadow, even critics of the current government acknowledge that it was both inevitable and necessary to put stability first. Where the disagreement begins is in whether the current levels of political openness still represent a legitimate and proportionate response given how far Rwanda has come. In particular, critics have claimed that the laws surrounding *divisionnisme* – the promulgation of ethnically divisive ideology – have become a pretext for shutting down legitimate political opposition.<sup>25</sup>

This raises a strategic dilemma for those interested in Rwandan governance. Almost all interviewees expressed admiration for how far Rwanda has come in such a short period of time. But there were sharply differing views on whether the pace of change was fast enough. Given its history, few expected Rwanda to be a liberal democracy yet, but the question is whether it is moving fast enough towards being one, and whether it can move faster without endangering its accomplishments in terms of stability, peace and prosperity.

The problem is that the answers to such questions frequently only become clear with hindsight, by which time it may be too late. Moreover, the immediate risk of instability often looms larger than the longer-term risk of allowing authoritarian norms to become hard-wired into the political system. Finally, the principal arbiter between these risks is the actor with the biggest stake in the status quo: the ruling party itself.

### **The 2008 Elections in Perspective: Low Stakes But Not Low Significance**

The 2008 legislative elections will arguably *not* resolve this dilemma because:

- Constitutionally, Rwanda's system vests large amounts of power in the presidency and relatively less in the

20 "Assessment of Rwanda's Pre-Election Political Environment and the Role of Political Parties," 2007, National Democratic Institute.

21 Mission D'Observation Electorale De L'Union Europeenne, 2003, "Rapport Final: Rwanda: Election Presidentielle 25 Aout 2003 et Elections Legislatives 29 et 30 Septembre, 2 Octobre 2003," 10.

22 Freedom House, 2007, *Freedom in the World*, Accessed at <http://www.freedomhouse.org/template.cfm?page=22&country=7259&year=2007>.

23 World Bank, 2007, *Governance Matters*, Accessed at [http://info.worldbank.org/governance/wgi2007/sc\\_chart.asp](http://info.worldbank.org/governance/wgi2007/sc_chart.asp).

24 Roland Paris, 2004, *At War's End: Building Peace After Civil Conflict* (Cambridge: Cambridge University Press).

25 See Ingrid Samset and Orrvan Dalby, 2003, "Rwanda: Parliamentary and Presidential Elections 2003," *The Norwegian Institute of Human Rights*, (Oslo), 8, Accessed at: <http://www.humanrights.uio.no/forskning/publ/2003/12.pdf>.

legislature;

- The incumbent Rwandan Patriotic Front (RPF) party is unlikely to be seriously challenged; and
- How President Paul Kagame chooses between pursuing another term in office or helping to smooth the transition to a new leadership will arguably be more critical in the long-term for Rwanda's democratic health.

In other words, in their potential to shift Rwanda onto a more democratic trajectory, the 2008 elections are relatively low stakes, at least as compared to the 2010 Presidential elections. However, it would be a mistake to assume that this means they are also of low significance. There are three key ways in which these elections matter for the future democratic development of Rwanda:

- The risk that electoral processes will trigger a resurgence of ethnic ideologies and conflict is still present, even if it has receded;
- The reform of the political party law – an issue discussed in detail below – will test the maturity of Rwanda's political system; and
- The elections will present an opportunity to build the experience and capacity of actors in both the public sector and civil society and to strengthen norms about good electoral practice among voters, parties and candidates.

The focus of the international community's attention should be in helping to address five key challenges that the 2008 elections bring into focus, but which in many ways are longer-term barriers to genuine political competition.

### 3. Key Challenges for the Upcoming Elections

#### 1. The Absence of an Effective Political Opposition

There are nine political parties in Rwanda, eight of which are currently represented in the Chamber of Deputies. But with the exception of the ruling RPF, they are politically, financially and organizationally weak. Party finance is one source of this problem. Although some state funding is available, parties are compensated retroactively only if they gain a large enough share of the vote. A prohibition on organizing below the provincial level, though relaxed this year, has made it difficult to recruit members and volunteers or raise funds. Especially for smaller parties, this represents a major barrier to effective campaigning.

But the absence of political competition extends beyond this issue to the general consensus-based model of politics that Rwandan elites have cultivated since the genocide. The Forum for Political Parties exemplifies this model. The Forum is explicitly conceived of as a way of regulating political competition and promoting consensus in its stead. All nine political parties are equally represented in the Forum regardless of the number of seats they hold in Parliament (or indeed, if they hold any at all). It is charged with forging a consensus on key issues facing the country *before* they go before Parliament, as well as helping to police compliance with the political party law. To supporters, it is a unique response to the country's troubled history. To critics, it further undermines the development of the genuine alternative policy platforms that are at the heart of electoral competition and facilitates the RPF's dominance. As one interviewee put it, "It's a real challenge at the level of democratization because the other political parties don't provide alternatives... If I was asked to name the *projets de société*' of PDC [the Christian Democratic Party] I couldn't do it, of the PL [Liberal Party] I couldn't, but I know the grand vision of the RPF."

#### 2. Dealing with the Reform of the Political Party Law

The 2007 reform of the political party law allows political parties to campaign for the first time at the village (*umudugu*) level. Symbolically, this change represents an important step forward in Rwanda's democratization since in the past it was feared that granting political parties such a prerogative could potentially reignite ethnic conflict in Rwanda.

While interviewees welcomed this development, it brings with it several challenges. First, the practical significance of

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this step may be very limited. If small political parties lack the resources to campaign locally, the reform may further entrench the RPF's power. Second, there are questions about whether local governments have the capacity to monitor compliance as effectively as was possible when campaigning was restricted to the provincial and national level. Third, it may simultaneously be harder to monitor the government when campaigning becomes more decentralized. With RPF supporters dominating many local governments,<sup>26</sup> intimidation and manipulation could thwart local campaigning. There is thus a dual fear that political parties will encourage *divisionnisme* locally and that local governments will use *divisionnisme* as a pretext to unfairly crack down on open political competition.

### 3. Voters' Hesitant Embrace of Democracy

Voters in Rwanda have a low sense of political efficacy. As noted above, Rwanda's legacy of political violence has left its citizens deeply suspicious of the social cleavages that can erupt through multi-party political competition. Indeed, their desire to put the country's past behind them leads them to favor consensus over competition. Citizens' reactions to politics being brought "closer to home" with the reform of the political party law will be telling. If campaigning at the local level results in higher incidence of electoral violence, voter intimidation or manipulation, Rwandans' suspicion of politics and democracy may become even deeper.

### 4. An Inadequate, and Inadequately Free, Media

It is clear that in Rwanda the rights and responsibilities of the press are intricately related. On the one hand, levels of professionalism among journalists are low, and a commitment to the basic principles of journalistic ethics is often lacking. Several interviewees emphasized how some independent newspapers print defamatory rumors about Rwandan politicians. Independent newspapers and radio stations also suffer from a lack of funds and audiences.

On the other hand, there have been numerous allegations of press intimidation and harassment by the government, both subtle and overt. It is difficult to assess to what extent these allegations are legitimate, especially in a context in which incidents of ethnic hate speech still occur on radio call-in shows. But global rankings of press freedom make it clear that Rwanda does not yet have a truly free press.<sup>27</sup>

### 5. The Limited Capacity and Laws of Electoral Institutions

Rwanda's National Electoral Commission (NEC) is not just professional, with a track record of technically and logistically effective electoral administration, but also efficient when compared to peer institutions in cross-national studies.<sup>28</sup> However, the government's public sector reform program, designed to rationalize public administration and reduce staffing levels, risks stretching the NEC too thinly. Currently, for example, the NEC employs only twenty-six permanent staff and no permanent staff at the local level for an electorate of approximately six million voters. This shortfall is covered during elections by hiring approximately sixty thousand employees using six-month temporary contracts. The absence of permanent local capacity is a significant limitation, especially given the reform of the political party law, and one that could be exposed in the future if more intensive political competition at the local level becomes the norm. Moreover, cross-national research shows that an adequately sized permanent staff is crucial for ensuring that electoral management bodies meet their objectives.<sup>29</sup>

In addition to capacity issues at the NEC, there is a small but potentially significant problem in the law mandating its structure. Law 31/2005 regulates the operations and organization of the NEC and establishes a seven-person Council of Commissioners as the body in charge of administering Rwandan electoral law. Given the discretion it has in fulfilling

26 International Crisis Group, 2001, *Consensual Democracy in Post-Genocide Rwanda: Evaluating the March 2001 District Elections* (Brussels), Accessed at [http://www.crisisgroup.org/library/documents/report\\_archive/A400453\\_09102001.pdf](http://www.crisisgroup.org/library/documents/report_archive/A400453_09102001.pdf).

