



The Sudanese Group for Democracy and Elections SuGDE

South Kordofan Election Statement



The Sudanese Group for Democracy and Elections (SuGDE)
SOUTH KORDOFAN ELECTIONS STATEMENT
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EXECUTIVE SUMMARY

On May 2 - May 5, SuGDE conducted non-partisan election monitoring effort for the South Kordofan 2011 elections. SuGDE deployed 90 observers to 90 polling committees¹ in 27 of the 32 constituencies. Observers remained in one single polling committee throughout the polling and counting processes. Each observer remained in her respective polling committee throughout each polling and counting day and reported directly to the data collection and analysis center in Khartoum. The data center received and reviewed 360 polling and counting reports and 27 critical incident reports. The reports were verified for quality and analyzed impartially according to standards for non-partisan election observation. SuGDE emphasizes that it concluded its observations on May 5.

SuGDE would like to congratulate the people of South Kordofan for their high levels of participation and their peaceful conduct during the observed polling and counting processes. SuGDE's concern is to ensure stable democracy through peaceful elections that accurately and effectively convey the will of the people. The Group urges all parties to continue to observe the counting and tabulation process peacefully and to deal with all disputes through appropriate legal mechanisms.

The polling process represented an improvement over previous elections in some areas, specifically; 1) active participation by political parties, 2) improved management of materials and polling committees, and 3) the absence of violence and voter intimidation. However, certain deficiencies remained in other aspects of the election, including late dissemination of voter information and inadequate management of the voter registration process. SuGDE also expresses its concern over incidents of vote buying and campaigning at the polling committees.

Key findings:

- SuGDE notes that the NEC could have planned and prepared better for the 2011 voter registration process. Last second changes in rules for registering created problems for civic and voter education programs. Additional delays in the publication of information regarding location of polling committees caused confusion and potentially the disenfranchisement of voters.

¹ Committee is defined by the voting manual as the place where people go to vote. It is distinguished from the polling center, which may contain more than one voting committee.

- SuGDE notes that despite logistical challenges in South Kordofan, only 1 of the polling committees observed reported the lack of any essential polling materials.
- SuGDE observed few instances of voter impropriety, including voters voting for someone who was not present or voting when their names did not appear on the voter list.
- SuGDE observers did not report any incidents of violence and intimidation during the four days of observation.
- SuGDE is concerned by the high percentage of observers who reported some form of campaigning at or near the polling committee. This represents a breach of the Elections Act 2008, Article 64 (3) which states that, “campaign activities shall not be held within the last twenty four hours before polling date, or during polling day or days.”
- SuGDE observers reported that political parties actively participated by observing the polling and counting process in high numbers.
- SuGDE observers reported that police officers were present at 96% of the polling committees pursuant to the rules.
- SuGDE notes with concern high instances of suspension of the voting and counting processes.
- SuGDE observers were treated with respect and were allowed to pursue their duties virtually without incident.
- SuGDE observers did report incidents of vote buying in three out of the ninety polling committees observed.

This report includes 23 recommendations based upon direct observations and analysis of the electoral process. The observations are made in light of the CPA and Interim Constitution, and Sudanese elections law, as well as global standards and practices known to SuGDE. They are intended to contribute to constructive dialogue and progress on improving electoral processes and related democratic development. SuGDE looks forward to working with the National Elections Commission and other relevant parties to fulfill these recommendations and improve Sudan’s future electoral processes.

SuGDE expresses its most sincere thanks and appreciation to all of the volunteers who dedicated their time to improving the transparency of the electoral process. SuGDE would also like to extend thanks to the elections officials in the National Election Commission (NEC) and the State High Elections Committee of South Kordofan for their cooperation and accreditation of SuGDE observers. In addition SuGDE would like to thank members of the South Kordofan Civic Education Forum (SKCEF) for offering volunteers for observation.

BACKGROUND

South Kordofan was the last state to conduct gubernatorial and state legislature elections in Sudan and the campaign environment was highly competitive. Both of the political parties – the National Congress Party (NCP) and the Sudan People’s Liberation Movement (SPLM) were competing for control of this integral border state.

The South Kordofan May 2011 elections were to originally have taken place in April 2010 with the rest of the country pursuant to the Comprehensive Peace Agreement (CPA). The legislative elections did not take place because parties boycotted due to a dispute over the census. More specifically, in March 2010, the NEC delayed the state legislative election following the SPLM allegations that Southern Sudan

and South Kordofan were underrepresented in the National Assembly due to inaccuracies of the 2008 national census. Members of the NCP and the SPLM worked to resolve the deadlock by negotiating 40 additional seats for the South in the National Assembly, including four from the Nuba Mountain area of South Kordofan and two from Abyei. In turn, the SPLM agreed to participate in the presidential and national parliamentary elections in South Kordofan as planned, while the gubernatorial and state assembly elections were suspended.

