

Sudan - Too Big to Fail

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Editor's Note

In the minds of its sponsors, the CPA [Comprehensive Peace Agreement] is "too big to fail." ... The bailout is simple: support the SPLM/NCP to muddle through no matter how flawed or sham the elections may be. - - Ahmed Elzobier in Sudan Tribune, April 21, 2010

Final results have not been released from the elections in Sudan that took place over four days from April 11-15, but several conclusions are clear, even if seemingly contradictory. The election process, particularly in the pre-election period, was in no way free or fair. Nevertheless, the results will be accepted both by major Sudanese parties and by the international community" as a successful "milestone" in implementation of the Comprehensive Peace Agreement. The ruling parties in Khartoum and Juba will continue to participate in a "Government of National Unity," and the threat of a new war will be postponed as preparations continue for a referendum in 2011 to decide on the secession of Southern Sudan.

As commentator Ahmed Elzobier remarked, the elections mean different things to different stakeholders, for most southerners a step on the road to independence, for President Omar al-Bashir a validation as "the only choice" to rule the country, and for most northerners an occasion for apathy, cynicism, or disgust. Nesrine Malik, writing in the Guardian on April 24, commented that "the lack of viable alternatives and shameful withdrawals meant Omar al- Bashir was found to win - even without vote rigging."
(<http://tinyurl.com/3454q6g>)

This AfricaFocus Bulletin contains a summary of election observers reports, compiled by the UN Integrated Regional Information Networks, a statement on the election by the Sudan Independent Civil Society Network, and an analysis by Ahmed Elzobier.

Another AfricaFocus Bulletin posted on the web today, but not sent out by e-mail, contains excerpts from a new report on prospects for Sudan after the elections, entitle No Easy Ways Ahead. See excerpts at <http://www.africafocus.org/docs10/sud1004b.php>

For previous AfricaFocus Bulletins on Sudan, visit <http://www.africafocus.org/country/sudan.php>

For continuing analysis and commentary on Sudan, see <http://www.sudantribune.com> and <http://blogs.ssrc.org/sudan>

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UN Integrated Regional Information Networks (IRIN)

Sudan: Election Observers' Digest

20 April 2010

<http://allafrica.com/stories/201004200936.html>

[For an earlier report by IRIN, with links to a wide variety of pre-election reports on the electoral process, see IRIN, "Sudan:

What they're saying about the elections," April 7, 2010 (<http://www.irinnews.org/Report.aspx?ReportId=88712>)

[This report does not necessarily reflect the views of the United Nations]

Juba -- Sudan held its first multiparty elections in 24 years on 11-15 April, but the election has been marred by opposition boycotts and allegations of vote rigging.

Preliminary reports from the election observation teams have been mixed. All note multiple cases of irregularities, but differ in their degree of criticism and broad judgment of the process. Nearly all agree the elections are a core part of Sudan's 2005 Comprehensive Peace Agreement (CPA), and even if flawed, represent an important step in the implementation of the peace deal.

Here is a summary of the reports (in rough order of their release):

The election falls short of international standards, according to The Carter Center, an organization founded by former US President Jimmy Carter and his wife, Rosalynn. The Center said its 70 observers - spread across all 25 states - noted "important flaws", including inadequate protection of political freedoms, problems in the voter list, a range of logistical troubles on the election days, insufficient transparency in the electoral process, voter intimidation in the south, and the ongoing conflict in Darfur.

The Center, unique for having held an observation presence in Sudan since 2008, commended the Sudanese people for a generally peaceful voting process, and stated that despite their faults, "the elections are a CPA benchmark and their conduct allows the remaining provisions of the agreement to be implemented."

The preliminary statement from the European Union (EU) echoed observation of many of the same flaws, but focused its blame on a highly complex electoral design which it said led to confusion during the process's implementation. Civic voter education was "too little and too late" to make a difference, said its statement, and polling staff themselves had difficulty navigating the complexity.

"The Sudanese people are to be congratulated on the patience and forbearance shown by their considerable voter turnout despite the challenges," said the statement.

The CPA remains essential for peace and stability in Sudan and the region

The elections also suffered from a lack of strong competition, according to the EU, which described the campaign as highly dominated by the nation's two ruling parties. The team of 134 European observers also pointed to restrictive free speech laws and the repression of independent media as tarnishing the campaign period, but said the elections "pave the way for future democratic progress".

A group of northern domestic observers offered especially harsh criticism. Each step in the electoral process, from the census to the registration, campaigns, and voting were characterized by "major deficiencies", said a joint statement representing the collective work of 3,500 local observers across the north, put out by civil society umbrella group TAMAM, NGO coordinating group the Civic Forum, and advocacy group Justice Africa.

