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**REPORT OF THE AFRICAN UNION PRE-ELECTION ASSESSMENT  
MISSION TO SUDAN**

**1 – 10 March 2015**

**Department of Political Affairs**

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## I. EXECUTIVE SUMMARY

In preparation for a potential African Union Election Observation Mission (AU EOM), the Chairperson of the African Union Commission (AUC) approved the deployment of a pre-election assessment mission to Sudan from 1 to 10 March 2015, ahead of the country's Presidential and Parliamentary elections scheduled for 13 April 2015.

The overall objective of the pre-election assessment mission to Sudan was to collect factual information about the state of preparedness for the April 2015 polls by all stakeholders, review the broader political and electoral environment, and assess whether a conducive environment exists for the holding of transparent, free and fair elections in conformity with the principles of the African Union governing democratic elections<sup>1</sup>. Other specific objectives of the assessment mission include: to assess the capacity and needs of the National Electoral Commission (NEC) to determine the type of electoral assistance that the AUC could provide; and to offer recommendations regarding the nature and scope of a potential AU EOM to Sudan.

The pre-election assessment mission was led and coordinated by Mr. Idrissa Kamara, Political/Electoral Affairs Officer in the Department of Political Affairs of the AUC, and was supported by four independent election experts: Mr. Anis Samaali from Tunisia, Ms. Susan Mwape from Zambia, Mr. Abel Gomes from Guinea-Bissau, and Mr. King Norman Rudi from Malawi.

To execute its mandate, the pre-election assessment mission held consultations with a broad range of stakeholders in Sudan from 2 to 9 March 2015. The stakeholders consulted included representatives from NEC, the Ministry of Foreign Affairs, political parties, candidates, civil society, media, women's groups, Political Party Affairs Council, Human Rights Commission, Parliament, AU/UN Hybrid Operations in Darfur (UNAMID), United Nations

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<sup>1</sup> See Chapter 7 of the *African Charter on Democracy, Elections and Governance, 2007*; the *OAU Declaration of Principles Governing Democratic Elections in Africa, 2002*; and the *AU Guidelines for Elections Observation and Monitoring Missions, 2002*.

Development Programme (UNDP), AU Liaison Office to Sudan, Arab League, IGAD, African Ambassadors, and European Union (EU) and 'Troika' (US, UK and Norway) Ambassadors. It needs to be noted that, it was not possible for the pre-election assessment mission team to visit areas outside of the capital, Khartoum, due to the limited timeframe. The team was also not able to meet with the Ministry of Interior.

The pre-election assessment mission conducted its activities in accordance with the African Charter on Democracy, Elections and Governance; the OAU Declaration on Principles Governing Democratic Elections in Africa; and the AU Guidelines for Elections Observation and Monitoring Missions.

Based on its consultations with various stakeholders in Sudan, the pre-election assessment mission notes that:

- i. The April 2015 elections take place against the backdrop of intense political polarization in the country due to the stalled national dialogue process, ongoing rebellion in some parts of the country<sup>2</sup>, and social and economic difficulty due to international sanctions levied against Sudan mainly by western governments;
- ii. The main opposition parties<sup>3</sup> are boycotting the elections due to the government's insistence to hold them despite the fact that the election was a key issue for discussion in the 'Road Map' agreed to by all parties, including the ruling National Congress Party (NCP). The Road Map was meant to address in a comprehensive and lasting manner the many challenges facing the country, including democratic transformation. With almost all the main opposition parties boycotting, the electoral contest is, therefore, expected to be an easy win for the ruling NCP of President Al-Bashir;
- iii. The overall political environment is restrictive, which impacted on political participation by other stakeholders, including opposition parties, civil society and the media. Media houses and civil society

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<sup>2</sup> Include the 5 states in Darfur, South Kordofan and Blue Nile states, and Abyei region.