INTRODUCTION TO SuGDE

The Sudanese Group for Democracy and Elections (SuGDE) is a joint effort of six independent, nonpartisan organizations working together to encourage free, fair and non-violent elections. It includes the AZZA Women Association, the Babikr Badri Scientific Association for Women Studies, the Group for Economic, Social and Cultural Rights Studies (GESCRS), HELA HELP organization, Human Security Initiative (MAMAN), and the Institute for Development of Civil Society (IDCS).

SuGDE worked in collaboration with the South Kordofan Civic Education Form (SKCEF). SKCEF is made up of 17 civil society organizations from throughout South Kordofan. SuGDE and SKCEF are not affiliated with any government, political party, or candidate.

SuGDE Methodology

Principles

SuGDE is committed to upholding the highest ethical standards of impartiality and accuracy as a non-partisan domestic observation group. Its methodology is informed by globally accepted principles for non-partisan domestic election observation, including impartiality, objectivity and accuracy. The objective of observation is to promote free fair and peaceful elections, and the goal is to contribute to developing and maintaining a democratic society. SuGDE observers are Sudanese citizens, who are committed to promoting electoral integrity and pledge not to favor any political party or candidate and to report accurately about their observations.

While financial and other constraints did not allow SuGDE to observe the registration process, it recognizes that an accurate and complete assessment of any election must take into account the entirety of the process. In addition, SuGDE recognizes that no election can be viewed in isolation from the political and historical context in which it takes place. SuGDE has conscientiously examined the processes surrounding Sudan's April 2010 elections as well as the January 2011 referendum and has drawn upon credible sources as well as its general knowledge and experience in the lead-up to the South Kordofan elections. No election is perfect, but the relative integrity of each of these processes contributes to the degree of credibility and the confidence citizens should have in elections.

Non-partisan domestic observation of the Sudanese electoral process helps to promote confidence in the electoral system as well as to deter the efforts of those who seek to subvert the will of voters. During the conduct of these elections, observers watched the voting and counting processes at designated polling committees throughout the state, recorded key information on standardized forms and reported their findings to a central data collection center in Khartoum. SuGDE used this information to evaluate the overall quality of election-day processes.

Domestic Observation Forms

Standardized forms facilitated processing the witness accounts made by trained domestic observers, with the primary goal being a detailed picture of the electoral process including three voting days and one counting day. SuGDE used three types of forms for the observation process:

Critical Incidents Forms: These forms capture serious events that may have had a disruptive effect on the voting process. Incidents included matters such as multiple voters attempting to vote under

the same name, and they were communicated immediately through hotlines to the SuGDE data collection center.

Polling Forms: These forms consisted of a set of 18 questions addressing concerns on administration and participation issues, including, for example, the security of ballot boxes, campaigning within the polling committees, obstruction of observer presence, and lack of appropriate materials.

Counting Forms: Counting forms included information on the accuracy of the counting and the security of the ballot boxes over night.

Data Collection and Analysis

SuGDE designed a computerized communications system to ensure the timely and accurate transmission of incident, polling and counting forms between individual observers, and data entry personnel at the data collection center. The observers directly relayed critical incidents to the centers to “trained phone operators”. Polling and counting forms were delivered directly from the polling committees by the observers to Kadugli and then on to the Khartoum data collection center for entry. The database and data entry system were designed to facilitate verification of the quality of reports and the accuracy of the data entry.

Database software allowed staff to quantify the data findings concerning the voting and counting processes in real time. Important findings could be drawn by identifying systematic trends versus isolated incidents, through the breakdown of information by constituency, and an analysis of questions across multiple days of polling. Once data was entered, it was analyzed by SuGDE to identify significant observations and findings of positive developments, as well as potential problems in the voting and counting processes. All of the above forms were then re-checked and verified manually. Each critical incident report was reviewed and cross checked with the polling and counting day forms. SuGDE then contacted the observers by telephone to verify information and provide any missing details. The SuGDE leadership used the information to generate the final text of this statement. The data collected is not based upon a statistically representative sample.

