



## **STATUS OF THE ELECTORAL PROCESS IN SUDAN – CONCERNS REMAIN OVER ELECTORAL DELAYS AND PEACE AGREEMENT IMPLEMENTATION**

This statement summarizes the observations of the Carter Center's election observation mission in Sudan during the period from May – August 2009 and follows a public statement released on May 7, 2009. The Carter Center began activities in Sudan in February 2008 in response to a request from the leaders of the GONU and the Government of Southern Sudan (GOSS) and continues to assess the electoral process in Sudan based on the Comprehensive Peace Agreement (CPA), Interim National Constitution, National Elections Act, and obligations for democratic elections contained in regional and international agreements, including the African Charter on Human and People's Rights, and the International Covenant on Civil and Political Rights.<sup>1</sup>

The objectives of the Carter Center's election observation mission in Sudan are to: a) provide an impartial assessment of the overall quality of the electoral process, b) promote an inclusive electoral process for all Sudanese, and c) demonstrate international interest in Sudan's electoral process.

Building from the recommendations noted in The Carter Center's statement of May 7, The Carter Center makes in this report the following observations and recommendations, provided in the spirit of support and respect for Sudanese authorities and with the aim of improving the administration of Sudan's electoral process.

### **Key findings and recommendations:**

- **Electoral timetable and preparations**

Given the general delays in electoral preparations and CPA implementation, the Commission's further adjustment of the electoral timetable was not unexpected. To ensure that there are no further delays, the NEC and the Government of National Unity should take all possible steps to ensure that polling is held on schedule in April 2010. The April polling date means that if a second round of elections for the presidency of the Republic and the presidency of Southern Sudan is required in May-June 2010, a significant number of voters could be disenfranchised due to the onset of difficult weather conditions. Further delays could risk compromising the credibility of the electoral process.

The NEC must continue its efforts to be transparent in all of its activities and operations, and to disseminate timely public information to build confidence in the electoral process. Public information and education efforts concerning the NEC's scope, functions, and activities is critical, in a context where free elections have not been held in many years. The more time that elapses before these activities begin, the greater the challenge for the NEC to be seen as trustworthy and effective in the eyes of ordinary voters.

- **Voter registration**

Voter registration is widely recognized as one means of ensuring that the right to vote is fulfilled.<sup>2</sup> Targeted to reach approximately 20 million people, national voter registration in Sudan will be a massive effort that, as per electoral regulations, will take several months to conclude. The NEC, SSEHC, and state Elections High Committees must quickly conclude and implement policy decisions and operational processes. Given the burden that falls on subsidiary elections committees to implement the registration process, it is essential that the NEC finalize voter registration policy decisions in order for materials to be procured, printed, and transported in time, electoral personnel to be appropriately trained, and for critical voter education efforts to begin.

While the Center is disappointed with the low number of women appointed as members in the state Elections High Committees, it encourages the NEC and state Elections High Committees to take all necessary steps to ensure greater representation of women in its recruitment of electoral personnel for the voter registration and polling process.

As the first large, broad based electoral activity in many years, the success of the voter registration process will depend on the quality and reach of voter and civic education efforts. While general civic education efforts are underway, a specific understanding of voter registration is necessary if citizens are to trust the process and value their participation in the exercise. However, such voter education efforts cannot begin until voter registration procedures are finalized.<sup>3</sup>

- **Electoral budget and provision of resources to subsidiary elections committees**

The NEC and the GONU should move expeditiously to agree on an overall budget for the electoral process, and the national government must avoid delays in disbursing funds to the NEC. The failure to agree to a budget has jeopardized timely international donor support. However, international organizations, including the U.N. Development Program (UNDP), must move swiftly and streamline procedures to secure the release of funds and procurement of goods. Although now established, the SSEHC and state committees continue to lack resources, preventing the timely implementation of electoral preparations. The NEC should make available all necessary resources to the state elections committees and SSEHC so that preparations are not further impeded.

- **Passage of reform legislation**

The Carter Center notes with concern the passage by the National Assembly of the Press and Publications Act and the Criminal Procedures Act, both of which contain insufficient guarantees for the protection of fundamental freedoms. In particular, the Criminal Procedures Act empowers the state to routinely limit the freedom of association and assembly, undermining the State's commitment to protect these rights.<sup>4</sup> The Center urges all political actors and members of the National Assembly to ensure that genuine reform legislation (including the pending National Security Forces Act) is enacted when the Assembly reconvenes in October, to create an environment conducive to a free and competitive election and to ensure compatibility with the CPA.