<sup>3</sup> These include: the National Umma Party (NUP), Popular Congress Party (PCP), Democratic Unionist Party (DUP), Reform Now Movement (RNM) party, etc.

organisations were barred from discussing issues relating to the conflict in the country and certain political and social topics. Those who ignored this ruling either have their licenses withdrawn or arrested and detained by the National Intelligence and Security Service (NISS). Thus, freedom of expression, association and assembly were generally not respected;

- iv. Although 44 political parties are slated to contest the April 2015 elections out of a total of 84 registered political parties, most of these are reported to be either 'creation' of the ruling NCP party to give a semblance of competitive elections or sympathisers of the regime. A close examination of the list of contending parties and candidates for the presidency<sup>4</sup> reveals mostly new or little-known parties and candidates competing against long-time President Al-Bashir and his NCP party;
- v. The legal framework generally provides an adequate basis for conducting democratic elections. The Electoral Act was amended since the last elections in 2010, most recently in December 2014. Amendments included the removal of threshold to enter parliament via the Party List Proportional Representation (PR) system, and the increase in the Women's List PR system from 25% to 30%;
- vi. While the legal framework generally provides an adequate basis for conducting democratic elections, a number of significant changes to the Interim Constitution, such as amendments granting powers to the President to appoint State Governors who were elected in 2010 elections and amendments granting additional powers to the NISS were deemed by most stakeholders as undemocratic. The latter, in particular, used the powers granted them to curtail activities of opposition parties and crack down on media and civil society;
- vii. The state of preparedness by NEC was in advanced stages. The processes that NEC has concluded so far include: demarcation of state geographic constituencies, voter registration, candidate's nominations, procurement and delivery of non-sensitive election materials. Other

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<sup>4</sup> See Appendix 1: List of presidential candidates for 2015 elections.

ongoing processes include political campaign, voter education and printing of ballot papers. While NEC indicated its readiness to conduct free, fair and credible elections, however, most stakeholders consulted have questioned its effectiveness, independence and impartiality. Stakeholders raised concern about the poor voter information and the lack of transparency with regard to the criteria used for determining the allocation of state geographic constituencies and conduct of voter registration process. The method of appointment of electoral commissioners also contributed to public perceptions that the NEC is not independent and performs its functions with biasness in favour of the ruling party;

- viii. Unlike in previous elections in 2010 when international donor support to the electoral process was readily available, there is generally a lack of external support for the 2015 elections. The government of Sudan is mainly funding the elections. Part of the reasons for this lack of international donor support to the elections is the perception that the elections are not genuine or credible. In addition, the donor community believes strongly that the holding of the elections would render the national dialogue process null and void. A comprehensive national dialogue is seen as the best mechanism to address Sudan's fundamental problems;
- ix. About one-third of the country's geographic area covering Darfur, South Kordofan and Blue Nile is under state of emergency due to ongoing rebellion in these areas. This situation not only impacted on the ability of the NEC to effectively conduct electoral activities in these areas (for instance, the Internally Displaced Persons (IDPs) who constituted one-third of the population of Darfur were reported to have been left out in the registration process), it also affected the ability of parties to operate freely and monitor the conduct of elections in these areas. All movements to and from these areas require official clearance from the NISS;
- x. A significant number of stakeholders – mostly from opposition parties, civil society and sections of the international community present in Sudan advised against international observation of the April 2015

elections. They believe that observing elections under the present conditions would only lend undue credibility and external legitimacy to what is clearly “deeply flawed” electoral process;

Based on its findings and assessment, the pre-election assessment mission concludes that the necessary conditions and environment for the holding of transparent, competitive, free and fair elections as agreed in the AU principles governing democratic elections have not been satisfied. The existing government’s security measures put substantial restrictions on freedom of expression, association and assembly and do not provide an environment for free participation in the electoral process.

The pre-election assessment mission takes note of the assurances by the NEC and the Government of Sudan through its Ministry of Foreign Affairs to facilitate the smooth entry of AU observers into Sudan and their movement throughout the country. However, in view of the prevailing situation in the country and the negative impact the conduct of these elections would have on the national dialogue process, including the potential for increase in violence, it is the considered view of the assessment team that deploying an AUEOM under this circumstance would not be viable and effective, and would not contribute to democracy building in Sudan as enshrined in the African Charter on Democracy, Elections and Governance and the OAU Declaration on Principles Governing Democratic Elections in Africa. Despite assurances from the authorities, AU observers would find it difficult to move freely within the host country, particularly in the conflict areas of Darfur, South Kordofan and Blue Nile which are currently under the state of emergency.