27 For example, Rwanda is ranked 147 out of 169 countries in Reporters Without Borders' Annual Worldwide Press Freedom Index in 2007. See "Worldwide Press Freedom Rankings," 2007, Accessed at [http://www.rsf.org/article.php3?id\\_article=24025](http://www.rsf.org/article.php3?id_article=24025).

28 See Rafael Lopez Pintor and Jeff Fischer, 2005, "Getting to the CORE, a Global Survey on the Cost of Registration and Elections," UN Development Programme.

29 Rafael López-Pintor, 2004, "Comparative Experiences in Electoral Management Bodies," UN Development Programme.

this responsibility, and how politically charged even ostensibly technical decisions such as the location of polling stations could one day become, it is important that the President of the Council be independent of any political party. Such independence would ensure its neutrality as the arbiter of the electoral process. Customarily, the President of the Council has, indeed, been non-partisan. But this is *not* enshrined in law. In the context of increased political competition, the selection of the President could become politicized, compromising the Council's perceived impartiality and with it the integrity of elections.

### 4. Recommendations

#### *Rationale for the Recommendations*

With these challenges in mind, there are many potential interventions that the international community could support in Rwanda. Two criteria are used to determine which would be most effective: how *important* an issue is for the future democratic development of Rwanda, and how much *impact* the international community could make. Since both criteria are considered in the short- and long-term, the suggested recommendations are currently at their optimal point of impact and will continue to be important, if not increasingly important, over time. In this way, the recommendations aim to identify the most efficient and effective use of international resources.

This approach suggests that a variety of institutional reforms will yield the highest dividends if enacted now, at the start of the three-year election cycle. While the institutions are still young, the international community can make a major impact on them. Conditions may be less conducive to institutional reform in the future, when the ruling party feels its position is threatened or existing institutions have become entrenched in the political system. This is especially important as higher stakes elections such as the presidential election in 2010 begin to come into view.

It is also worth noting that numerous interviewees emphasized that the Rwandan government continues to remain heavily dependent on foreign aid, deeply concerned with international legitimacy and prestige and responsive to international advice. This suggests that, for the time being at least, international actors can reasonably expect to enjoy significant influence in pursuing the measures proposed.

Based on this analysis, the recommendations presented in this section are clustered around five main areas, which are described in descending order of importance: (1) increasing the number of permanent local staff at the NEC; (2) supporting domestic observers; (3) creating an early warning system (EWS); (4) refocusing voter education in light of the new political parties law; and (5) amending the NEC law.

#### **1. Increase the Number of Local NEC Permanent Staff.**

The status of the NEC as the repository of citizens' trust in the electoral framework is vulnerable given its resource limitations. In a context of increased political competition, more will be demanded from the NEC. At the local level, officials may have to deal with more complaints about irregularities. The neutrality of temporary workers may also be questioned, which could weaken the image of the NEC as an impartial arbiter of electoral processes among the electorate.

To address this, the number of permanent staff at the NEC should be increased to allow for a permanent presence at the local level. Resources for these extra staff would have to primarily come from specifically earmarked funds from international donors. In keeping with the principle of domestic ownership, however, this additional funding could taper off over a five-year period, with the Rwandan government being asked to make at least a nominal additional financial commitment in the meantime.

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### **2. Increase Support for Domestic Observers.**

Civil society was decimated during the genocide in Rwanda and after more than a decade it is still weak. Since civil society plays a central role in democratic development, international donors should continue to promote the role of domestic actors as watchdogs. In order to ensure the long-term sustainability of democratic governance in Rwanda, it is particularly important that domestic stakeholders participate in monitoring elections.

The international community has allocated resources in the past for domestic observers. A common theme arising in the research interviews, however, was that much could be done to improve their capacity. In the 2003 election the perception was that their performance was lacking, both because of the observers' relative inexperience and because only the *Programme d'Observatoire des Elections au Rwanda* (POER), an umbrella organization, was allowed to participate. POER should continue to receive support but international donors should also support local NGOs such as the *Ligue Rwandaise pour la promotion et la défense des droits de l'Homme* (LIPRODHOR), an independent organization that expressed an interest in observing elections but has been unable to do so in the past due to lack of resources.

In this way the international community could build on POER's experience while also promoting greater pluralism within Rwandan civil society. Improving domestic election monitoring in Rwanda is not a problem of commitment but rather of coordination and resources. As the case of LIPRODHOR shows, local NGOs want to be involved in these activities. In the future, they should be.

### **3. Create an Early Warning System.**

The potential for electoral violence is a continuing threat to Rwanda's stability. For example, according to one interviewee rumors spread during the 2003 parliamentary elections that certain political parties had granted candidacies only to genocide survivors. An Early Warning System (EWS) would help identify potential sources of electoral conflict that could escalate into instability. An EWS would provide electoral authorities with a preventative tool to improve their electoral planning and allocation of resources. If the EWS, for example, identified a certain "cell" with a record of ethnic violence, electoral authorities would know in advance that extra security measures would be needed in nearby polling stations. Moreover, they might be able to intervene earlier and sanction the relevant parties, thus containing the potential for conflict.

The establishment of such a body could also help dispel the perception that the government uses *divisionnisme* as an excuse to crack down on legitimate political competition. By the same token, it could also serve as an informal check on the government to the extent that the government *does* use *divisionnisme* in this way.<sup>30</sup> The involvement of a neutral third party in the EWS would be required to make this mechanism more credible. Candidates for this third party role might include the East African Community, NEPAD, UNDP or the European Union.

The EWS could be created within the NEC. The Intergovernmental Authority on Development's Conflict Early Warning System and Response Mechanism would be an appropriate partner for this. The EWS could consist of five field offices for each of Rwanda's five provinces. These offices would produce, in coordination with a national unit, a weekly report on instances of campaign-related violence, voter intimidation, ethnic mobilization and other irregularities. The national office would in turn present a comprehensive report to the Council of Commissioners. Third parties would participate in an advisory capacity to the NEC by signing a memorandum of agreement with the government.

### **4. Refocus Voter Education in Light of the Political Party Law Reform.**

The reform allowing parties to campaign at the local level is a positive step in the country's democratic development. It offers the potential to promote greater political openness and engagement and to combat the legacy of distrust that Rwandans have regarding politics and democracy. Voter education for the upcoming electoral campaign should

<sup>30</sup> Samset and Dalby, 2003.

include a media campaign to capitalize on this opportunity. The message should consist of three basic elements. First, it should detail the practical implications of the new law in terms of electoral processes and party organization. Second, it should convey this reform's historical and political significance and emphasize the progress that the country has made in overcoming the legacy of the genocide. Third, it should convey a clear sense of what Rwandans can expect from the reformed law and emphasize that it presents Rwandans with an opportunity to demand more from their candidates.

It is important that the messenger be perceived as a neutral actor, such as the NEC. Given that television and radio are the most common sources of information for Rwandans, these media are the most appropriate for this type of educational campaign. The campaign should be funded with the resources that the NEC allocates to voter education during election years.<sup>31</sup>

### **5. Legislate for an independent President of the NEC**

As previously discussed, there is currently no formal provision for the independence of the President of the Council of Commissioners. Article 8 of Law 31/2005, which lists the requirements that commissioners must fulfill, should therefore be amended to require that nominees for the presidency not be affiliated to any political organization. The Governance and Accountability program that the UK Department for International Development and United Nations Development Programme are planning to implement might be one vehicle through which the international community could diplomatically pressure the Rwandan government to adopt this measure. As noted above, a theme in the research interviews was that the Rwandan government is often fairly responsive to donors in part because it enjoys the prestige associated with being a governance success story and a leader among its peers. Since modifying this piece of legislation requires only a simple majority in the parliament, and since the current chair is himself independent, there is therefore good reason to expect the government to be receptive to these arguments.