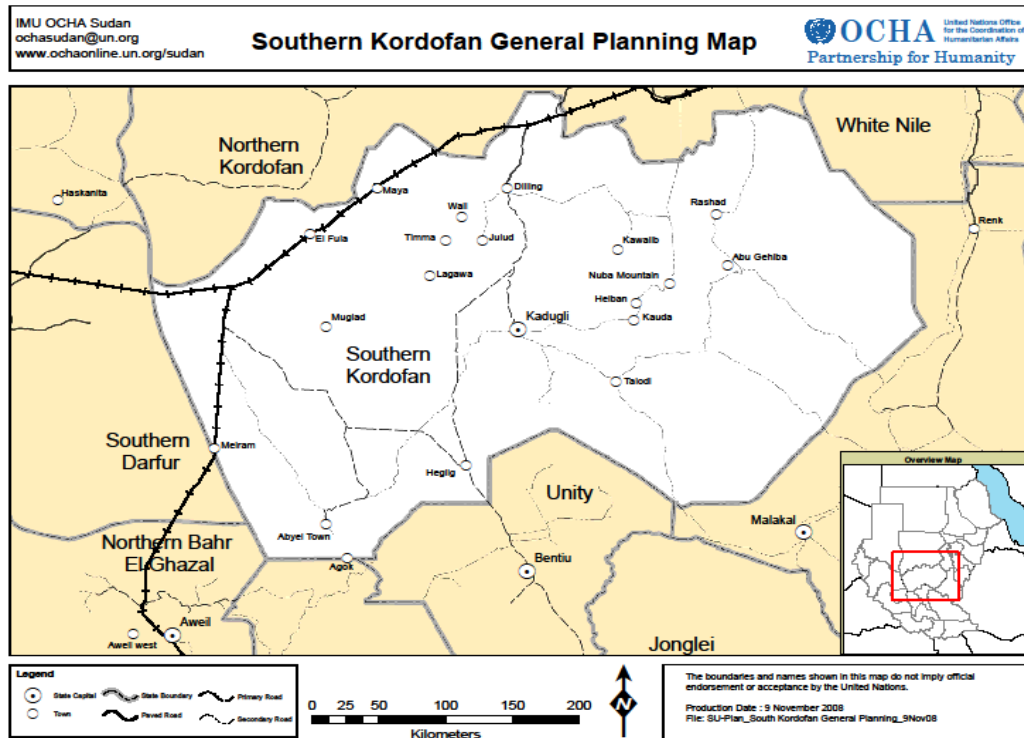
Network of Observers

By collaborating with local state-based civil society organizations and networks throughout South Kordofan, SuGDE recruited, trained and mobilized a network of 90 volunteers to observe the election process in 27 of 32 constituencies. (The 30th constituency was not observed because it was left uncontested after all of the parties dropped out but the NCP.)

Training

SuGDE attached great importance to the training of its observers in order to equip them with the information, skills and experience necessary to observe the electoral processes according to Sudanese law and recognized international best practices. With SuGDE, all the observers were trained in Kadugli on the democratic elections basics, observation methodology, observer code of conduct, observation forms, and the reporting and communication mechanisms. The majority of the observers had previous experience observing elections for SuGDE.

Deployment



SuGDE deployed each observer as a stationary observer to 90 polling committees to 16 of 19 localities and 27 of 32 constituencies of South Kordofan as follows:

Constituency Number	Constituency name	No. of committees	No. of observers
1	Alabasyia	2	2
3	Abu Kroushla Um brobita	3	3
12	Um Doureen	7	7
11	Kadougli Al Shrgia	3	3
10	Kadougli Al Grabia	3	3
17	Al Bouram Al Ganobia	1	1
24	Al Sunwt	4	4

22	Al Goz Ganob	3	3
21	Al Goz Shimal	2	2
31	Al Miram Al Setate	7	7
28	Babanoussa Altibon	2	2
8	Taldoi Al Ieri	2	2
2	Rashad Togmala	2	2
19	Salara	1	1
29	Kajera	2	2
25	Kadam	1	1
26	Keilak	2	2
23	Lagawa	2	2
9	Kadougli Town	20	20
4	Abu Geibha Town and Surrounding areas	4	4
18	Deilinj Town and Surrounding areas	6	6
27	Al Fula Town and Surrounding areas	2	2
20	Habila Dalami	3	3
15	Hiyban Al Ganobia	1	1
14	Hiyban Al Wasta	1	1
16	Wakrat Alterter	2	2
32	Al Dabab And North Abyei	2	2

THE ELECTION CONTEXT – SuGDE ANALYSIS

The April 2010 elections were the country's first multi-party elections in 24 years. The CPA signed in 2005 required Sudan to hold executive and legislative elections before the 2011 referendum in which the South voted to secede. The April 2010 elections and January 2011 referendum were also observed by SuGDE and its partners and were widely seen as a crucial step in a process of democratic transformation.

Legal Framework

The legal framework creates the possibility for genuine elections in Sudan. The CPA calls for a “democratic system of governance.” The Interim Constitution states that “the authority and powers of government emanate from the sovereign will of the people exercised by them through referenda and in free, direct and periodic elections conducted through universal adult suffrage, using secret ballot.” The 2008 National Elections Act provided for an independent National Elections Commission (NEC), freedom of expression and calls for the presence of nonpartisan domestic observers for the first time in Sudanese history.

In addition, Sudan, as a member of the United Nations, is obligated by Universal Declaration on Human Rights, and is a party to the International Covenant on Civil and Political Rights (ICCPR) and the African Charter of Human and Peoples Rights, all of which guarantee the right of citizens to participate in the governance of their country, directly or through freely chosen representatives in genuine elections. Women are afforded equal rights and equal participation in political processes.