In the absence of deployment of an AUEOM, the pre-election assessment mission recommends the following responses:

- Intensification and strengthening of AU mediation efforts before and after the elections to find mutually acceptable outcomes and solutions to the many challenges facing Sudan, including democratic transformation;

- In the face of a general lack of support to the electoral process by the donor community, the AU should consider providing technical support and advice to the NEC to strengthen its capacity to conduct credible elections that meet acceptable standards. The NEC has already submitted request for technical assistance to the AU Democracy and Electoral Assistance Unit (DEAU); and
- Need for continued international engagement and support to the national dialogue process. Bilateral and multilateral partners should continue their support to the AU-led efforts at seeking peaceful resolution of the deep-rooted problems of Sudan.

## **II. BACKGROUND AND CONTEXT OF 2015 ELECTIONS**

The Republic of Sudan will hold presidential and national and state assembly elections on 13-15 April 2015. The elections are the second since the re-establishment of multiparty politics under an interim constitution in 2005. The first elections were held in April 2010 and were overwhelmingly won by the National Congress Party (NCP), which has ruled Sudan since 1989.

Preparations for the April 2015 elections are taking place against the backdrop of intense political polarisation in the country due to the stalled national dialogue process, ongoing rebellion in some parts of the country and social and economic difficulties.

On 27 January 2014, President Al-Bashir called for a National Dialogue initiative, which aims to address in a comprehensive and lasting manner the numerous challenges facing Sudan. The issues outlined in the national dialogue process include peace and national unity, economy, basic rights and freedoms, national identity, constitutional review and governance. The dialogue initiative was formally launched on 6 April 2014 through the convening of a National Political Parties Summit, which was chaired by President Al-Bashir.

Most Sudanese stakeholders and the international community at large, including the African Union, greeted the commencement of the dialogue with optimism. To lend its support to the dialogue process, the AU Peace and Security Council (PSC), in its 456<sup>th</sup> Meeting held in Addis Ababa, requested the AU High-Level Implementation Panel (AUHIP) for Sudan and South Sudan to play a role in facilitating the process as deemed appropriate by the Sudanese parties<sup>5</sup>.

Since the commencement of the national dialogue process, some limited positive steps have been noted, including the signing of the Roadmap

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<sup>5</sup> AU Peace and Security Council Communiqué 456 of 10 March 2014.

Agreement and the release of some opposition political leaders<sup>6</sup>. Among other things, the parties to the Roadmap Agreement resolved that a comprehensive political settlement is the ideal option to resolve the Sudanese problems and ensuring basic freedoms and human rights. However, there is little agreement beyond that, particularly on the rules and procedures on which the dialogue will be conducted. While opposition parties insist on the need to postpone the elections until after a comprehensive political settlement has taken place through the National Dialogue process and formation of a transitional government, the NCP-led government resists calls for the elections to be postponed, saying it is a constitutional requirement that must be met in order to avoid a constitutional crisis situation that will leave Sudan without a legitimate government. With these contrasting positions, the national dialogue initiative launched a year ago is, therefore, at a standstill.

It should be noted that one of the goals and objectives of the text of the Roadmap announced by the National Dialogue 7+7 Committee<sup>7</sup> was to agree on legislation and procedures necessary for the establishment of fair and impartial elections under the supervision of politically, financially and administratively independent commission. With the government's insistence and determination to move forward and hold the elections in April 2015, the main opposition parties<sup>8</sup> are, therefore, boycotting the elections. They also decided to suspend participation in the national dialogue until the requirements of a conducive environment are met.

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<sup>6</sup> The President of the National Umma Party, Imam Sadiq Al-Mahdi was released on 15 June 2014. Others released include Prof. Ibrahim Al-Sheik, leader of the Sudan Congress Party (SCP), and seven of his party's members, as well as Dr. Mariam Sadiq al-Mahdi, Deputy President of the National Umma Party.

<sup>7</sup> The 7+7 Committee comprises 7 members representing the Government of Sudan and 7 members representing the armed and unarmed opposition parties.

<sup>8</sup> These include the National Umma Party (NUP), the Popular Congress Party (PUP) and the Democratic Unionist Party (DUP).