### **5. Conclusion**

Rwanda has made significant process in building the basic institutional framework and civic fabric for democratic governance: a new constitution, an independent electoral management body, functioning political institutions, political parties, an increasing number of media outlets and an NGO sector growing in experience. The challenge now is to invest in the resilience of these institutions and to promote the norms necessary to sustain them in the future. The institutional and civic infrastructure related to elections may not be tested directly in 2008. But that is precisely why the time to invest in it is now, before it is too late to make a difference.

As in other one-party regimes, opposition to the government may increasingly find spaces of political opening. In order to ensure that this higher level of political competition does not come at the expense of stability, this chapter has recommended five potential areas for international intervention: increasing the NEC's capacity, supporting domestic observers, creating an early warning system, refocusing voting education in light of the political party reform and amending a small part of the electoral code. The time is now to encourage the implementation of these reforms and thus to encourage Rwanda's continued progress on the path towards stability and democracy.

<sup>31</sup> National Electoral Commission, 2003, *Rwanda Along the Path to Democracy: Preparations for the Parliamentary and Senatorial Elections 29<sup>th</sup> September to 2<sup>nd</sup> November 2003*, Accessed at: <http://www.comelena.gov.rw/english/rwandademocracy.html>.

# The 2009 Elections in Sudan

## Mary An – Summer Lopez – Ashley McCants

### 1. Introduction

In 2009, Sudan will hold elections at six levels: for the presidencies of the Government of National Unity (GNU) and the Government of Southern Sudan (GOSS); for the National Assembly and the South Sudan Legislative Assembly; and for the governorships and state legislatures in all 25 states. The purpose of this chapter is:

- To assess the political context in which these elections will occur;
- To identify the main risks to stability leading up to these post-conflict elections in Sudan; and
- To recommend how domestic and international stakeholders can best support an electoral process that will advance peace and create a foundation for democracy in Sudan.

In 2005, Sudan ended more than two decades of civil war with the signing of a Comprehensive Peace Agreement (CPA) between the ruling northern National Congress Party (NCP) and the southern Sudanese People's Liberation Army (SPLA). The CPA calls for elections to take place in Sudan in 2009. These elections have a dual function; they are a decisive and final step in cementing the peace that has finally come to North and South Sudan, while simultaneously serving as an important first step in Sudan's long-term transition to democracy. Democratic elections by nature involve conflict; yet in the immediate aftermath of conflict they can sustain peace by providing political alternatives to violent competition for power. Reconciling this tension is just one of the challenges facing Sudan in the coming two years.

### *Background to the 2009 Elections*

Civil conflict has plagued Sudan since 1955, one year before the country gained its independence from Britain. The most recent North-South conflict erupted in 1983 and was a product of religious and ethnic divisions, competition over natural resources and the unresolved issue of self-determination for the South. Between 1983 and 2005, the war took over 2.5 million Sudanese lives and displaced more than 5 million others.<sup>32</sup>

After decades of international humanitarian intervention and attempted peace negotiations, the North-South civil war officially ended on January 9, 2005 with the signing of the CPA. Though the Sudanese People's Liberation Army was the sole southern signatory to the peace, the long-awaited event was greeted with optimism throughout the region.<sup>33</sup> The CPA calls for three milestones designed in the following sequence: a national census planned for 2007 but delayed until 2008, an internationally observed general election at six-levels in 2009 and a referendum on self-determination for South Sudan in 2011. As the three year anniversary of the peace agreement approaches, a difficult paradox exists: the NCP in the North has the capacity to carry out their CPA responsibilities but lacks the will to do so, while the SPLM in the South remains committed to the process but lacks the necessary capacity.<sup>34</sup> Thus far the process of reaching the CPA milestones has faced significant administrative delays, political disputes and growing pessimism among international stakeholders.

### 2. An Assessment of the Political Context

The international community has a limited mandate for the 2009 general elections. After strongly advocating for elections during the CPA negotiations, the international community now finds its role drastically diminished from the types of mandates often accorded to it for "founding" post-conflict elections. The CPA, in contrast, accords the international community only a limited observation role and any additional electoral support must be solicited by government request.

The ruling NCP, however, lacks the political will to see these elections through, as evidenced by the series of delays that has plagued the funding and administration of essential preparation activities. Wrangling between political parties continues to stall the drafting of the electoral law, which is already several months late. The lack of an electoral legal

<sup>32</sup> Jok Madut Jok, 2007, *Sudan: Race, Religion, and Violence* (Oxford: Oneworld), 15.

<sup>33</sup> John Young, 2007, "Sudan IGAD Peace Process: An Evaluation."

<sup>34</sup> "Sudan's Comprehensive Peace Agreement: The Long Road Ahead," 2006, International Crisis Group (ICG), Africa Report N°106.

framework precludes the formation of the Electoral Commission that will be responsible for coordinating virtually all aspects of the elections. In addition, prerequisite government funding for the census has been withheld. These delays are not surprising, as an election loss could unseat the NCP from its long-standing control of the government. A recent publication by the International Crisis Group argues that the NCP would welcome quick and dirty elections with a pre-arranged outcome and that they possess the financial resources and state machinery to produce this.<sup>35</sup>

As a result, the international community has much of the *de facto* responsibility for the success of the elections, but essentially none of the *de jure* power to oversee their planning and execution. This is a theme that emerged repeatedly during interviews, and its prevalence highlights the degree to which donors question their commitment to the process if elections do not meet internationally accepted norms and practices.

### **The Target CPA Timeline**

The administration of three events on this scale and in such a short time frame would pose a formidable challenge even in the most developed and peaceful of countries. Moreover, the sequencing of the CPA milestones has important and complicated implications for the elections. Because the census is mandated to take place before the elections, delays in the census have resulted in stalled election preparations. Yet, with a referendum on southern secession scheduled for 2011, many southern Sudanese and members of the international community are largely overlooking the 2009 elections. Though this sequencing was deliberately designed to balance political and logistical needs, it has created many dependencies in the system. The result is that planning and attention for these elections is being short-changed on both ends.

### **The Outlook of the International Community**

The international community has been hesitant to commit long-term support for these elections. Though much effort has already been invested, interviews with key donors revealed deep pessimism about whether these elections will occur and whether they will meet internationally accepted norms. There is also skepticism about the long-term value of committing substantial resources to these elections, given that the South may secede in 2011 and that future elections in Sudan may therefore look very different.

International stakeholders are also divided along North-South lines in their attitudes towards the desired outcomes of the 2009-2011 election cycle. In the North the international community seems committed to maintaining a unified Sudan, while in the South donors view unity with skepticism and advocate for Southern self-determination. This divide was stark even within different branches of the same organization. The result of these divisions is that the international community lacks both coherent policies and strategies, which weakens its position vis-à-vis the government.

## **3. Key Risks for the Upcoming Elections**

During a peace process, elections and the steps leading up to them can act as either a stabilizing or destabilizing force. Therefore it is vital that those involved in running the elections pay close attention to the areas of risk that are most likely to lead to a return to conflict. This report identifies four risk areas that not only pose threats to the election but to the still-tenuous peace between North and South Sudan. At the same time, these risk areas also threaten the long-term development of a just and equitable political environment. If the first elections ignore these concerns, it will be only more difficult to address them at a later stage.

### **1. The Flawed Legal Framework**

Interviews with the election law advisor to the National Constitutional Review Commission (NCRC), the body tasked with drafting the election law, revealed that the December 2007 draft of the law contains several risk areas. These include

<sup>35</sup> "A Strategy for Comprehensive Peace in Sudan," 2007, ICG, Africa Report N°130.