"All these failures led to the corruption of the election process and opened the door wide for malpractice and fraud," said the report. The joint statement called for the "fraudulent" results to be rejected, and called for "real" elections to be reorganized from scratch following the Southern referendum and a realization of peace in Darfur.

Preliminary reports from Sudan's African neighbours were less biting. Elections in a place like Sudan - which faces challenges due to its geographic size, underdevelopment, high rate of illiteracy, an unfamiliar voting system, and ongoing and historical instability - cannot be held to international standards by developed nations with longstanding democratic traditions, argued the preliminary assessment from the African Union's 50-member observation team. The elections, it argues, are "imperfect but historic", and a huge milestone for the peace and democratization of the country.

The 37-member team for the Inter-Governmental Authority on Development (IGAD), a Horn of Africa bloc of nations instrumental in mediating the 2005 CPA, mostly concurred. Despite discovering a wide range of irregularities and anomalies - including missing names on voter lists, voter confusion over locations of polling stations, delays, and inadequate privacy provisions to ensure secret ballots during polling - the IGAD team concludes the elections are "credible", considering the big challenges in holding such a vote.

The 11-15 April poll was Sudan's first multi-party elections in 24 years

The head of a 50-strong delegation of observers from the Arab League also gave the vote a largely positive verdict. Salah Halima said that while the elections did not meet international standards, they nonetheless represented "a big step forward compared to other countries in the region" and did not "minimize the experience of democratic transformation for Sudan".

"The Sudanese government has opened up space of democracy and we must make the most of it. They [the elections] were an achievement despite the deficiencies. There was no evidence of fraud, but there were deficiencies and mistakes. These mistakes, however, do not greatly affect the results," Halima said.

The major international guarantors of the CPA appear to already be looking past the elections towards the Southern referendum. An 19 April joint statement by the USA, UK and Norway - known as the Sudan Troika for their collective role in brokering the 2005 peace deal - notes that the assessment of independent observers has been that the elections will fail to meet international standards, but called on Sudan to begin in earnest border demarcation and referendum preparations. "The CPA remains essential for peace and stability in Sudan and the region. We urge all parties in Sudan to resume and accelerate work to complete its implementation," it concluded.

Sudan: Serious concerns over electoral process

Sudanese civil society networks

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In the wake of serious doubts around Sudan's ability to oversee free and fair elections, Sudanese civil society networks 'believe that the voters of Sudan were unable to freely express their will and select their representatives'. Spelling out the range of problems impeding the current election, the group outlines a set of recommendations rooted in ensuring genuine representation for the Sudanese electorate.

The Comprehensive Peace Agreement (CPA) represents an important development in the recent history of Sudan. It ended the long-running civil war, laid foundations for the Interim Constitution and opened the doors for political participation by instilling the ideal of peaceful political change. The agreement also aimed to ensure free and fair elections through full political and civil rights.

Based on these principles, independent civil society became a major and effective partner in democratic transformation with the ultimate goals of freedom, democracy and individual rights. This is why we continue to emphasise that securing a political environment conducive to free and fair elections means abolishing all restrictive laws, reforming civil service, guaranteeing the neutrality and independence of the National Elections Commission (NEC) and governmental media, and ensuring that the people of Darfur have access to safe and free participation.

Throughout the electoral process, civil society organisations have remained a critical component of democratic transformation. They have monitored everything from the adoption of the Elections Act to voter registration and finally the actual balloting. This was done to ensure, as much as possible, free and fair elections, as outlined in the Interim Constitution, the Elections Act and the international standards ratified by the Sudanese government.

For the past week, three civil society networks and organisations have worked together in concert to deploy about 3,500 independent local observers throughout the 15 northern states. These observers continuously reported back what they witnessed at various polling stations across these states. This broad coalition was composed of TAMAM, a civil society group made of 120 member organisations, the Civic Forum, an organisation that coordinated the work of 56 organisations, and Justice Africa.

After a thorough review of the reports that we received from field observers and after reviewing the census process, the debate around the Elections Act, the formation of the National Election Commission (NEC), the demarcation of constituencies, the voter registration period, the declarations of candidacy, the campaigning process, and, finally, the voting process, representatives of these networks and organisations outlined above have concluded that all of the above stages were characterised by major deficiencies.

These deficiencies are as follows:

1) The NEC conducted the election process based on a controversial census. There were widespread accusations that the government manipulated census figures for political purpose and there were no mechanisms for verifying the final result. This affected both the credibility of the census and, ultimately, the election.

2) The NEC omitted voters' residential addresses without any logical reason or justification for doing so. This made it impossible to audit the register to ensure whether the names it included are actual people.