Election Administration

The elections were administered in the midst of enormous administrative and logistical challenges by the NEC which was constituted in November 2008 and more locally by the State High Election Committee (SHEC). The nine-member Commission is headed by a Chairperson and Vice Chairperson. The NEC’s members were appointed by the President, with consent of the First Vice President, who represents the SPLM, and the endorsement of two-thirds of the National Assembly (which acted by unanimous consent, representing a consensus on the appointments). The SHEC works on the NEC’s behalf.

The NEC deserves considerable credit for administering the elections given time constraints, logistical challenges and electoral complexities. It conducted much of its work with dedication, yet there were some deficiencies, in the communication of decisions and in administrative tasks.

Changing the voter registration rules two days before the registration process caused considerable confusion. Many of the voter education programs on registration had already been completed, having provided incomplete information.

Similarly, the locations of the polling committees were announced so late in the process that in some cases the voter educators could not inform the voters where their polling committees were situated, which caused additional confusion among voters.

Voter Registration

Twenty days of voter registration ended on February 12. The NEC did not devote sufficient registration teams to conduct a comprehensive voter registration process and create a new registry. Registration was conducted by 110 mobile teams, accommodating 1,463 registration centers. According to the NEC, 642,555 people registered, approximately 100,000 fewer voters than during the April 2010 elections. According to the 2010 census, approximately 1,172,406 eligible voters are in the state.

Last second disputes between the parties further complicated this process. The SPLM disagreed with the registration process, and it was changed two days before registration began. Whereas most people believed that if they had registered for the April 2010 elections, all that was required was to confirm registration. As a result of the challenge the SHEC changed the procedure to require that every eligible voter register anew.

On February 28, SPLM and the seven opposition parties filed a petition alleging the illicit inclusion of 38,374 voters in the electoral register in 20 geographical constituencies as well as the removal of

20,044 voters from 12 other geographical constituencies. The petition outlined a gap of 58,880 voter names between the official register and the one subsequently produced. As a response to these grievances, the NEC sent a technical team to South Kordofan to investigate, and as a result, approximately 16,000 names were removed from the voter list in Muglad.

Media Environment

SuGDE did not systematically monitor the media. The National Electoral Act specifies “to guarantee the rights of all candidates for the elections and political parties participating therein in the use of the public media on the basis of equality and equal opportunities, and to prevent any kind of discrimination between them in the coverage of the electoral campaign news.”

Campaign Environment

SuGDE did not conduct systematic observation of the campaign period, but noted the following public information. While generally peaceful, and candidates at all levels were able to campaign, the campaign period witnessed isolated incidents of violence outside of Kadugli.

Voter Education

In a complex election system where each voter had to cast 4 ballots, voter education was crucial for facilitating informed voting by informing people about the voter registration and election-day processes, among other matters. Voters needed to know about the process, contestants and issues involved in the election. Some in these elections were first time voters, and a significant number of prospective voters could not read, which requires extra outreach measures. Conducting impartial voter education that effectively reaches the electorate is mainly the responsibility of NEC, usually conducted through electoral administration bodies.

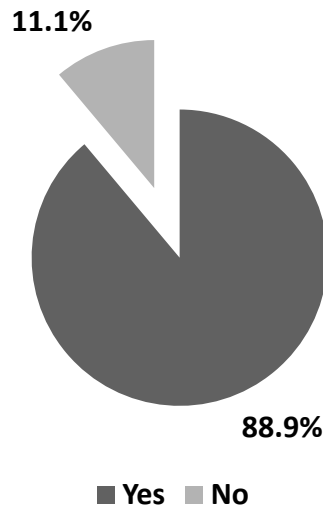
In addition to providing volunteers for the observation, SKCEF used information and materials provided by the National Election Commission, UNDP, and IFES to conduct voter education on the registration process and voting itself. The group conducted three separate face to face voter education campaigns in 5, 3 and 6 localities respectively. The volunteers wore hats and T shirts provided by UNDP and distributed information on the elections.

The National Democratic Institute also provided financial and technical support for voter education through three additional modalities: 1) Racuba; a stationary tent operated by volunteers that provided information and materials as they became available from the NEC in three localities; 2) Thirty-eight village moderators trained by NDI conducted voter education and distributed materials in eight of their home localities, and; 3) Voter information was disseminated through radio broadcasts. It is estimated that these voter education programs alone reached almost 100,000 potential voters throughout all 19 localities including hard to reach Messiera areas.