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the means of delimiting district boundaries, the creation of the voter registry and the adjudication of challenges to the election results. Delimitation is currently set to be carried out by the Elections Commission, rather than an independent boundary commission. Given the extreme sensitivity surrounding delimitation in Sudan, a lack of independence in the body tasked with carrying it out will only further inflame and politicize the issue. Similarly, the voter registry is a potential target for election manipulation. The current law provides for social verification of identity for those Sudanese without personal identity documents, but does not provide protections to ensure that the authorities empowered to authenticate identity will be independent. Finally, the law delegates a number of important decisions and responsibilities to the Elections Commission, so the independence of that commission – both in its selection and its freedom from intimidation – will be vital.

Several additional laws pose significant risks to the electoral legal framework. The Political Parties Act, passed in early 2007, contains numerous ambiguities surrounding the deadline for party registration, which could easily be manipulated to exclude certain parties from registering. The Organization of Humanitarian and Voluntary Work Act of 2006, informally known as the NGO law, creates severe restrictions on the registration and activities of NGOs operating in Sudan and effectively blocks all avenues of appeal for denials of registration.<sup>36</sup>

If the legal framework falls short of internationally accepted norms and practices, the legitimacy of the elections among stakeholders as well as the Sudanese public would diminish. It could cause local stakeholders to disengage before the elections even occur or to reject their outcome. In addition, interviews in Khartoum revealed that some sections of the international community could withdraw their programmatic and material support from the elections if they seem likely to be illegitimate, although they have yet to define their “red-line” for withdrawal. Such a withdrawal would remove a vital stabilizing force from Sudan and further de-legitimize the elections process.

### **2. Misinformation, Disinformation and Unmet Expectations**

Heightened expectations can be a flashpoint for conflict if they are subsequently not met. While some in the international community may still debate whether or not these elections can or should occur, our interviews revealed that the expectation of elections has already been created among the Sudanese public. This, along with the important role the elections play in the implementation of the CPA, means that holding elections must no longer be a matter for debate.

Misinformation and active disinformation efforts by political parties and leaders will be a risk throughout the lead-up to the election, as they can foster discontent or directly exclude certain groups or regions from participating. Misinformation around the census is already a significant problem. There is a misunderstanding regarding whether or not the process of “being counted” will translate into entitlement to resources or even the right or ability to vote. “Being counted” has powerful associations for refugees and internationally displaced persons (IDPs), which some political leaders are already exploiting. Southern state governors, in an effort to increase their populations prior to the census, have reportedly been telling IDPs that if they do not return to be counted in their original place of residence on census night, they will not be able to vote.

These problems are compounded by severe restrictions on the media in the North and a lack of media infrastructure in the South. In the North, restrictions are especially tight for radio and television, the primary means of disseminating information to people outside the capital. In the South there is more freedom, and donors use radio programs, such as programming on UN Radio Miraya, to educate voters.<sup>37</sup> Recognizing the value of such programming, various donor groups have distributed radios to the public. Some radio distribution programs in the South, however, were spoiled by rumors that the radios contained explosives, money or cell phones, which encouraged people to destroy the radios. Such disinformation efforts may well continue and even increase in the run-up to the election. These challenges make it difficult for civil society organizations and NGOs to provide accurate information to people in remote areas.

<sup>36</sup> Human Rights Watch, 2006, “Sudanese Government Obstruction of Humanitarian Access,” Accessed at <http://hrw.org/backgrounder/africa/sudan0506/5.htm>.

<sup>37</sup> USAID’s media program in the South includes radio shows such as “Know Your Government,” which features interviews with ministers from the Government of Southern Sudan, and “Let’s Talk,” a drama with civic education messages. The UN operates Miraya FM out of Juba. Its extensive programming includes educational programs about the CPA and the electoral process.

### 3. The Exacerbation of Local Conflicts

At the local level there exists a dangerous combination of minor tribal conflicts, arms proliferation among the general populace and a government interest in destabilizing the South in order to stall the election. The border-states between the North and South and the oil states of North Bahr El Ghazal, West Bahr el Ghazal, Warrab State and Unity State are particularly volatile, and arms are rampant in these areas. Disarmament, demobilization and reintegration (DDR) processes were mandated by the CPA to be implemented by Northern and Southern DDR Commissions with international assistance, yet they have not been sufficiently supported or carried out in the South.<sup>38</sup> Moreover, the highly undisciplined and well-armed SPLA military has contributed to pockets of violence and general civilian insecurity. These smaller local conflicts could potentially be triggered by elections-related fears or grievances and could easily be manipulated in order to destabilize certain key areas.

Complicating this situation further is the return of IDPs to areas where they have not lived in decades. In the fight for votes, political leaders are encouraging them to return quickly. As a result, many IDPs are not waiting for the organized formal relocation processes provided by organizations such as the International Organization for Migration and the International Rescue Committee, but are instead returning informally, without NGO support. This can exacerbate the conflicts that are inherent in the return process, such as disputes over access to land and resources. Water sources have been identified as a potential area of violence throughout the South.

### 4. The Political Exclusion of Key Actors and Vulnerable Populations

Political exclusion – either perceived or actual – is a significant risk that was emphasized by many people in Khartoum and Juba. The targeted exclusion of specific groups could destabilize the peace in the lead-up to the election and damage the legitimacy of the election results. If certain groups feel excluded from the process prior to the election, they could resort to violence instead of political participation, which could potentially destroy the opportunity for an election altogether. They could also reject the results of the election. Conversely, if people feel included in the process from the beginning, they may be more likely to excuse the inevitable Election Day flaws.

#### A. Small parties

Smaller parties who were not signatories of the CPA have been left out of much of the peace-building process. Only the SPLM and the NCP formally signed the peace treaty in 2005. Parties such as the Darfurian Umma Party and Sudanese Liberation Movement (SLM), the Popular Congress Party (PCP) and the South Sudan Defense Force (SSDF) have only approval power, at best, in many key elections decisions. In the elections process specifically, small parties cannot nominate members to the nine-member Elections Commission (EC). This vital body, mandated to administer, monitor and resolve disputes, will be selected by the Government of National Unity presidency, which is comprised of only NCP and SPLM representatives.

Small parties are also at risk of exclusion through a high vote threshold for representation and restrictions on party registration. According to a member of the NCRC, the body tasked with drafting the electoral law, a threshold of 7% of votes for parties to win seats in the National Assembly is currently being considered. Further restrictions come from the Political Parties Act, which stipulated that a party's manifesto should not contradict the CPA or the 2005 Interim Constitution and placed a 90-day deadline on registration for new parties with the Political Parties Action Council. The deadline for registration has now passed and the Political Parties Action Council has yet to be established. Some small parties, particularly those who are not CPA signatories, see this as an effort to exclude them, which it may be. Several of these parties, such as the Sudanese Liberation Movement, used to be armed militias. If they feel they are being excluded from the political process, they may return to armed conflict as a means of achieving their goals.

38 Mariam Bibi Jooba, 2007, "Dual Realities: Peace and War in the Sudan – An update on the implementation of the CPA," Institute for Security Studies, Accessed at [http://www.iss.co.za/dynamic/administration/file\\_manager/file\\_links/SUDANSITREPMAY07.PDF?link\\_id=3&slink\\_id=4438&link\\_type=12&slink\\_type=13&tmpl\\_id=3](http://www.iss.co.za/dynamic/administration/file_manager/file_links/SUDANSITREPMAY07.PDF?link_id=3&slink_id=4438&link_type=12&slink_type=13&tmpl_id=3).

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### *B. Internally Displaced Persons*

There are estimated to be 5.8 million internally displaced persons in Sudan, significantly more than in any other country.<sup>39</sup> The draft election law restricts IDPs voting to their place of current residence and does not allow them to submit absentee ballots to their place of origin. This provision makes IDPs in camps particularly vulnerable to exclusion and intimidation. The SPLM is concerned about the loyalties of IDPs who remain in the North and has already been using questionable tactics, such as disinformation campaigns, to encourage them to return to the South. At the same time, the NCP recognizes that the IDPs are unlikely to vote for them and therefore may try to exclude IDPs altogether.