### **III. Key Findings**

#### **a. The Constitutional and Legal Framework for Elections**

The April 2015 elections in Sudan are regulated primarily by the Interim National Constitution of 2005 (as amended), the National Elections Act of 2008 (as amended), and the Comprehensive Peace Agreement (CPA) of 2004, as well as other legislations<sup>9</sup> and rules and procedures by the National Electoral Commission. Both the Interim National Constitution and the CPA confirmed the right to vote as a fundamental right of Sudanese citizens.

Under the Interim National Constitution, Sudan is recognized as a multiparty democratic state, which must conduct regular elections every five years by direct universal adult suffrage, using secret ballot<sup>10</sup>. The Constitution also sets out the human and civil rights and liberties of all citizens<sup>11</sup>. It also establishes the National Electoral Commission (NEC) as the competent body for the management of elections. The National Elections Act of 2008 further provides the basic legal framework for conducting elections in Sudan and states in detail the composition, functions and powers of the Commission as well as prescribes the electoral system that will be used for the executive and legislative elections.

In preparation for the 2015 elections, several significant amendments were made both to the Interim National Constitution and the National Elections Act. Some of the amendments include increase in the percentage of Women's List from 25% to 30%; removal of the 3% threshold that political parties must secure to get a seat in the state and national assemblies under the PR system; cancellation of the elective principle under which state governors were chosen before; and transformation of the National Security Service (NSS) from an intelligence-gathering body into a national regular force with

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<sup>9</sup> The legal framework also includes the Law on Political Parties, which gives rise to the establishment of the Political Parties Affairs Council.

<sup>10</sup> See Article 4(d) of the Interim National Constitution.

<sup>11</sup> Part Two of the Interim National Constitution, titled "Bill of Rights", provides for the protection of fundamental human rights and freedoms of all citizens, including movement, assembly, association, expression, and campaigning, as well as free participation in elections.

broad powers and responsibilities that hitherto were exercised by other regular forces<sup>12</sup>.

While the legal framework generally provides an adequate basis for conducting democratic elections in Sudan, such as guaranteeing basic rights and freedoms, the amendments granting powers to the President to appoint State Governors who were hitherto elected and increase in the powers of the National Intelligence and Security Service (NISS) were deemed by most stakeholders as undemocratic. The latter, in particular, used the powers granted them to curtail activities of opposition parties and crack down on media and civil society.

Furthermore, the pre-election assessment mission notes that, while human and civil rights and liberties were prescribed in the Interim National Constitution, state authorities did largely not respect them. There were reports of existing government's security measures infringing on the freedoms of movement, assembly, association and expression, targeting mainly opposition parties, media and civil society groups. This situation, therefore, does not provide an enabling environment for the free participation of citizens in the electoral process and is in violation of both the Interim National Constitution and the African Union principles of democratic elections<sup>13</sup>.

#### **b. Election Administration and preparations for elections**

Article 141 of the Interim National Constitution establishes the National Electoral Commission as the competent body for the management of elections. The National Elections Act of 2008 further provides in detail the composition, functions and powers of the Commission. Accordingly, the NEC was bestowed with the responsibility for the administration and management

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<sup>12</sup> Article 151 (2-3) of the Interim Constitution (as amended).

<sup>13</sup> Paragraph IV (5) of the OAU Declaration on the Principles Governing Democratic Elections in Africa states that "individuals and political parties shall have the right to freedom of movement, to campaign and to express political opinions with full access to the media and information within the limits of the laws of the land."

of national and state elections and its related activities, including voter registration, voter education and candidates' nomination.

The National Election Commission is a nine-member permanent body that serves a six-year term, which is renewable only once. The members of the Commission are appointed by the President in consultation with the first Vice-President and approved by two-thirds majority of members of the National Assembly.

The day-to-day administration of NEC is carried out by a Secretariat based in Khartoum. A Secretary-General who is appointed by the Chairperson and approved by two-thirds majority of the members oversees the NEC Secretariat. The NEC has structures also in all the 18 states of Sudan. These are headed by State High Committees, who manage and implement electoral operations at state level. The State High Committees are supported by Constituency Election Officers who oversee the conduct of elections at constituency and local levels, including polling centres and stations.