- **Role of the Political Parties Affairs Council**

As campaign activities begin, and with political party registration ongoing, the role of the Political Parties Affairs Council (PPAC) will be increasingly important. As the regulator of political party activity, the PPAC should make clear when it receives complaints from political parties, and should publicize its findings with regard to those complaints as well as the steps it intends to take when violations occur.

- **Moving forward from the national census**

The Carter Center notes with concern the continued impasse over the national census results and urges the parties to find an acceptable compromise to allow for national elections to proceed as scheduled. While The Carter Center did not formally observe census enumeration, it has monitored events since its conclusion in May 2008. There are large areas of the country, including South Kordofan, Darfur, and elsewhere, where census activities and enumeration were especially problematic and where resolution of local concerns will be very difficult. Where feasible, the Center encourages Sudanese authorities to consider whether voter registration data could be used to enable adjustment of constituency boundaries and apportionment, where warranted.

- **Civil society participation in the electoral process**

The Carter Center welcomes the NEC's July 28 announcement that it will ensure the freedom of civil society organizations to conduct voter education without restriction or limitation by the security services or state authorities in Darfur, and encourages the NEC to provide similar assurances for civil society throughout the country. At the same time, the Center is aware of a number of individuals and civic organizations interested in promoting awareness of the electoral process that have been prevented from engaging in these critical educational activities. The GONU should ensure steps are taken immediately to cease restrictions on these activities, protect the fundamental freedoms of expression, association and assembly of Sudanese citizens, and promote their free and unencumbered participation in the political process, as called for in the CPA and the Interim National Constitution.<sup>5</sup>

- **Representation of the Abyei Area**

The Center welcomes the decision by the National Congress Party and the Sudan People's Liberation Movement to accept the findings and geographic delimitation of the Abyei Arbitration Tribunal in The Hague. Abyei's special status, and definition under the CPA as having geographic representation rights in both South Kordofan and Warrap states, requires special treatment by the NEC and by the relevant state committees. The NEC should take all steps to ensure the effective geographic political representation of the Abyei Area. In the National Assembly, Abyei should also be geographically represented for the remainder of the CPA's Interim Period, and, subject to the Abyei Referendum, beyond as required. While constituency delimitation in Abyei will be complex, it is essential that citizens of Abyei are and feel that they are included in the national democratic process.

- **Darfur**

The Center continues to urge that all relevant parties take steps to end the conflict in Darfur without delay. Noting the modest improvement of the security and humanitarian situation in substantial areas of the three states of Darfur, the Center urges the national government to act

in the spirit of the democratic transformation envisaged in the CPA to ease the state of emergency and lift the restrictions on civil liberties that persist across the region and to allow for an environment where political parties can freely organize, recruit, and campaign. Genuine and freely contested elections may be a partial answer to addressing the causes of marginalization and conflict in Darfur, but little progress will be made if severe and inhibiting regulations remain in force. Confidence in the electoral process in Darfur remains low, and the NEC and state elections committees must visibly demonstrate that their activities in Darfur are fair, impartial, and organized in the interests of all citizens.

Finally, The Carter Center once again reiterates its support for the right of all Sudanese to register to vote and freely elect their representatives in a peaceful and tolerant environment, and notes its desire to contribute to building a lasting and just peace throughout Sudan through a genuine, inclusive, and viable electoral process that meets international standards.

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*The Carter Center conducts its election observation 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. The Declaration of Principles can be read in Arabic and English at: [http://cartercenter.org/peace/democracy/des\\_declaration.html](http://cartercenter.org/peace/democracy/des_declaration.html)*

*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 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.*

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<sup>1</sup> Sudan ratified the African Charter on Human and Peoples' Rights (ACHPR) Feb. 18, 1986. The ACHPR came into force on Oct. 21, 1986. Sudan acceded to the International Covenant on Civil and Political Rights (ICCPR) on March 18, 1986, which entered into force on March 23, 1976.

<sup>2</sup> United Nations Human Rights Committee (UNHRC), Gen. Comment No. 25 "The Right to Participation in Public Affairs, Voting Rights and the Right to Equal Access in Public Service" UN Doc CCPR/C/21/Rev.1, para. 11, "States must take effective measures to ensure that all persons entitled to vote are able to exercise that right. Where registration of voters is required it should be facilitated and obstacles to such registration should not be imposed."

<sup>3</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>4</sup> ACHPR, art. 11, "Everyone shall have the right to assemble freely with the other"; ACHPR, art. 10 (1) "Every individual shall have the right to free association provided that he abides by the law"; ICCPR, art. 21, "The right to peaceful assembly shall be recognised"; ICCPR, art 22 (1), "Everyone shall have the right to freedom of association with others."

<sup>5</sup> Sudan's international commitments also include protection of every citizen's right to participate in the public affairs of their country, free from unreasonable restrictions, (see ICCPR, art. 25).