A recent report by the Internal Displacement Monitoring Center describes incidents in which Sudanese IDPs in camps have been arrested for discussing politics.<sup>40</sup> IDPs interviewed for the report believed that authorities were not in the camps to provide security, but rather to apply political pressure. In the run-up to the elections, intimidation will likely escalate. In addition, with approximately 36% of IDPs in Khartoum without documentation, IDPs will be largely dependent on social verification of identity for voter registration (currently provided under the draft electoral law).<sup>41</sup> This means that whoever is granted authority over the verifications could limit IDP rights. The repression of IDP rights could spark isolated acts of violence in IDP camps, which could escalate or elicit a harsh reaction from government forces, which might then anger the SPLM. An even more likely scenario is that if the SPLM believes that Northern IDPs were purposefully excluded from voting, they could reject the outcome of the election altogether.

### *C. Women*

Low literacy rates and cultural norms place limits on the political participation of women. According to the UN Human Development Report, women's literacy rates in Sudan hover around 50%, but this figure is likely much lower outside of Khartoum, particularly in more remote areas of the South.<sup>42</sup> In the North, women's participation in public life is limited, and those in power could take advantage of this to make it difficult for women to participate in the election. The potential exclusion of women from active participation as voters is a risk to the long-term legitimacy and equality of elections in Sudan.

## 4. Recommendations

### *Rationale for the Recommendations*

The challenges outlined above suggest that there are numerous areas where the international community could potentially target its support for the upcoming elections. In order to narrow down and prioritize the list of recommendations, two criteria were identified to evaluate the international community's involvement in a specific activity: the *importance* of the activity to promoting the stability and legitimacy of the process and the potential *impact* that the international community can make on this issue. Recommendations are presented in decreasing order based on how they ranked on these criteria.

The following recommendations are also based on a "process-driven," rather than "event-driven" approach to electoral assistance. The European Commission and United Nations Development Programme have recently adopted a new framework seeking to refocus electoral assistance on long-term democratic development rather than on individual electoral events in an ad-hoc manner.<sup>43</sup> The 2009 elections in Sudan should be conceptualized within this framework, as these elections will create institutions and technical expertise that can be harnessed in future elections, while generating

39 Internal Displacement Monitoring Center, 2006, "Global Statistics," Accessed at [http://www.internal-displacement.org/8025708F004CE90B/\(httpPages\)/22F81D4E2B196DAA802570BB005E787C?OpenDocument&count=1000](http://www.internal-displacement.org/8025708F004CE90B/(httpPages)/22F81D4E2B196DAA802570BB005E787C?OpenDocument&count=1000).

40 "Sudan: Outlook for IDPs remains bleak. A profile of the internal displacement situation," 2007 Internal Displacement Monitoring Center and Norwegian Refugee Council, 16.

41 Ibid, 159.

42 *UN Human Development Report, 2007/2008*, 2007, UN Development Programme, Accessed at [http://hdrstats.undp.org/countries/data\\_sheets/cty\\_ds\\_SDN.html](http://hdrstats.undp.org/countries/data_sheets/cty_ds_SDN.html).

43 European Commission and UN Development Programme, 2007, "Electoral Cycle Approach," Accessed at [http://www.ec-undp-electoralassistance.org/index.php?option=com\\_content&task=view&id=16&Itemid=31](http://www.ec-undp-electoralassistance.org/index.php?option=com_content&task=view&id=16&Itemid=31).

broader democratic norms and commitments. However, most interviewees for this report referred to the 2009 elections as a “one-time event,” indicating that this process-oriented approach has not yet been successfully applied to Sudan.

Our recommendations to the international community seek to address this mismatch by nesting short-term recommendations for overcoming planning delays within a long-term framework of creating institutions and norms that will be critical to ensuring that democracy in Sudan survives beyond 2009.

### **1. Target Support Towards “Catalytic” Events.**

Elections planning has currently stalled due to census funding delays, political wrangling over the elections law and growing pessimism on the ground that these delays may preclude the elections from taking place. There are several things that can occur to re-catalyze the elections planning process:

*The international community should identify specific training needs for the National Elections Commission based on the draft election law and begin developing programs to meet these needs.* The existing draft electoral law specifies several tasks that will be undertaken by the new Election Commission. Specifically, they will be tasked with delimiting district boundaries and adjudicating challenges to the voter’s list. In these and other areas, the Commission will require significant training and technical assistance, and the donor community can begin now with planning this support.

*The international community should also begin coordination conversations between key operations and logistics agencies and conduct an elections logistical assessment.* Organizations such as the World Food Programme (WFP) and the UN Joint Logistics Committee (UNJLC) are ideally situated to assist with logistics, yet they have not yet been brought into elections planning. As the logistics coordinator of all humanitarian activities in Sudan, UNJLC has expertise in the procurement, transport and storage of supplies, access to detailed maps of remote areas and a large network of local partners in each region of the country. Similarly, WFP specializes in the secure transport and distribution of materials across Sudan. Though they have not been asked to provide support for elections logistics, many humanitarian works have identified the WFP as the only organization possessing the capacity to deliver Election Day polling materials to rural areas. These groups should be engaged now to assist with a logistical assessment of organizing the elections.

### **2. Do Not Let Delays to the Census Hinder Election Preparations.**

*The international community should conduct elections planning concurrently with census preparations.* Planning for the census has been, and continues to be, delayed. Election preparations have stalled because they are viewed as contingent on the census. While the census results are critical for key processes such as delimitation, other election activities, such as supporting the Elections Commission and planning logistics, can and should proceed independently of the census outcomes. Allowing all non census-dependent elections planning to begin in earnest now will both help to create momentum in the process and to ensure the elections are properly planned and executed.

*The international community should also develop a contingency plan for drawing district boundaries that is not based on the census.* The perpetual delays in the census beg the question of whether, if necessary, these elections could meet minimum standards of acceptance by all stakeholders without a census. Delimitation of electoral constituencies could be based on alternative criteria, such as existing state administrative districts or voter registration data, such as was recently used in the Democratic Republic of Congo.<sup>44</sup>

While it may be possible to convince parties to the CPA that the census is not necessary for boundary delimitation, it will be more difficult to overcome the need for accurate population data for seat apportionment. However, the ongoing census preparations have already generated enough data to make reasonable population estimates. Census bureaus in both the North and South are currently mapping and listing all villages, camps and cities, a process that is accompanied

<sup>44</sup> Dieudonné N. Tshiyoyo, 2007, “Post-Transitional Elections in the Democratic Republic of Congo,” ACE Project, Accessed at <http://aceproject.org/today/feature-articles/post-transitional-elections-in-the-democratic-republic-of-congo>.

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by population estimates.<sup>45</sup> This data, combined with data from voter registration and the 1993 census, could provide a reasonably accurate population count for the purpose of seat distribution. Combining multiple data sources has been frequently used in post-conflict situations in which a census is not feasible, such as Afghanistan.<sup>46</sup> The international community must determine whether a census is necessary to meet the minimum requirements for these elections.

### **3. Strengthen Dispute Resolution Mechanisms.**

*The international community should increase support to existing indigenous institutions in South Sudan.* There are many indigenous institutions, such as Village Peace Councils, that have a long history of mediating local conflict in Sudan. However, since the CPA, these institutions have struggled to find their place in the new governmental authority structures, and their power has waned. PACT Sudan is an international NGO currently implementing a unique program to reinvigorate Peace Councils by rebuilding traditional leaders' credibility. We recommend that donors study and expand PACT's efforts, as well as foster linkages between traditional and formal justice structures, in order to clarify the roles and jurisdictions of each.