According to NEC, the 2015 elections will be held in 468 state geographic constituencies, 213 national assembly constituencies, and 7133 polling stations across the country. It indicated, however, that due to security reason, elections will not take place in 7 constituencies in South Kordofan<sup>14</sup>.

The 2015 elections are funded entirely by the Government of Sudan through the Annual Budget. A total budget of eight hundred million Sudanese pounds (approximately US\$86m) was allocated to the NEC for the elections. Although the NEC did not elaborate on the reasons for lack of external funding and support to the elections, consultations held with the European Union (EU) delegation and the 'Troika' (US, UK and Norway) Ambassadors who comprised the donor community that supported the previous elections in 2010, indicate a lack of faith in the credibility of the electoral process.

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<sup>14</sup> Consultations with NCP representatives state the number as 8 constituencies that would not hold elections due to security reason. The team was later informed by UNAMID's Joint Special Representative that the Darfur region is currently under state of emergency and so elections may not be held in all the 5 states.

The NEC informed the pre-election assessment mission that its state of preparedness is now in advanced stages. It reported that it is technically, logistically and financially prepared to deliver credible elections. The processes that NEC has concluded so far include demarcation of state geographic constituencies, voter registration, candidate's nominations, staff training, procurement and delivery of non-sensitive election materials. Other ongoing processes include political campaign, voter education, printing of ballot papers and accreditation of observers. According to NEC, about 210 domestic organisations and 14 international organisations have applied for accreditation to observe the elections<sup>15</sup>.

While NEC had indicated its readiness to conduct the April elections, however, most stakeholders consulted expressed dissatisfaction with the NEC and did not perceive it as truly independent and impartial. In particular, stakeholders raised concern about the poor voter information and education and the general lack of transparency with regard to the criteria used for determining the allocation of state geographic constituencies and conduct of voter registration process. The method of appointment of electoral commissioners also contributed to public perceptions that the NEC is not independent and performs its functions with biasness in favour of the ruling party. As a result, most opposition parties and some civil society organisations that the mission consulted have shun monitoring key activities of NEC, including voter registration, nominations, campaigning and distribution of election materials.

Overall, the pre-election assessment mission notes that the NEC does not generally enjoy the confidence of most electoral contestants and stakeholders.

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<sup>15</sup> These figures cannot be verified at the moment but it definitely did not include western organisations, such as Carter Center, NDI, IFES, EU, IRI, etc.

### **c. Voter Registration**

The Interim National Constitution of Sudan guarantees the right of all Sudanese who are aged 18 or older to register as voters<sup>16</sup>. The legal framework also provides for a permanent voter register. The NEC is mandated to register voters to participate in elections and to update the register before any election. Amongst the criteria for registration as a voter, the NEC requires proof of citizenship, age eligibility, residency and mental soundness.

The pre-election assessment mission was informed by the NEC that it carried out the process of updating the voter register for the 2015 elections from October to December 2014. According to NEC, the number of eligible voters for the 2015 elections is 13,342,962. It remained unclear, however, how many new voters were registered, as the figure given by NEC also include voters registered for the 2010 elections.

Although NEC informed the pre-election assessment mission that it received no objections during the registration and exhibition process, various stakeholders the mission consulted indicated that the voter registration process was not accurate, transparent and inclusive. Most of them were unsure or unaware of when and where the process took place, indicating a lack of effective voter education campaign about the process. The mission was further informed that about 2.6 million internally displaced persons (IDPs) in Darfur were not registered. This constitutes about one-third of the population of Darfur. The same was said about IDPs in South Kordofan and Blue Nile who were left out of the registration process due to the deteriorating security situation in these areas.

It should be noted also that the 2010 election register, which was updated by NEC for the April 2015 elections, was prepared before the separation of South Sudan from Sudan. Opposition parties and civil society groups informed the mission that the 2010 register was itself disputed at the time. They also

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<sup>16</sup> See Article 41 of the Interim Constitution.

informed the mission that the updated register might still contain names of South Sudanese. Although the mission was unable to verify this, judging from the general attitude of boycotting the electoral process, it was obvious that the voter registration process was not well monitored by opposition parties and civil society groups – despite the fact that the NEC did exhibit the register for verification and objections.