3) The NEC failed to publish the Voter Register in a timely or appropriate manner, ultimately hampering the objections process. More, the objections phase was shortened, further reducing its effectiveness. Finally, the data in this register was processed away from independent and party monitors, depriving the process of transparency.

4) The NEC failed to define a cap on campaign expenditures for both political parties and independent candidates in a timely manner as required by the Elections Act. When these caps were finally announced, they were so high as to benefit only those parties with the largest amounts of resources. This, effectively, defeated the rationale behind having a spending cap, which was, ostensibly, to minimise the role money played in these elections.

5) The NEC failed to conduct a proper voter education programme for the whole nation about the electoral process. When the commission finally launched its education campaign, it came too little too late. Furthermore, some of the voter education material produced by the NEC was biased to the ruling party using its election symbol, as well as its discourse.

6) The NEC ignored the principle of neutrality and equal opportunity when it recruited state and district commissioners, elections officers and the rest of its administrative body.

7) The NEC failed to transport election materials and equipment to the voting centres in several parts of the country on time. Names in the voter register varied greatly between various versions of the register. Also, names and symbols of some parties were left off the ballot, in some cases, ballot papers had to be replaced, and some centres received the wrong register.

8) The ink used by the NEC to mark those who had voted could easily be removed. Moreover, they allowed voters to use resident certificates when voting, though such certificates are issued by unelected bodies (i.e., the Popular Committees) that are appointed and controlled by the government.

9) The NEC and its High Committees failed to ensure that party agents guarded the ballot boxes. This is a clear violation of procedure. Furthermore, it did not protect candidates from harassment and other threats from security agencies and National Congress Party members.

10) The NEC violated its own law when it allowed the armed forces to be registered in their place of work instead of their place of residence. The impact of this breach of the law is that it made the registration for the armed forces a compulsory task, and it opened the door wide for the ruling party to employ strategic voting.

All these failures led to the corruption of the election process and opened the door wide for malpractice and fraud.

The overarching theme of the current elections is one of severe moral and professional failure by the NEC which impaired it to manage fair and free elections. This failure happened despite the fact that the commission is sitting on huge financial resources never granted to an elections management body in the history of the country.

For all these reasons, we believe that the voters of Sudan were unable to freely express their will and select their representatives.

Based on the foregoing, we recommend the following:

1) A full review and reconsideration of the entire electoral process, including the results. The establishment of the new government should not be based on these fraudulent results.

2) The formation of a genuine national unity government agreed upon by all the political powers of the country in order to lead the country through the remainder of the transitional period.

3) The dismantling of the NEC and a formation of a new commission that can earn the public's trust and demonstrate moral integrity and professional capabilities.

4) A second census as soon as possible that would be based on the highest possible professional standards. This second census must be free of political interventions. Further, it should be nationally and internationally monitored. Constituencies should be demarcated according to this new census.

5) A second voter registration according to international standards, and an establishment of a permanent register that is updated periodically.

6) An abolition of restrictive laws, the civil service and the security sector so as to guarantee their neutrality and integrity.

7) Serious efforts to be exerted in order to put an end to the human misery of Darfur.

8) A reorganisation of real elections as quickly as possible following Southern Sudan's referendum on self determination, and the achievement of peace and security in Darfur.

Finally, we would like to express our thanks and gratitude to the international community, and especially international civil society organisations, for their generous support of the Sudanese people in their relentless struggle for peace and democracy, and for their professional and financial help for Sudanese civil society. Without this help we would have not been able to observe the elections.

Sudan's elections: Nothing was "learned from experience"

By Ahmed Elzobier

21 April 2010.

<http://sudantribune.com/spip.php?article34831>

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April 21, 2010 -- You can tell that a country is in big trouble when diplomats and foreign visitors arrive frequently, not to discuss bilateral relations in the normal way, but to help in resolving the visited country's own domestic problems. This is also a constant reminder that the country, despite the many peace agreements, is still at war with itself. Since January 2010, the USA, China, the African Union, Russia, Britain, Qatar, Egypt, Libya and Iran have all sent their envoys to discuss Sudan's problems.

Two peacekeeping missions comprising about 35 thousand UN troops now operate in Sudan. Legions of think tanks and experts make it a habit to advice the Sudanese on how to resolve their differences and tackle their problems. All major cities in the region have been visited by teams of negotiators from Abuja, Addis Abba, Nairobi, Kampala, Arusha, Naivasha, Cairo, Tripoli, Doha, Asmara, Paris, London, Washington and Moscow.