*The international community should also implement a conflict early warning system.* In a country the size of Sudan, an early warning system would be an extremely valuable tool to gather, analyze and monitor evidence of heightened tensions or localized conflict. This would help prioritize the deployment of security forces or mediation support in order to prevent local skirmishes from escalating into crises. One possible resource is the Conflict Early Warning and Response Mechanism developed by the Intergovernmental Authority on Development (IGAD). IGAD is an appropriate partner because it is the main African signatory to the CPA and is a member of the Assessment and Evaluation Commission. However, its early warning system lacks the capacity to expand to Sudan and will require financial and technical support to expand and improve its effectiveness.

### **4. Strengthen Mechanisms for Accountability.**

The CPA only explicitly authorizes two roles for the international community in the lead-up to the 2009 elections. One is as representatives and observers to the Assessment and Evaluation Commission (AEC), the organization tasked with monitoring the implementation of the Peace Agreement.<sup>47</sup> The other is as observers to the 2009 elections.<sup>48</sup> The international community should maximize its mandated roles to ensure the accountability and transparency of the electoral process.

*The international community should deploy long-term international observers as soon as possible.* Manipulation of elections usually takes place well before Election Day. Ensuring the integrity of the elections will require that observers be present during the entire electoral process.<sup>49</sup> The Carter Center has already received an invitation to monitor the elections. This mission should be organized, trained and deployed quickly. Countries who are party to the AEC and the CPA should request invitations from the GNU for additional observer missions as soon as possible. This may include the European Community, IGAD, and USAID-funded groups such as the National Democratic Institute (NDI) and the International Republican Institute (IRI).<sup>50</sup>

*The government should strengthen the AEC and the AEC should create a national monitoring mechanism to act as its local counterpart.* Although the AEC, comprised of international stakeholders and political parties, was created to monitor and report on the progress made on the CPA, its work has been stymied by these same parties and the Presidency of Sudan, which has power of approval over its actions. As a result, the AEC has been only marginally effective at

45 Joint Assessment Mission Sudan, 2005, "Cluster Reports, Volume 3," 260, Accessed at [http://www.unsudanig.org/docs/Joint%20Assessment%20Mission%20\(JAM\)%20Volume%20III.pdf](http://www.unsudanig.org/docs/Joint%20Assessment%20Mission%20(JAM)%20Volume%20III.pdf).

46 "Afghanistan: Delimiting Districts for Transitional Elections in a Post-Conflict Society," ACE Project, Accessed at [http://aceproject.org/ace-en/topics/bd/bdy/bdy\\_aff/?searchterm=boundary%20delimitation%20in%20afghanistan](http://aceproject.org/ace-en/topics/bd/bdy/bdy_aff/?searchterm=boundary%20delimitation%20in%20afghanistan).

47 *The Comprehensive Peace Agreement Between the Government of The Republic of Sudan and The Sudan People's Liberation Movement/Sudan People's Liberation Army*, 2005, 3.

48 Ibid, 18.

49 Agnieszka Dobrzynska, 2006, "International Election Observation," ACE Project, Accessed at <http://aceproject.org/ace-en/topics/ei/eid/eid06>.

50 *Bringing Hope, Forging Peace: The Elders' Mission to Sudan*, 3.

completing its mandate. However, the AEC is currently undergoing a change in leadership and significant turnover in member representation and support staff. This is an opportunity for the international community to advocate for reinventing the AEC with more dynamic and effective leadership and strengthening its ability to make outside reports on its monitoring activities.

The AEC should create a national monitoring mechanism as a partner organization, composed of representatives from civil society and the media and funded by the international observers to the AEC. The national monitoring organization should be organized along the same four working groups as the AEC: Power-Sharing, Wealth-Sharing, Security Arrangements and the Three Areas. It should conduct its monitoring activities as an independent organization, but report regularly to the AEC. A national monitoring organization of this kind would increase local ownership over the CPA implementation process and help to mobilize public opinion around it.

### **5. Create and Advocate for Mechanisms of Inclusion for Marginalized Populations.**

Including marginalized populations will be critical to ensuring that the electoral process is perceived as legitimate, both by political actors and the general population. Sudan is comprised of a diverse array of religious, ethnic and linguistic groups, many of whom have been traditionally disenfranchised and excluded from the full rights of citizenship. We target our recommendations towards the three key groups whose exclusion could undermine the short-term stability and long-term legitimacy of the elections.

*International organizations should increase capacity-building support to small and newly formed political parties to encourage them to remain engaged in the political process.* Much of the stability of Sudan's tenuous peace depends on the successful transformation of its rebel militia into legitimate political parties. This transformation is important on two levels. First, it signals to the Sudanese people and to the international community the parties' commitment to the peace process regardless of whether the parties are signatories to the CPA. Second, the recognition that politics, not violence, is the best way to reach their objectives represents a major shift in the parties' thinking. Although the Political Parties Law prohibits international groups from directly funding political parties, support can and should be focused on capacity-building efforts for the political parties, such as building an organizational structure, developing a platform and recruiting members.

Many groups, such as IRI and NDI, are already providing this type of technical assistance to the SPLM and to the Sudan Liberation Movement (SLM). However, current assistance by these groups has been limited to political parties who have signed onto a peace agreement.<sup>51</sup> Given that the United States government may limit support for non-CPA signatories, it may be most feasible for multilateral agencies or other national development agencies to provide this support.

*The international community should encourage the inclusion of women by supporting civil society groups working with women and assisting political parties recruit and train women candidates.* Women's participation is important for the long-term legitimacy and equality of democracy in Sudan. These elections are a chance to engage women both as voters and politicians, and thus to foster real change on Sudan's political landscape. The draft electoral law currently mandates a 25% quota of National Assembly seats for women, a huge window of opportunity for capacity building, training and education.

However, nothing has yet been done to ensure that there will sufficient female candidates to meet the quota. Donor efforts to support the participation of women should therefore be multi-faceted. First, donors should provide financial and capacity-building support to local NGOs and civil society organizations that work with women to develop leadership and political participation programs. Second, donors should provide assistance to all political parties on strategies to recruit women members and encourage them to promote women to leadership positions and as party candidates.

<sup>51</sup> The NCP and the SPLM were the only signatories to the CPA. The SLA was the only party that signed the Darfur Peace Agreement.

## The 2009 Elections in Sudan

*The international community should deploy long-term observers to IDP camps.* The deployment of long-term observers can help to mitigate the risks facing IDPs by ensuring that they are included in the census, voter education and registration and that they are protected against potential intimidation.

### **5. Conclusion**

The significance of this election will lie less in the precise quality of its administration and more in broad perceptions of its legitimacy and the peaceful acceptance of its outcomes. Promoting the legitimacy of the elections through inclusion, accountability and a strong legal and institutional framework is the best means of preventing a backward slide into conflict. The elections must occur and their results must be viewed as legitimate if the process toward a more durable peace is to advance. Beyond 2009, the elections can also establish broader norms of democracy and rights that will be critical to the future of the new Sudan, whether as one country or two.

# Conclusion

The last three chapters have assessed key trends and challenges for elections in Cambodia, Rwanda and Sudan. The purpose in this chapter is twofold:

- First, to draw out some of the common themes and lessons for the international community that seem to emerge from across the three case studies; and
- Second, to offer a conceptual framework, aimed at policy-makers and electoral practitioners, which captures some of these comparative insights and draws out their practical implications.

## Common Themes and Lessons Learned

Given how distinctive this report's three case studies are in their particular institutional and cultural legacies, it is striking that a number of common themes did emerge. Three main themes are described below.

### 1. The Need for a Longer-Term Approach

The first theme is the importance of looking beyond the “next” electoral event to the broader process of which it is part. In Sudan, the uncertainty surrounding the political situation and the possible secession of the South have obscured the potential impact that the 2009 elections could have both in building capacity and in setting the tone for future electoral events. In Rwanda and Cambodia, the 2008 elections may provide an opening to invest in a more open political culture, but in both cases there is a long road ahead.