#### **d. Political Parties and Candidates**

Under the Interim Constitution, Sudan is a multiparty state. Political parties and candidates in Sudan are registered and regulated by the Political Parties Affairs Council (PPAC)<sup>17</sup>. Representatives of the Political Parties Affairs Council informed the mission that a total of 82 political parties have been registered. However, only 42 are slated to compete in the upcoming elections. A total of 16 candidates (6 from political parties and 10 as independents) are contesting the presidential elections. According to the PPAC, political parties and candidates are still allowed to register for the 2015 elections. The deadline for registration of political parties and candidates is on 30 March.

The requirements for registering a political party or candidate are not wildly considered as stringent, except for ‘smaller’ parties and some independent candidates who considered it financially and physically difficult to get the required number of signatures<sup>18</sup>. This is particularly so when there is no funding for political parties. Although the law requires that funding be provided to parties, the government has done nothing to implement this provision.

The majority of candidates and political parties contesting the elections are considered to be either ‘creation’ of the NCP government – to give the elections a semblance of political competitiveness – or sympathisers of the

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<sup>17</sup> The Political Parties Affairs Council was established by the Political Parties Act of 2007 as an independent national body responsible for registering and regulating political parties in Sudan.

<sup>18</sup> At least 500 founders for a national party and must have founders from at least three states, amongst other requirements.

regime. A close examination of the list of contending parties and candidates for the presidency<sup>19</sup> reveals mostly new or little-known parties and candidates competing against long-time President Al-Bashir and his NCP party.

Apart from the relative ease of registering political parties and candidates, which gives rise to the high number of registered parties, the overall political environment is considered restrictive, impacting on the level of political participation by opposition parties, civil society and media. Various Sudanese stakeholders informed the pre-election assessment mission that political parties, civil society and media were barred from discussing certain issues relating to the conflict in the country, the President and his NCP regime, and certain political and social topics. Opposition parties also complained about arbitrary arrests of their members and restrictions on their movement, which limit their ability to freely organize and conduct campaign activities. They complained that they are not allowed to conduct rallies outside of their premises. Also, there were reports of media muzzling and imprisonment of journalists who ignored the ban on discussing issues relating to the conflict or critical of the political regime. Clearly, under this circumstance, the rights of individuals or political parties to freedom of movement, to campaign and to express political opinions with full access to the media as stipulated in the African Union principles governing democratic elections in Africa, were generally not respected. The pre-election assessment mission notes that, as a signatory to the African Charter on Democracy, Elections and Governance, the Government of Sudan is under obligation to uphold and guarantee conditions under which democratic elections are conducted<sup>20</sup>.

The restriction on political and civil rights and liberties was one of the core reasons for the boycott of the elections by the main opposition parties. The majority of opposition parties, civil society groups and representatives of international community the pre-election assessment consulted believe that the current political environment in the country is not conducive for the

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<sup>19</sup> See Appendix 1: List of presidential candidates.

<sup>20</sup> See Article 19 of the Charter; and paragraphs III & IV of the OAU Declaration on the Principles Governing Democratic Elections in Africa.

conduct of free, fair and credible elections. They cited a number of arrests and detentions of opposition and civil society figures. To them credible elections in Sudan can only happen after a comprehensive and inclusive national dialogue process, which they believe would resolve not only the country's security and economic challenges, but also its democratic transformation.

#### **e. Election Campaign and Campaign Finance**

Campaigning for the 2015 elections officially started on 24 February and ends on 10 March 2015. The pre-election assessment mission notes that the restrictive political environment<sup>21</sup> affects the election campaign. With all major opposition parties boycotting the elections, the election campaign, though peaceful<sup>22</sup>, is largely passive and invisible. President Al-Bashir and the NCP party largely dominate the campaign, which they conducted mostly in the media and through billboards and posters. In the regions, meetings with voters was said to be the primary campaign method.

The smaller political parties and independent candidates told the pre-election assessment mission that they were unable to mount a significant campaign due to lack of funding by the state.

The National Elections Act of 2008 and the Political Parties Act of 2007 regulate election campaign finance to a limited extent. The NEC is mandated to verify contestants' financial reports and monitor campaign finance. Both NEC and the Political Parties Affairs Council informed the pre-election assessment mission that there is spending limit for political parties and independent candidates. The exact figure cannot be ascertained at the time. However, some contesting candidates and parties expressed a number of concerns about the use of state resources during campaigns and overspending by the President and his NCP party due to their access to and domination of state resources. While the pre-election assessment mission

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<sup>21</sup> Freedoms of expression, association and assembly were generally not respected.

