

The Position of the Independent Civil Society Network on the Electoral Process

The Comprehensive Peace Agreement 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 emphasize 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 organizations have remained a critical component of democratic transformation. They 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 organizations have worked together in concert to deploy about 3500 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 organizations; the Civic Forum, an organization that coordinated the work of 56 organizations, 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 organizations outlined above have concluded that all of the above stages were characterized 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 minimize the role money played in these elections.

5) The NEC failed to conduct a proper voter education program 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 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 elections materials and equipment to the voting centers 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 centers 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 reorganization 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 organizations, 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.