

Election Observer Mission to the Sudan Interim Statement

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1. Introduction

Following the invitation by the National Elections Commission of the Republic of the Sudan (NEC) the Intergovernmental Authority on Development (IGAD) sent an Elections Observer Mission (OEM) to observe the elections of April 2010. This is the interim Statement of the IGAD mission which arrived in Khartoum on 6th April 2010. The Mission observed the polling process from 11th April to 17th April 2010 after the extension of the voting period by a further two days.

IGAD is a regional body with membership of Djibouti, Ethiopia, Eritrea, Kenya, Uganda, Somalia and Sudan and was actively involved in the negotiations that culminated in the signing of the Comprehensive Peace Agreement (CPA) in Nairobi in 2005.

IGAD's mandate includes the promotion of Good Governance, Democracy, Free and Fair elections and promotion of peace and security in the region.

The Office of the IGAD Special Envoy to the Assessment and Evaluation Commission of the CPA was established pursuant to a decision of the IGAD Summit in June 2008 to follow up on the implementation of the CPA. The Office of the Special Envoy will continue to closely follow the outstanding aspects of the process in order to evaluate the post election phase and produce a more comprehensive and detailed account of the entire election process in a final report. The final report will contain recommendations to consolidate democracy and good governance in Sudan as elections are just one aspect of the process.

The advance team arrived in Khartoum on 4th of April 2010 to prepare the ground for deployment and the rest of the team arrived on 6-7th April 2010.

Objectives of the Mission:

- To assess whether there were favorable conditions for the conduct of elections that would allow the people of Sudan to freely express their will;
- Assess and determine whether the elections were conducted in accordance with the constitution, legal and institutional framework of Sudan;
- Determine whether the final results of the process as a whole reflect the wishes of the people of Sudan and;
- Assess whether the elections met international benchmarks set out in the African Union Declarations on the principles governing democratic elections in Africa (African Charter on Democracy, Elections and Governance) and the Declaration of principles for international observers adopted by the UN in October 2005.

2. Mission Composition

This mission was composed of 37 observers from Member States led by Hon Wondimu Ghezahegn, the Assistant Whip of the Parliament of Ethiopia, National Parliaments, Ministries of Justice, Electoral Commissions, Civil Society and elections experts.

3. Deployment

The mission was deployed in 13 locations namely Juba, Malakal, Dungula, Wau, Khartoum Central, Omdurman, Khartoum Bahri, Gadaref, El-Fasher, Nyala, Kadugulu, Kassala and Wad Medani. The Deployment started on 9th April 2010 and ended on 18th April 2010.

4. Method of Work

- Participants were taken through an intensive 5 days training period.
- An advance team arrived on 4th April 2010 to finalize the preparations and logistics arrangements followed by

the main group on 6th and 7th April 2010.

- Several briefings were done as part of the preparations. A team of Commissioners from NEC visited the IGAD office and gave a detailed briefing to the observers on the level of the preparedness, there was a briefing by UNMIS and the last media press conference by the NEC held on the eve of the elections.
- The mission consulted with Observers from the AU, EU and the International Conference of the Great Lakes region (ICGL) to share useful information.
- Daily briefs from the field were transmitted thrice to the IGAD coordinators in Juba and Khartoum.

5. Assessment tools

An assessment tool and a check list consisting of the pre-election day activities, the poll opening activities on day one to the last day, counting, tallying of votes and announcement of results developed by IGAD were used. The assessment tool kit conforms to international observation standards.

6. Findings of the Mission

i) Legal and Regulatory Framework

The main instrument regulating the conduct of elections in the Sudan includes the CPA, the Interim National Constitution, the National Elections Act 2008, the Political Parties Act 2007, the rules for elections observations and Code of Conduct of observers 2009.

It's the Missions observation that the existing legal and regulatory framework for elections in the Sudan is generally conducive for holding of credible elections.

ii) Electoral Authority

The Mission noted that according to the provisions of the National Elections Act, 2008 on the appointments of the Commissioners to the NEC, the Commissioners are selected and appointed by the President of the Republic with the consent of the First Vice President and approved by the members of the National Assembly taking into consideration inclusiveness of women and civil society groups. This provision does not give the incumbent any opening of unilateral appointments to the Commission meaning that the Commissioners have legitimacy having been appointed through an open process of checks and balance.

The mission observed that NEC was financially independent and this enabled it to execute its financial needs expeditiously and independently.

The IGAD Mission is gratified that the Sudan Authorities undertook reforms in broadening stakeholder participation in election management which took into consideration the inclusion of women and the civil society groups.

iii) Campaign Process

The IGAD Mission was short term and had therefore no opportunity to observe the campaign process. We would therefore not make any observations in this respect.

iv) Registration of Voters and voters Roll

A major exercise of voter registration had been carried out in the year 2009 and a total of 16.4 million out of 20.6 eligible voters were registered. The exercise aimed at creating an accurate and comprehensive register that was all inclusive.

During the election process, the Mission observed several cases of anomalies in the voters register such as:

- The wrong symbols being assigned to different candidates in some cases ;
- Names of voters not being written as they appear on their identification documents;
- Missing names and posting of voters to wrong and or different polling stations other than where they expected their names to be;
- Shifting of polling stations to different locations at short notice and without adequate information to the voters thus making it cumbersome for the voters to locate their polling stations;

- In some polling centers the voter's registers were not displayed to the public outside the polling centers as required by law.

v) The Voting Process

The Mission observed the polling day activities before the opening time to the closing on all the five days and noted the following:

- Most polling centers could not open at 8.00am as scheduled as the officials were still in the process of preparing the voting rooms even though there were voters already waiting outside the stations;
- Voters expressed enthusiasm to cast their votes;
- A mix-up of ballot papers that was discovered after a number of voters had cast their votes and this caused the voting to be stopped until the next day;
- Complaint forms were not available in most of the polling centers thus denying the complainants an opportunity to express their complaints to the NEC;
- The essence of secret ballot was missing in some centers as the rooms were too small and crowded enabling anyone to see how a voter was voting while others were openly canvassing on how to vote;
- The withdrawal of some candidates even when the process had begun was going to affect the results as there was now no competition;
- Voter education appeared not to have been carried out effectively to enable party agents, local observers to raise pertinent issues with the election officials.

vi) The Counting Process

The Mission observed counting process. Although it started on a slow tone, the same picked up as time went on and no incidents of disruption were observed. The counting process was very transparent for all practical purposes as both the polling officials and agents agreed on the figures.

6. Conclusion

Taking into account that the Sudan is undertaking a massive exercise for the first time in 24 years, the vast size of the country and the challenges of infrastructure, our preliminary assessment is that the election process was credible. This is in view of promoting a peaceful and democratic transformation of the country.

The Mission observed that the NEC was overwhelmed by the magnitude of the work and the resulting technical problems. Notwithstanding the unexpected workload, it made all efforts to rectify the situation for the process to proceed.

The IGAD Mission encourages the NEC to continue demonstrating transparency with the view to addressing genuine complaints and timely tabulations and announcing the final results.

We commend the Sudanese people for the very high number of participation of women across the age in the whole process.

IGAD extends its deepest gratitude and appreciation to the people of the Sudan from the warm welcome and hospitality accorded to the mission and to UNMIS and UNAMID for their logistic support.

Thank you.

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