<sup>22</sup> Except that President Al-Bashir was reported to have made threatening or intimidating remarks to those boycotting or calling for boycott of the elections during his campaigns.

was unable to verify this, it seems the capacity of NEC to monitor violations of campaign finance regulation is limited.

#### **f. Civic and Voter Education**

NEC is mandated to conduct civic and voter education in close cooperation with civil society groups and other relevant stakeholders. The NEC informed the pre-election assessment mission that, unlike 2010 elections when multiple stakeholders were involved in funding civic and voter education activities, for the 2015 elections, only the International Organisation for Migration (IOM) is supporting its efforts in this area.

The lack of sufficient external support affects NEC's ability to undertake and promote effective civic and voter education. This partly explains the reason why some stakeholders claimed to have limited knowledge about the activities of NEC. Also, some of the civil society groups such as National Civic Forum and SORD, which were the main domestic observation groups in 2010 elections are boycotting the electoral process or prevented from participating in the process. This affects the reach of voter education to citizens, particularly in the regions. The role civil society organisations play in promoting civic and voter education on the democratic principles and values of elections cannot be overemphasized.

#### **g. Role of the Media**

Media in Sudan is regulated by the Press and Publishing Act of 2008. According to the media law, broadcasters are legally obliged to cover elections in an accurate, balanced and impartial manner.

The NEC informed the pre-election assessment mission that it had engaged the national television and radio for the provision of equal coverage to all contesting parties and candidates. Each contestant in the presidential elections was entitled to 20 minutes of free airtime and 30 minutes for parties

a day. Contestants were also entitled to additional paid airtime, with prices not exceeding normal commercial advertising pricing.

Although the pre-election assessment mission did not monitor media coverage of the elections, it was informed by Sudanese stakeholders that the public broadcaster was mostly dominated by news coverage of the President and the NCP. These stakeholders also informed the mission that the media landscape in Sudan is characterized by wave of censorship of independent newspapers and harassments, arrests and detention of journalists, despite the guarantees of freedom of expression principles in the Interim Constitution<sup>23</sup>. Laws subordinate to the constitution such as the National Security Forces Act of 2010 was reported to contain articles that can be potentially used to curtail press freedom and instigate legal proceedings against newspapers and individual journalists.

Accordingly, the media in Sudan is reported to work under tight daily censorship controls exercised by the National Intelligence and Security Service. According to Sudanese Journalists Network, the media in Sudan is barred from reporting on issues relating to the conflict and/or being critical to the ruling regime, failure to which punitive measures, such as confiscation, deregistration, suspension and detention would be applied by NISS. The spate of seizures and confiscation of independent media has contributed to the dearth of independent and balanced information on the electoral process. It was also seen as violation of the confidence-building measures agreed upon by the Government and Sudanese stakeholders who signed the Roadmap Agreement on the National Dialogue and Constitutional Process<sup>24</sup>.

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<sup>23</sup> See Article 39 of the Interim Constitution.

<sup>24</sup> Among other things, the parties in the national dialogue (representatives of the Committee of 7+7) agreed to ensure that the judiciary would be the only institution to adjudicate matters relating to the exercise of freedom of expression and publication, with no resort to extraordinary measures.

## **h. Security of the Elections**

Preparations for the April 2015 elections are taking place against a backdrop of ongoing conflict and insecurity in some parts of the country, namely, Darfur, South Kordofan, Blue Nile and Abyei. These areas combined comprised more than one-third of the population of Sudan and almost half of its 18 states<sup>25</sup>.

The NEC informed the pre-election assessment mission that it is closely working with the Ministry of Interior to ensure that maximum security is provided before, during and after the elections. According to NEC, a security committee has been set up for each state to look into security arrangements for the elections. The NEC assured the mission that the elections will be well secured and that voting will take place in all but 7 geographic constituencies in South Kordofan. It further assured the mission that it is prepared to help facilitate the smooth entry into Sudan and movement within the country of all international observers, including AU observers.