POLLING PROCESS OBSERVATIONS

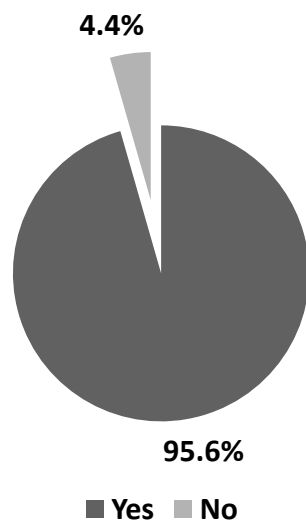
Findings from polling committees observed during the three day voting process.

1. Did the polling committee open before 8:30 am?



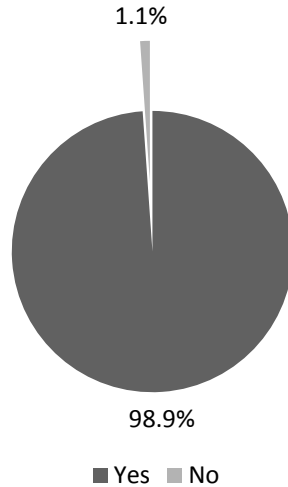
In the polling committees that SuGDE observed 88.9% opened on time during the polling days.

2. Are all elections officials present at the opening of the polling committee?



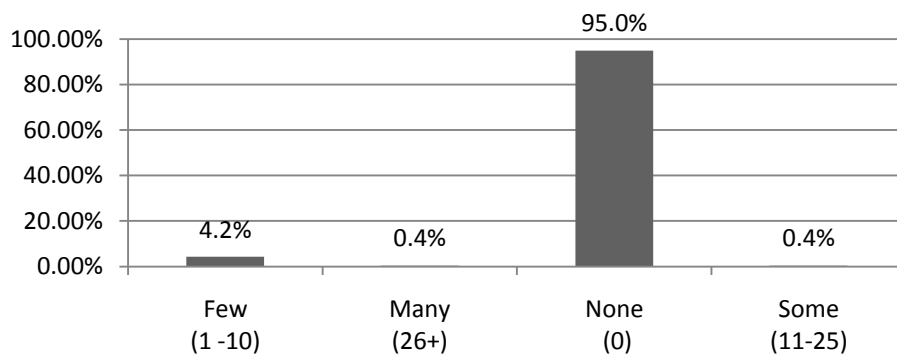
In 95.6% of the polling committees observed by SuGDE, polling officials were on time for the opening of the polling day.

3. Did the polling committee have all of the essential polling materials?



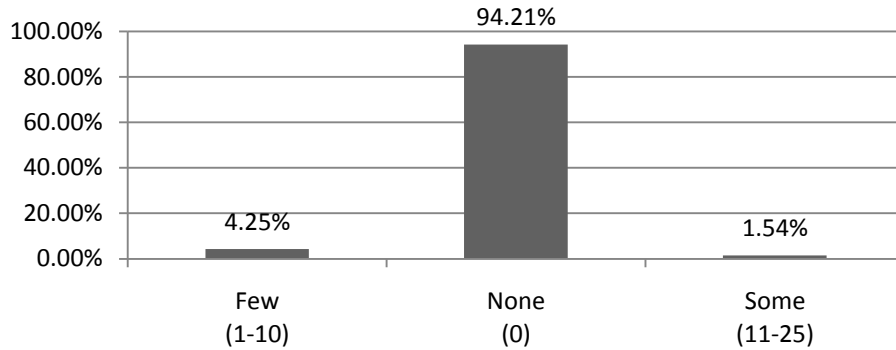
Despite typical logistical challenges in South Kordofan, only 1 of the polling committees observed reported the lack of any essential polling materials. Polling materials included, indelible ink, ballot boxes, all four ballot papers, official stamps, voting screens, and final voter lists.

4. How many people were allowed to vote whose names were not on the voter list?



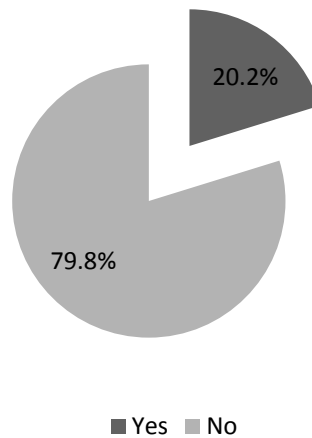
Out of 90 polling committees observed over the three day polling period, only 4.2% reported that individuals were permitted to vote without their names being on the voter list, and on those few occasions, the number of people allowed to do so was less than 10.

5. How many voters were allowed to vote for someone who was not present?



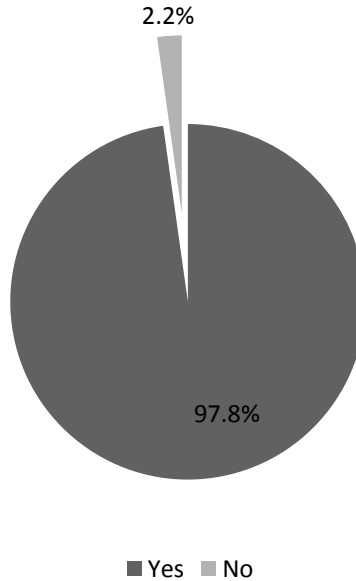
On the whole, very few people were seen voting for someone who was not present. Only 4.25% of the polling committees observed over the three day period reported that between 1 and 10 individuals were permitted to do so.