For the last five years this country has become the hub of talking shops in the region as endless workshops, seminars, conferences, meetings and symposiums have consumed millions of dollars with very little result. The lucky elites, however, take pleasure in the fact that they are needed by foreign organizations to talk about their country's dilemma. Some of them become addicted to per-diems and the trappings of free tourism. Those who need to be helped despite their long titles and PhDs, seem helpless, as the country's political class sets for itself a remarkably low standard which it consistently fails to achieve.

Entering the elections period, the political scene in Sudan is more than usually chaotic and marred with a range of conflicting positions and confusing, farcical scenes all over the place. Opposition parties are caught in an impossible position; they are literally trapped in a binary choice of "boycott" or "participate" in the elections. The elections themselves seem to mean different things to different stakeholders. The SPLM view the elections as a step towards their ultimate goal - the referendum - in January 2011. The National Congress Party (NCP) desperately wants to find an illusive legitimacy at all costs and consolidate its power-base in the north. Opposition parties want democratic transformation, or even the overthrow of the NCP's regime in the north. The Comprehensive Peace Agreement (CPA) sponsors like the USA, UK and Norway are keen to endorse the elections, regardless, as a milestone in the CPA implementation.

In the minds of its sponsors the CPA is "too big to fail". The United States, the CPA's main sponsor, and the European Union are worried that their investment in peace in Sudan may be lost to renewed conflict or instability. The bailout is simple; support the SPLM/NCP to muddle through no matter how flawed or sham the elections may be. "This Is Africa (TIA) you know", some argue patronizingly, there is no "perfect election", it will be "a step forward given Sudan's context". The ultimate aim is to achieve a "milestone", that it keeps the SPLM/NCP in power until 2011 is merely an unfortunate side issue. The US State Department assistant secretary Philip Crowley was asked in a press briefing last week whether the U.S. is going to be ready to sign off on the results no matter how flawed the actual process. He answered, "What's the alternative?"

Knowing this fact, the NCP's cynical politicians meticulously built the infrastructure to rig the elections. In the process they intended to use the opposition parties as tokens of legitimacy, simpleton facilitators, support actors in an electoral pretence. Some of them figured out the trick and boycotted the process, but some deluded themselves and participated, as if they had never heard of Sun Tzu's advice in *The Art of War*, "If you know neither yourself nor your enemy, you will always endanger yourself."

Paul Collier, in his book *The Bottom Billions*, argued that, "democracy is not about elections. Indeed some of the rules of democracy are to determine how power is achieved, and that's where elections come in. However, the abundance of resource rents alters how an electoral competition is conducted. Essentially, it lets in the politics of patronage". Paul Collier said that patronage could be cost-effective if votes could be bought wholesale by bribing opinion makers and community leaders while, in comparison, the provision of public services is too expensive. The well-known Sudanese journalist Al Haj Warraq also noted this phenomenon and he wrote, "The patronage system in the centre has a network of corruption inside all political forces and elites in Sudan, including the marginalized elites. The patronage relationship is also one of the causes of the latest confusion among political parties towards the elections."

The election results in Sudan simply confirmed Collier's assumption that patronage politics in a resource-rich country that severely lacks any checks and balances will win hands down anytime, anywhere, compared to any other form of public appeal to voters. As dishonesty, corruption and fraud become acceptable they could also be valuable assets for self-serving politicians - "anyone has a price," cynically quipped Ali Osman, the vice-president and the leader of the Islamic movement in Sudan. Elections in such an environment attract crooks and the most corrupt are always the winners, argued Collier. In stark contrast, in the first multiparty elections in Sudan in 1953, one candidate was prosecuted, although unsuccessfully, for buying tea and cakes for voters. Now you can buy a whole village and nobody will care. Also, since 1953 Sudanese public servants have organized five multi-party liberal elections with a great degree of integrity and professionalism, noted the Rift Valley Institute (the "Elections in Sudan: Learning from Experience" report). But in the 2010 elections the National Elections Commission has been accused almost unanimously by all political parties for its incompetence, corruption and lack of independence.

Most political parties, including the SPLM, and many Sudanese civil societies and human rights organizations have cited scores of worrying deficiencies with the overall election process, including: the Elections Act, the formation of the National Election Commission, the demarcation of constituencies, the voter registration period, the declarations of candidacy, the campaigning process, and finally, the voting process itself. Nevertheless, the European Union Elections Observation Mission to Sudan at the Carter Centre last week announced merely that Sudan's elections did not meet international standards, a mild slap on the wrist for a naughty little boy. Now, will the international community accept the result? Of course they will, do not forget that it is a "milestone" after all.

However, and most importantly, the outcome of these elections has been regarded by most ordinary Sudanese in the north with apathy at best, cynicism and disgust at worst. Sadly, it seems

in 2010 elections in Sudan nothing has been learned from experience. Sorry Rift Valley but this student had failed the elections test..