### 2. The Need for a Broader Focus

The second theme is the importance of moving away from a narrowly technical interpretation of electoral assistance towards a broader concern with how the international community can support a fair political environment – of which elections are only one, albeit important, part – from the very beginning. Creating an effective technical and logistical infrastructure for elections does matter. Because institutions tend to be “sticky,” it is better to get some things right early on. For example, setting a good precedent for the role of the electoral management body, through constitutional guarantees of its independence, well-defined processes for recruiting members, a workable budget and sufficient capacity, is crucial initial step.

But in the end there are limits to what the electoral institutions can do if the broader social institutions and norms that support genuine political competition are not present. The technical administration of elections in both Cambodia and Rwanda is now very proficient. But the conditions for genuine political competition have not emerged nearly as quickly. Civil liberties, a capable media, strong civil society organizations, an embrace of political competition in a post-conflict environment and the rights and resources that political parties need to compete on a level playing field – these all take more time to develop and require longer-term forms of support.

### 3. The Need for More Flexible Strategies

The third theme is the importance of developing more flexible approaches to electoral assistance, which can anticipate and adapt to the changing domestic environment for elections. In particular, there is a need to develop a strategy for the first post-conflict elections that looks ahead both to the potential challenges of subsequent elections, which are likely to be different, and the future sources of the international community's leverage, which are also likely to be different. In Rwanda and Cambodia, for example, traditional technical assistance is a less useful “carrot” now that the technical proficiency of election management has increased and governments in those countries are more able to pay their own way. But at the same time, “softer” incentives,<sup>52</sup> including the prestige associated with being recognized as a member of the democratic club, may become a more important part of the international community's toolkit of influence.

<sup>52</sup> See Joseph S. Nye, 2004, *Soft Power: The Means to Success in World Politics* (New York: Public Affairs).

## Conclusion

### A New Conceptual Framework

It is, of course, difficult to generalize from three distinct case studies to a broader theory about electoral assistance. Nevertheless, there is value in thinking about how the lessons that emerge from the case studies might be captured in a conceptual framework or heuristic. By definition this framework must be somewhat impressionistic and understood more as a hypothesis that merits further testing than a definitive conclusion. But the initial response policy-makers and electoral practitioners have had to this framework suggests that it is a useful way of encouraging debate and critical reflection on the most appropriate strategies for electoral assistance.

The framework can be described as follows. Electoral assistance represents an investment of political, financial and human capital, the returns to which – in terms of their contribution to a country's development as a responsive and responsibly-governed democracy – are different at different points in time. But, there is often a mismatch between when and how this investment in electoral assistance is made and the returns that it is likely to yield. This mismatch arises because there is a tendency to concentrate resources on high-stakes electoral events, when the returns may be rather low, and to overlook subsequent lower-stakes moments that may offer more promising returns.

This tendency arises for understandable – and largely political – reasons. In high-stakes elections, especially first elections:

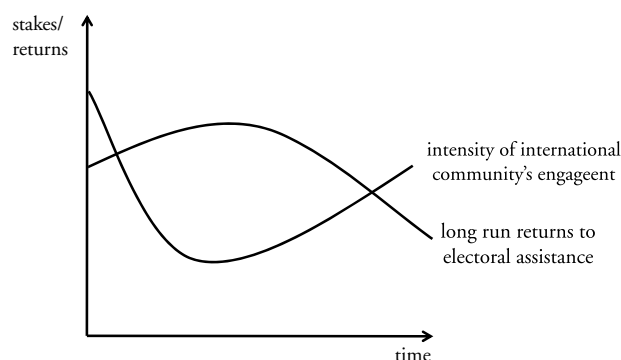
- The potential cost of failure seems highest, because the administration or results of the elections could prompt a return to conflict;
- The potential impact of intervention promises to be most visible; and
- The potential prestige and reputational benefits of involvement are greatest.

Therefore, international donors are most able *politically* to provide electoral assistance during first and other high-stakes elections. The problem is that the returns on this investment are often lower in high-stakes elections, for an essentially parallel set of reasons:

- At the first election the political situation is inherently unpredictable, and beyond a certain point the technical quality of the election may make relatively little difference to whether it is successful;
- The higher the stakes, the more incumbent regimes are likely to feel they have to lose and the most resistant they may be to change; and
- Democratic norms and expectations take time to embed, and must be nurtured over a sustained period.

This leads to a mismatch, depicted in Figure 4 below, between the intensity of the international community's engagement in electoral assistance and the returns that investment will actually yield.

Figure 4. Mismatch between investment in electoral assistance and returns



International community tends to “invest” (i.e. engage) in electoral assistance when stakes seem highest. But these are not the points when returns are highest.

## Implications and Conclusions

The problem confronted by practitioners is that after 15 years of experimentation they increasingly recognize this picture and the lessons offered here about how to improve electoral assistance.<sup>53</sup> However, the political constraints to pursuing a different approach are significant. Meanwhile, incumbent regimes are also learning more about how to retain power. They have recognized the need to govern effectively, while suppressing political competition in more subtle ways.

The danger is that despite the accumulated wisdom of 15 years of electoral assistance, much still ultimately rests on what incumbent political leaders and elites choose to do, and the international community is left offering unaccountable regimes the chance to legitimate their rule with technically proficient elections.<sup>54</sup> More attention needs to be paid to the incentives and actions of political elites as well as to building the norms and institutions that could someday outlast those elites and support a true democracy.

With this in mind, the key challenges and recommendations that this report outlines have aimed to identify the most effective steps that international actors can take in Cambodia, Rwanda and Sudan, and beyond, to promote further democratization. At the same time, the comparative analysis on the changing returns to electoral assistance that this report offers has aimed to amplify similar proposals by practitioners to focus on electoral cycles. Together with such proposals, this report seeks to emphasize the pressing need to generate the political will for longer-term electoral support.

This points to three potential implications:

- First, electoral practitioners should continue to develop and experiment with longer-term strategies and tools that are designed to promote a more holistic approach to electoral assistance, such as the European Commission and UNDP’s “electoral cycle approach”;
- Second, and in parallel, electoral practitioners should seek to strengthen the evidence base in support of the argument for these longer-term, broader-based commitments to electoral assistance by undertaking research and evaluation projects that will help to convince policy-makers of their case; and
- Third, to counter the legitimate criticism that longer-term commitments would simply mean trying to stretch existing electoral assistance resources too thinly, policy-makers should look to mainstream electoral assistance in two distinct

53 Domenico Tuccinardi, Paul Guerin, Fabio Bargiacchi and Linda Maguire, 2007, “Focus on Effective Electoral Assistance,” ACE Project, <http://aceproject.org/ace-en/focus/focus-on-effective-electoral-assistance>.

54 Eric C. Bjornlund, 2004, *Beyond Free and Fair: Monitoring Elections and Building Democracy* (Baltimore: The Johns Hopkins University Press).

## Conclusion

ways. With respect to first elections, there is a good argument for considering these elections less as the beginning of the post-conflict period and more as the end of the conflict settlement period, and leveraging resources for conflict prevention and post-conflict reconstruction accordingly. With respect to second and subsequent elections, there is a good argument for integrating electoral assistance into broader programs of support for governance and civil society, since the strength and resilience of these institutions is ultimately crucial to fulfilling the promise of democracy.

President John F. Kennedy once described himself as “an idealist without illusions.” The argument of this report has been that the same temperament is required of electoral practitioners and policy-makers in their engagement with fragile states. Just as they should not overstate the importance of electoral assistance in the short term, they should not lose sight of its ability to contribute to the conditions for genuine democracy in the long-term when used in the right way.