6. Did any campaigning occur inside the polling committee?



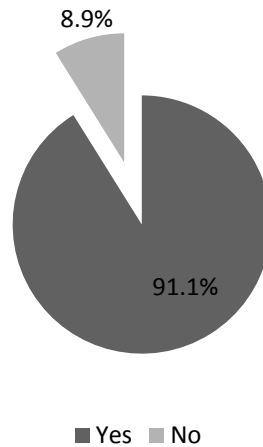
20.2% of the polling committees observed reported that campaigning occurred within the polling committee at some point during the polling process. SuGDE notes that in most cases the campaigning was reduced to the wearing of caps and clothing, however, this is still improper under the rules.

7. Were all voters' fingers inked after being identified and marked off the voter's list?



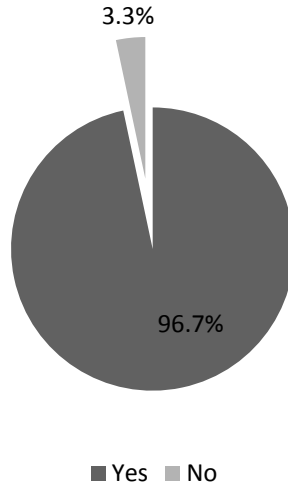
97.8% of the polling committees observed reported that polling officials followed the guidelines for marking voters' fingers with ink after being checked off of the voter list.

8. Were party's agents present in the polling committee at any time during the day?



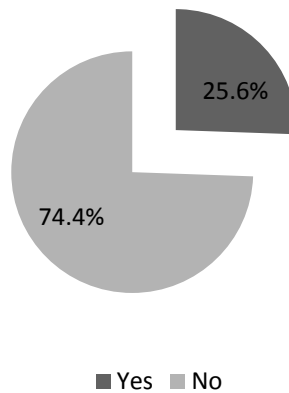
91.1% of the observed polling committees reported the presence of party agents within the polling committees at some point during the polling process.

9. Were police officers present outside the committee station?



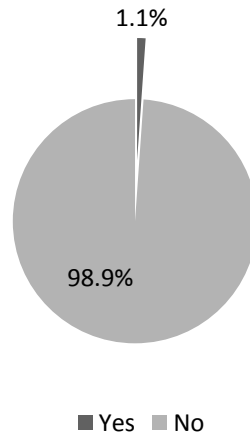
Police officers were present at most of the polling committees pursuant to the rules.

10. Was the voting process suspended at any time during the day?



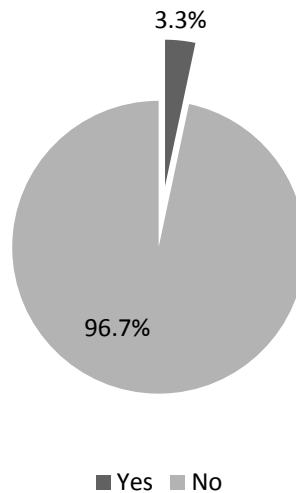
25.6% of the polling committees observed reported that polling was interrupted at some point during the three days of polling. SuGDE determined that in almost every case the polling was interrupted for long prayer or breakfast breaks.

11. Were you obstructed at any time during the process from performing your duties?



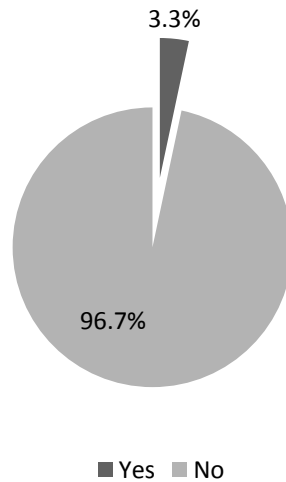
One observer reported that he had difficulty entering a polling committee because the polling official said he needed a date on her observer badge, the issue was quickly resolved and had no impact on her observations.

12. Did you witness any incidents of disruption, intimidation or harassment during the voting process?



3.3% of the polling committees observed reported some type of disruption at some point during the three day polling process. However, no observers reported any incidents of violence or voter intimidation.

