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## **STATUS OF THE ELECTORAL PROCESS IN SUDAN – CONTINUED CONCERNS OVER THE ELECTORAL ENVIRONMENT AND PREPARATIONS; THE NATIONAL ELECTIONS COMMISSION MUST ACT IMMEDIATELY TO ACCREDIT OBSERVERS AND SPEED PREPARATIONS FOR VOTER REGISTRATION**

This statement summarizes the observations of the Carter Center’s election observation mission in Sudan from August – October 2009 and follows public statements released on May 7 and Aug. 20, 2009. Further to the Center’s earlier reports and recommendations, these additional observations are provided in the hope of supporting and improving the administration of Sudan’s electoral process.

### **Overall electoral environment**

The Center welcomes the Government of Sudan’s September 15 decision to lift pre-press censorship of the printed media. However, the National Congress Party and the Sudan People’s Liberation Movement must renew attempts to reach agreement on a number of key implementation issues in the Comprehensive Peace Agreement, including revision of the National Security Forces Act and referendum legislation necessary for Southern Sudan and Abyei.

In addition, other steps are necessary to ensure that a genuinely inclusive electoral environment is created. In particular, the Center is very concerned about continuing reports of harassment of observers and political party and civil society activity, including instances involving some of the Center’s own international observers in Kassala, Eastern Sudan, as well as domestic election observation training activities supported by the Center in the same state.

The freedom of individuals, civil society organizations, and political parties to operate without fear or restriction is a constitutional right that must be respected.<sup>1</sup> In both Northern and Southern Sudan, governments at all levels must ensure that the rights and fundamental freedoms of association, assembly, and speech are fully protected and effectively exercised. These responsibilities extend to Sudanese authorities in the National Intelligence and Security Service (NISS), the Humanitarian Aid Commission (HAC), the Sudanese Armed Forces (SAF) and the Sudan People’s Liberation Army (SPLA).

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<sup>1</sup> Article 40, Section 1, Interim National Constitution of the Republic of the Sudan, 2005.

In Darfur, the continuing state of emergency means that a free and open electoral process remains difficult to contemplate, and state elections committees and state security agencies must promote a more open and free political environment. Technical preparations for elections must also be accompanied by shifts in national political and security arrangements, such as the lifting of the state of emergency in Darfur and the disarmament and civilian reintegration of unauthorized militias and proxy forces. Both the Government of Sudan and the Government of Southern Sudan must do more to ensure all citizens, associations, and political parties can work freely and that electoral preparations occur in an open and tolerant environment.

### **Increasing the capacity of state elections high committees**

Substantial responsibility for implementing the electoral process falls on the 25 state elections high committees and the regional high elections committee for Southern Sudan. Since their establishment in June, high committees have made some progress in initial electoral preparations. However, a significant number of state committees, particularly those in Southern Sudan, continue to lack adequate funds. This has seriously impeded the committees' ability to recruit staff, establish premises, acquire necessary materials and equipment, and fully engage in their mandated tasks, particularly those linked to voter registration. A number of committees have yet to receive funds for voter registration officer staff salaries, thus compromising the effectiveness of the registration process. Already, training of key personnel for voter registration has in some areas been unnecessarily delayed due to the slow transfer of necessary funds. Providing adequate technical, financial, and logistical resources to the high committees is a fundamental responsibility of the National Elections Commission (NEC), and must be made available without further delay. The Commission must **immediately** release and transfer outstanding funds due to the state elections committees or risk further jeopardizing voter registration.

### **Awareness of the electoral process and voter registration**

The Center is concerned that civic education efforts and communication about the electoral process, including the voter registration exercise, has not been sufficient to educate the majority of the population of Sudan, particularly those resident outside of Khartoum. Understanding the electoral process is a key aspect of effective enfranchisement.<sup>2</sup> Voter registration requires that both the electoral administrators and the 20 million prospective voters fully understand their democratic rights and obligations.

According to Sudan's National Elections Act, registration in the electoral register is a basic right and an individual responsibility of every citizen who satisfies the required legal conditions.<sup>3</sup> While training and staffing of state election committees is ongoing, it is critically important all Sudanese citizens are aware of key elements of the voter registration process, including: the need to register; the steps required to register as a voter; identification and residency requirements;

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<sup>2</sup> UNHRC Committee Gen. Comment No. 25, para. 11, "Voter education and registration campaigns are necessary to ensure the effective exercise of article 25 rights by an informed community."

<sup>3</sup> Article 22, National Elections Act, 2008.

and the steps that follow registration. The NEC and the state elections committees must make every effort to inform citizens of the locations and schedules of voter registration centers, and where centers are mobile, publicize the routes, places, and contingency measures in place for a comprehensive registration process. Ensuring that there is transparency in decision-making for citizens<sup>4</sup> and timely access to information is a fundamental obligation of the governments and electoral authorities.

Further, challenges to the recent delimitation of geographic constituencies must be resolved without delay. While the acceptance by the NEC of a significant number of constituency delimitation complaints is to be welcomed, it is incumbent on the NEC to publicize the details of the amended constituencies as soon as possible so that there is sufficient certainty amongst the electorate of where voters actually reside and where they are entitled to register and vote.

### **Observer and political party agent accreditation procedures**

The Carter Center reiterates its acceptance of the invitation extended by the Sudanese authorities and the Commission to observe the electoral process in its entirety without restriction. While the Center is grateful for this invitation, it is concerned that its mission will be **compromised** if the Center's observers are not accredited immediately and if regulations are not applied **equally** to all national and international observer groups. Given that voter registration has begun, it is critical that observer accreditation formalities are facilitated without further delay, so that all observers can be deployed. The prompt accreditation of political party agents is also an important aspect of the electoral process. The NEC should process these applications without further delay.

Electoral observation is conducted in order to provide an independent assessment of the electoral process and to build confidence in that process. Accepted principles of international election observation (as stipulated in the *Declaration of Principles of International Election Observation*) indicate that observer missions must enjoy freedom of access to the electoral process and freedom of movement to all areas of the country. It would be regrettable in Sudan if restrictions prevented observers from carrying out their work. Therefore, the Center urges the Commission to take further steps to ensure that the electoral process is transparent and open to comment and observation from both national and international actors.

*The Carter Center conducts election observation missions in accordance with the Declaration of Principles of International Election Observation and Code of Conduct that was adopted at the United Nations in 2005 and has been endorsed by 33 election observation groups.*

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*The Carter Center was founded in 1982 by former U.S. President Jimmy Carter and his wife, Rosalynn, in partnership with Emory University, to advance peace and health worldwide. A not-for-profit, nongovernmental organization, the Center has helped to improve life for people in more than 70 countries by resolving conflicts; advancing democracy, human rights, and*

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<sup>4</sup> Article 7, United Nations Convention Against Corruption (UNCAC) (Signed by Sudan on January 14, 2005, entry into force on December 14, 2005).

*economic opportunity; preventing diseases; improving mental health care; and teaching farmers to increase crop production. The Carter Center began working in Sudan in 1986 on the Sasakawa-Global 2000 agricultural project and for more than 20 years its health and peace programs have focused on improving health and preventing and resolving conflicts in Sudan. Please visit [www.cartercenter.org](http://www.cartercenter.org) to learn more about The Carter Center.*