# Appendix 1: Interview Lists

## Cambodia Interviews

### *International Donors and Other International Representatives:*

- Aamir Arain, Project Manager, Strengthening Democracy and Electoral Processes, United Nations Development Programme
- Piper Anne Wind Campbell, Deputy Chief of Mission, U.S. Embassy
- Gregory F. Lawless, First Secretary and Chief, Political-Economic Section, U.S. Embassy
- Paul Randolph, Democracy & Governance Division Chief, USAID
- Hassan Kelleh Sesay, Training and Voter Education Coordinator, Strengthening Democracy and Electoral Processes, United Nations Development Programme
- 

### *Cambodian Civil Society:*

- Coonoor Behal, Program Assistant, Asia, National Democratic Institute\*
- Jerome Cheung, Resident Country Director, National Democratic Institute
- Jumana Dalal, Senior Program Officer, Asia, National Democratic Institute\*
- Tarikul Ghani, Director of Programs, National Democratic Institute
- Putha Hang, Executive Director, Neutral and Impartial Committee for Free and Fair Elections in Cambodia
- Khut Inserey, Senior Program Officer, The Asia Foundation
- Sothearayuth Lee, Senior Program Officer, National Democratic Institute
- Mean Lux, Program Officer, International Republican Institute
- Wolfgang Meyer, Country Representative, Konrad-Adenauer-Stiftung
- John E. Miller, Assistant Program Officer, International Republican Institute\*
- Dina Nay, Executive Director, The Khemr Institute of Democracy
- Emery Tomaszewski, Program Officer, Asia Division, International Republican Institute\*
- John Willis, Resident Country Director, International Republican Institute

### *Cambodian Government:*

- Som Savuth, Chief of Chairmen Cabinet, National Election Committee (NEC)

### *Cambodian Political Parties:*

- Son Chhay, Member of Parliament, Chairman of the Committee for Foreign Affairs, Sam Rainsy Party
- Ke Bun Khieng, Deputy Chief of Central Commission of Propaganda and Education, Cambodian People's Party
- Channtha Muth, Director of Cabinet of Samdech Krom Preah, Party Spokesman, Norodom Ranariddh Party
- Sovathero Nouv, Secretary of State, FUNCINPEC
- Keo Phirum, Deputy Chief of Cabinet, Sam Rainsy Party
- Sam Rainsy, President, Sam Rainsy Party

### *Media:*

- Michael Hayes, Publisher and Editor-in-Chief, *Phnom Penh Post*

## Rwanda Interviews

### *International Donors and Other International Representatives:*

- Jeremy Armon, Senior Governance Advisor, DFID Rwanda
- Guillaume Bucyana, Governance Specialist, USAID Rwanda
- Geneviève-Anne Dehoux, Governance Attaché, Delegation of the European Commission in Rwanda
- Tye Ferrell, Democracy and Governance Team Leader, USAID Rwanda
- Maggy Gatera, Head of Governance Unit, UNDP Rwanda
- Laurie Hunter, Political Officer, British Embassy
- Jennifer Orrico, U.S. Embassy
- Simon Vanden Broeke, Head of Economic and Governance Section, Delegation of the European Commission to Rwanda

## Appendix 1: Interview Lists

### **Rwandan Civil Society:**

- Theogene Karake, Researcher, Institute of Research and Dialogue for Peace (IRDP)
- Agnes Mujawayezu, Executive Director, *Pro-Femmes*
- Jean-Baptiste Nsibagorawa, Executive Secretary, *Ligue Rwandaise pour la Promotion des Droits de l'Homme* (LIPRODHOR)
- Pascal Nyilibakwe, Coordinator of the College of the Executive Secretary, *Ligue des Droits de Hommes de Grands Lacs* (LDGL)
- Jacqueline Rusilibya, President, *Programme d'Observation des Élections au Rwanda* (POER)
- Joseph Sanane, President, *Ligue des Droits de Hommes de Grands Lacs* (LDGL)

### **Rwandan Government:**

- Anicet Kayigema, Executive Secretary, Forum for Political Parties
- Agnes Mukabaranga, Member of Parliament
- Patrice Mulama, Executive Secretary, High Council of the Press
- Charles Munyaneza, Director of Electoral Operations, National Electoral Commission

## **Sudan Interviews\***

### **International Donors and Other International Representatives:**

- British and Commonwealth Office
- ERIS
- European Commission
- International Organization for Migration, Juba
- International Republican Institute
- International Rescue Committee
- International Rescue Committee, Juba
- PACT Sudan
- United Kingdom Department for International Development
- United Nations Development Programme
- United Nations Joint Logistics Commission
- United Nations Mission in Sudan
- United Nations Office for the Coordination of Humanitarian Affairs
- United States Agency for International Development
- United States Embassy in Sudan
- World Food Program

### **Sudanese Political Parties**

- Popular Congress Party (PCP)
- Sudan Liberation Movement
- Sudanese People's Liberation Movement (SPLM)
- Umma Party

### **Sudanese Government**

- SPLM Members of Parliament

### **Sudanese National Organizations**

- Assessment & Evaluation Commission
- National Constitutional Review Commission
- South Sudan Center for Census, Statistics and Evaluation

### **Media**

- *Al Adwaa* Newspaper
- TEEBA
- UN Radio Miraya

### **Observed**

- Sudanese Liberation Movement *Minni Minawi* (SLM/MM) Officer Political Capacity Training by IRI

\*Given the sensitivity of the political situation in Sudan, the interviews will remain anonymous.

# Appendix 2: Electoral Systems

## The Electoral System of Cambodia

Cambodia is a constitutional monarchy, with a National Assembly elected under multiparty democracy. The chief of state is King Norodom Sihamoni, with the Prime Minister acting as head of government. The Prime Minister is selected by the majority party or majority coalition and appointed by the King, following elections for the National Assembly. There is a bicameral legislature, which includes the National Assembly and the Senate. The National Assembly is composed of 123 seats, with members elected for five-year terms by popular vote. The Senate has 61 members, which also serve five-year terms. Two members are appointed by the monarch, two are elected by the National Assembly and the remaining 57 are elected by parliamentarians and commune councils.

## The Electoral System of Rwanda

Rwanda is a presidential republic, with executive power concentrated in the office of the President as head of state and head of government and a bicameral legislature consisting of the Chamber of Deputies and the Senate. The President is elected for a seven-year term in a two-round run-off universal suffrage system. Senators and members of Chamber of Deputies are elected for eight- and five-year terms respectively. The formula that will be used to elect the 80 members of the Chamber of Deputies in 2008 combines direct and indirect elections, as outlined in Table A1 below.

**Table A1: Composition of the Chamber of Deputies**

Breakdown of Seats	Electoral Formula
53 unrestricted seats	Proportional Representation
24 seats for female candidates	Indirect Election by Provincial Electoral Colleges*
2 seats for youth representatives	Election by the National Council of the Youth
1 seat for a representative for disabled individuals	Election by the Federation of Associations for the Disabled

Source: EOM (2003)

\*At the time of the publication of this report, it is still unclear how the 2007 redrawing of provinces in Rwanda will affect the election for these seats.

## The Electoral System of Sudan

At the time of the publication of this report, the electoral law of Sudan has not yet been finalized.

# Appendix 3: Election Results in Cambodia Since 1993

## 2007 Commune Council Elections

Party	%	# Chiefs
Cambodian People's Party	60.82	1,591
Sam Rainsy Party	25.29	28
FUNCINPEC	5.36	2
Norodom Ranariddh Party	8.11	0

## 2003 National Assembly Elections

Party	%	Seats
Cambodian People's Party	47.3	73
Sam Rainsy Party	21.9	24
FUNCINPEC	20.8	26
Khmer Democratic Party	1.9	0

## 1998 National Assembly Elections

Party	%	Seats
Cambodian People's Party	41.42	64
FUNCINPEC	31.71	43
Sam Rainsy Party	14.27	15
Others	12.6	0

## 1993 National Assembly Elections

Party	%	Seats
FUNCINPEC	45	58
Cambodian People's Party	38	51
Buddhist Liberal Democratic Party	10	10
Minor Parties	7	1

# Appendix 4: Election Results in Rwanda in 2003

## Presidential Elections

Party	Total Votes	%
Paul Kagame (RPF)	3, 544, 777	95.1
Faustin Twagiramungu (independent)	134, 865	3.6
Jean-Nepomuscene Nayinzira (independent)	49, 634	1.3

## Parliamentary Elections (Chamber of Deputies)

Party	%	Seats
RPF Coalition	73.8	40
Social Democratic Party	12.3	7
Liberal Party	10.6	6
Party for Progress and Concord	2.2	-
Independent Candidates	1.1	-