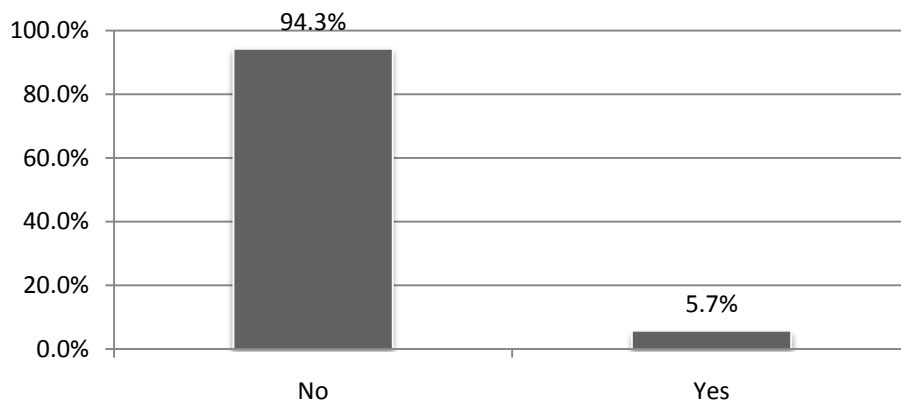
13. Did you witness any incidents of ballot box stuffing or vote buying?



3.3% of the polling committees observed reported the appearance of vote buying at some point during the three day polling process. No incidents of ballot box stuffing were observed.

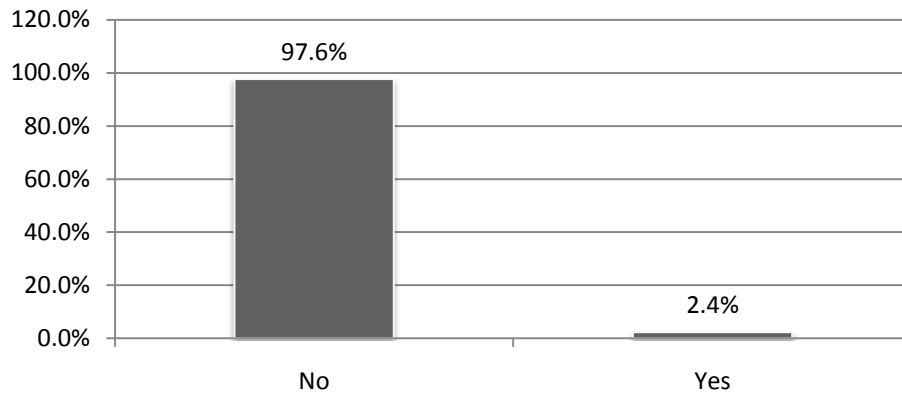
COUNTING PROCESS OBSERVATION

14. Were any unauthorized people present during the counting process?



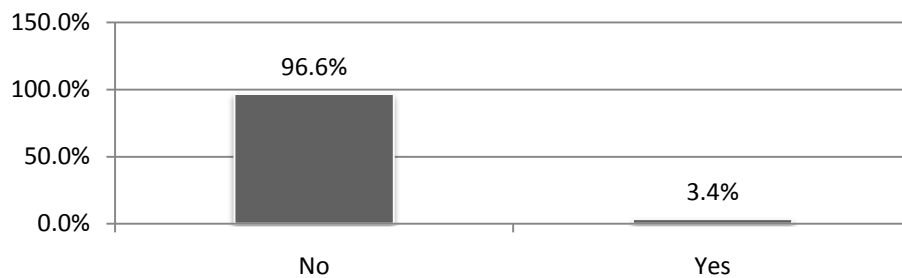
5.7% of the polling committees observed reported unauthorized personnel present during the counting process.

15. Was the counting process interrupted at any time?



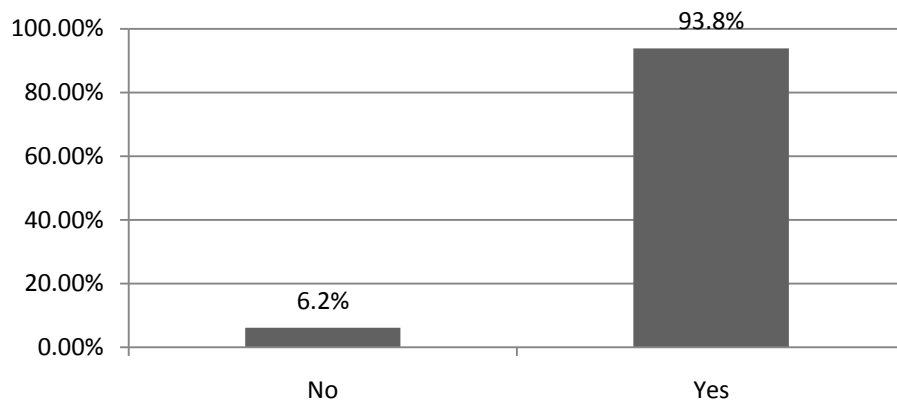
2.4% of the polling committees observed reported an interruption in the counting process.

16. Were there any incidents of disruption, intimidation or harassment during the counting process?



3.4% of the polling committees observed reported some form of disruption during the counting process. No one reported any violence or intimidation.

