

Comparative Analysis of the Statements on electoral observation made by the European Union Electoral Observation Mission, the Carter Centre, the League of the Arab States, Intergovernmental Authority on Development and African Union

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1. Sudan held its first multiparty elections in 24 years from the 11th to the 15th of April. The elections were marred by opposition boycotts and allegations of vote rigging.

The Preliminary reports released by the different election observation missions demonstrate different approaches in assessing the voting exercise: they all indicate multiple cases of irregularities, but differ in their degree of criticism and overall judgment of the process. The Carter Centre (TCC), echoed by the European Union Electoral Observation Mission (EUEOM), gave the most severe statement. In terms of explicitness of the statement, the Carter Centre was followed by the African Union (AU), the Intergovernmental Authority on Development (IGAD) and the League of the Arab States (LAS).

2. The EUEOM and the TCC released their preliminary statements on the 17th of April 2010, the LAS, IGAD and AU followed the day after with their statement. According to the Electoral Advisor this slight delay offered the LAS, IGAD and AU the opportunity to "compensate" the severe judgements made by the two western institutions. Indeed, the declarations of the EUEOM and TCC are more holistic and in-depth in terms of content: the TCC benefited of a long term deployment in Sudan conferring the legitimacy to tackle several electoral issues for which the other four institutions were lacking the knowledge. Therefore, the TCC statement provides extensive paragraphs on Boundary delimitations, intimidations and electoral dispute resolutions.

3. The EUEOM and TCC statements avoid using the classical and clichéd terminology as fairness, transparency, democracy, credibility and inclusiveness to judge the Sudanese electoral process as in past electoral observation experiences in Africa; both declarations rely on the notion of international standards for democratic elections and the International Best Practice for Genuine Democratic Elections. It is also important to underline that neither of the observation missions refer to their own observation methodology. Probably the overall judgement of the Sudanese elections would have been much more rigorous if a strict methodology would have been applied.

4. The EUEOM description of its preliminary findings gathered during the pre elections and elections period in Sudan does not entail sensitive terminology such as violations, irregularities and abnormalities. Instead the accurate wording of "significant deficiencies" is preferred (used once and only in the title of the statement). In general terminology such as violations, fraud and rigging are wordings that are more easily remembered by national stakeholders when the electoral climate is at its height. Nevertheless, when analysing the EUEOM text attentively critics become evident although subtly hidden in the numerous footnotes of the documents. In several cases, the notions of breaches, irregularities and infringement of the laws regulating the elections are highlighted at the end of each page. Indeed the EUEOM and the TCC both have a twofold approach to express disapproval of the overall conduct of the Sudanese electoral process:

- The first approach relies on the non compliance of the Government, the NEC and the ruling parties to UN legal instruments (the two UN Covenants on Civil and Political Rights and Social and Economic Rights UN, the Guiding Principles on Internal Displacement and the Human Right Declaration).
- The second approach to express concerns towards the overall conduct of the electoral process is based upon the non compliance and lack of respect from the national Sudanese Institutions to the two Sudanese Interim Constitutions, the National Elections Act and the CPA.

Furthermore, the EUEOM and TCC statements highlight the harmful environment conducive for the election process generated by the recent laws issued by the Government of National Unity (Criminal Act, Press and Publication and the National Security Service). As a conclusion the title of the EUEOM statement finds its explanations in the footnotes and not in the text.

5. Regarding the African Union's statement, the fourth paragraph of its preliminary statement clearly indicates the willingness to differentiate itself from the western judgemental patterns of international standards referring to its regional legal instrument as the African Union "Guidelines for Elections Observation and Monitoring". On this issue the Declaration made by the Russian Special Envoy to Sudan corroborates that the elections in Sudan should be judged by African and not by European standards.

The LAS does not base its observation methodology on any legal instruments therefore no mention of this is available in its text. IGAD legitimises its observation exercise through its status as a regional body which actively participated in the negotiations of the CPA and being a permanent member to the AEC.

6. As indicated before the preliminary reports from Sudan's African neighbours were less biting than the EUEOM and the TCC. The LAS, IGAD and AU intentionally remind the reader that conducting Elections in a country like Sudan, facing challenges caused by its geographical extension, underdevelopment, high rate of illiteracy, a highly complicated voting system and ongoing and historical instability, could not have been organised according to international standards. This is one of the starting points and main divergence between the Western and the African Arab positions. Nevertheless, if the aforementioned interpretation would be systematically applied to African countries such as the Dem. Rep of Congo, Angola and Algeria (or others similar in size and problems), the overall irregularities, flaws and potential fraud could often be justified as it has been in the case of Sudan. This could question the overall purpose of deploying electoral observation missions.

7. In general IGAD provides a positive overview of the overall process considering the existing legal and regulatory framework for the elections in Sudan as generally conducive. Furthermore, it also justifies in a complicated phrasing (Paragraph 6 "ii" of the IGAD text) the full independency of the NEC from any political pressures eventually made by the "incumbent"(president).

8. The Arab league stated its satisfaction for the "well proceeded elections process" and "succesfull elections" even if it mentions several "logistics" drawbacks; these are generated by the fact that Sudan is facing its first multiparty elections after "25 years". Strangely, the IGAD, AU and LAS declarations do not mention IDP and refugees' participation to the elections, the media environment, the political atmosphere, candidates campaign and citizens heterogeneous violation of rights which are all crucial components of an electoral process. In the introductory part of the LAS' document the reader's attention is brought to the voters participation in the polling. According to the Arab League the observation mission witnessed an "extensive level of participation" which at the end justifies and compensated for the logistical shortcomings briefly described later in its statement. It is worth noting that with only 50 observers and 700 polling stations observed, it is highly impossible to determine the voters' turnout in exact figures; the rapid release of the statement on the 18th of April (when the counting in the PS was still ongoing in several places) confers the questionable percentage the IGAD has issued.

9. The African Union's final statement of the elections is much more articulated, subtle and mediated: the text deepens several flaws of the elections and provides interesting recommendations to national stakeholders for future elections. To be noted that the AU avoids using gratifying judgments as mentioned in LAS and IGAD statements. The AU prefers tackling the overall process from its "historical" perspective as an "imperfect event" which "constitutes nevertheless an important step forward in the country's democatisation process". The AU reiterates that the final judgement of these elections will be issued "when the final results are declared". Therefore, according the Electoral Advisor the African Union statement can be placed in between the EUEOM/TCC and the LAS /IGAD declarations.

10. In general the wording of all the observation missions remains soft according to what has been trully reported by the observers. All the organisations (and especially their respective Member States) refrained from issuing too severe judgments for two main reasons.

Firstly, issuing a negative statement would have probably prevented their further participation in the democratic transformation of Sudan and weakened their political strength.

Second rationale is related to the fact that the international community views the electoral process as a mere phase on the road to the referendum scheduled for early next year. This is why observation missions did not give sufficient attention to the several unfortunate events experienced during the pre elections and elections periods which constitute at the end the basic stage in the process of democratic transformation according to the provisions of the Comprehensive Peace Agreement.