17. Were Party Agents present during the process?



Party agents appeared at 93.8% at the observed polling committees for the counting process.

RECOMMENDATIONS

The following recommendations are offered respectfully, based upon direct observations and analysis of the overall electoral process. The observations are made in light of the CPA and Interim Constitution, and Sudanese elections law, as well as global standards and practices known to SuGDE. They are intended to contribute to constructive dialogue and progress on improving electoral processes and related democratic development.

Concerning Mitigating Potential for Post-Election Violence

- 1) All political parties and candidates should act peacefully throughout the announcement of the results and the formation of the new state government; any disputes should be resolved peacefully through a fair, transparent, and effective complaint process; at the same time, all security forces should respect civil and political rights and refrain from use of provocative tactics or unwarranted force.

Concerning Civil Society Organizations and Domestic Observation

- 2) Civil society played a key role in providing voter information and in observing the South Kordofan Elections; it should continue to be involved in these critical election processes in the future.
- 3) The domestic observation experience benefited a large number of civil society organizations, particularly youth activists in South Kordofan. It is highly important that the training for these young people be expanded to ensure that they continue to promote democratic principles and practice.
- 4) Improvements should be made to the observer accreditation process. The State High Committee for elections should remain authorized to administer the process, and the process should be simplified to require less information from the observers such as photographs.

- 5) The NEC should designate a specific office with the power and ability to resolve critical incidents. The office should serve as a point of contact for non-partisan citizen observers, political parties and international observers to report problems, irregularities or administrative difficulties.

Concerning the Election Processes in General

- 6) Early and comprehensive voter education for future elections should be a priority and be effectively implemented by the NEC; election authorities and security agencies need to ensure that all viewpoints can be freely expressed and observer rights are respected in future elections and referenda processes.

Concerning Electoral Administration

- 7) The NEC should provide all voting procedure information including location of polling committees, mock ballots, and rules for registration, polling and counting at least three months prior to polling to allow for accurate and sufficient voter education and coordination of election observation.
- 8) The NEC should make available to the public all electoral results, disaggregated by polling committee as well as by total outcomes in a timely manner.
- 9) Election complaints should be carefully processed and effective, appropriate remedies provided.
- 10) The NEC should investigate all allegations of fraud and malpractice and refer matters for administrative sanctions or criminal action where abuses appear to have taken place. This process should be transparent and the findings made public.
- 11) The NEC should make available maps of electoral district boundaries and demographic information of the population within election districts.
- 12) The NEC should improve internal communications, delineate clearly the division of labor between the various electoral management institutions, and improve coordination among them. In particular, communication channels can be improved between SHCE and the polling officials.
- 13) The NEC should ensure that the final voters register is prepared and published in a timely manner.
- 14) NEC officials and polling officers should continue to receive training to enhance their knowledge and skills in managing polling committees for future elections. Training strategies and plans should be established as early as possible and sufficient resources for training must be made available to the trainers.
- 15) Rules should be published and followed for the selection and recruitment of polling officials to ensure impartiality, transparency, and effectiveness.

Concerning Free Association and Political Expression

- 16) Laws should not contradict the rights provided in the interim constitution such as the freedom of expression and the right to political participation.
- 17) Political parties should access to all media outlets without discrimination, in particular, television time during the campaign period.

- 18) Public media should increase access by political parties to beyond the election period to encourage political dialogue, debate and allow the public to evaluate the merits of political rivals.

Concerning Women's Public Participation and Leadership

- 19) Steps to encourage women's political participation and leadership should continue after the elections.
- 20) Laws should be amended to require that women account for at least 30% of the polling officials.

Concerning Political Party Accountability

- 21) Political parties and candidates should thoroughly train their agents on voter registration, voting procedures and how to conduct themselves during the election days in order to protect electoral integrity and seek effective remedies for problems and violations.

Concerning post election and CPA

- 22) The National Elections Commission (NEC) should work with all relevant stakeholders to undertake an inclusive, transparent and comprehensive review of electoral laws and regulations with the aim of improving Sudan's electoral processes.
- 23) Preparations for Popular Consultations in Southern Kordofan should proceed diligently.

CONCLUSION

SuGDE looks forward to working with the NEC on these recommendations and others generated from previous elections with an eye toward improving Sudan's electoral processes.

SuGDE appeals to all election stakeholders, in particular the competing political parties and candidates to maintain peace at all cost in the continuing counting and tabulation processes. In the event of a dispute, the contestants should file complaints per election laws to the appropriate authorities and those complaints must be adjudicated by the authorities in a fair and expeditious manner. Functional and responsive complaint resolution processes will generate confidence in Sudanese democracy.

Finally, SuGDE would again like to acknowledge and to thank all of the volunteer observers, election officials, political party leaders, and members of the international community for their cooperation. SuGDE looks forward to working with all relevant stakeholders to implement the recommendations contained in this report.