Beyond the security assurances provided by NEC, other stakeholders that briefed the mission indicated that the security situation in Darfur, South Kordofan and Blue Nile is still volatile and there is currently a state of emergency in these areas. All movements to and from these areas require official clearance from the NISS. This situation not only impacted on the ability of the NEC to effectively conduct electoral activities in these areas<sup>26</sup>, it also affects the ability of parties to operate freely and monitor the conduct of elections in these areas. Stakeholders equally believe that it would be difficult for an election observation mission to operate freely and effectively cover these areas<sup>27</sup>. Failure to cover these would challenge the credibility of the report of any observation mission because over one-third of the population of Sudan is found in these locations.

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<sup>25</sup> Darfur has 5 states; South Kordofan has 1; and 1 for Blue Nile, making a total of 7.

<sup>26</sup> About 2.6 million internally displaced persons (IDPs) or one-third of the population of Darfur were not registered due to security challenges in places where they live.

<sup>27</sup> Freedom of movement within the host country and unimpeded access to all polling stations and counting centres, including those used by the military or other specific groups is one of the cardinal rights of international observers.

The pre-election assessment mission was also informed about the potential for violence during the upcoming elections due to the current political stalemate, which has led to boycott of the elections by a significant number of opposition parties and civil society groups. There were reports of pre-election violence targeting opposition candidates in Darfur and Nyala. A militia leader in Darfur was also reported to have issued warnings and threats to disrupt the election process in the Darfur region.

Based on its consultations with various stakeholders, the pre-election assessment notes that, overall, the security situation in Sudan is not conducive for the conduct of credible elections as stipulated in the African Union guidelines and principles of democratic elections<sup>28</sup>.

#### **i. International observation of the elections**

International election observation missions play key role in promoting transparency of elections, reinforcing their credibility and ensuring acceptance of results.

In view of the important role that international election observation missions play, the NEC and the Government of Sudan through its Ministry of Foreign Affairs are keen on having international organisations to observe the upcoming elections. According to NEC, it has received about 16 application requests from international organisations and 210 applications from domestic organisations.

It remains unclear, however, which international organisations have applied to observe the upcoming elections. From its consultations with the envoys of the Arab League and IGAD based in Khartoum, the pre-election assessment mission was informed that no decision has been taken by these organisations to deploy observers to Sudan. Like the AU, the Arab League plans to deploy a pre-election assessment mission to examine the prevailing conditions before

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<sup>28</sup> See Articles 4.6 and 5 of the AU Guidelines for Elections Observation and Monitoring Missions; and Paragraphs III & IV of the OAU Declaration on the Principles Governing Democratic Elections in Africa.

deciding whether or not it would observe the election. The European Union (EU) and other western organisations traditionally involved in observation of elections were reported to have boycotted the elections over concerns about their credibility.

Regarding domestic observer organisations mentioned by NEC, the pre-election assessment mission notes that majority of these are governmental or public institutions, not independent civil society organisations.

Sampling the views of various stakeholders on the deployment of a potential AU election observation mission, the pre-election assessment mission notes the divergent views of stakeholders. On one hand, the majority of opposition parties, civil society and international community (except some African Ambassadors and the Arab League envoy) would like to see AU distance itself from observing the elections. On the other hand, the NEC, the Government and representatives of public institutions in Sudan all expressed desire to welcome the AU election observers.

#### **IV. Implications for deployment and non-deployment of an African Union Election Observation Mission (AUEOM)**

##### **a. Deployment of AUEOM**

The following implications are envisaged should the AU decide to deploy observers to the April 2015 elections:

- It would be viewed by most opposition parties, civil society and sections of the international community in Sudan as giving undue external legitimacy to a process they viewed as deeply flawed;
- It would send a wrong message to the Sudanese government, which will further embolden it to refuse to engage with sincerity other stakeholders in the national dialogue process aimed at addressing the numerous and perennial challenges facing Sudan;

- It would potentially undermine the Roadmap Agreement and the standing of the AUHIP in the national dialogue process;
- Such a move may go against that Communiqué adopted by the Peace and Security Meeting during its 456<sup>th</sup> Meeting held in Addis Ababa on 12 September 2014 which recognized the importance of the National Dialogue as a critical milestone for bringing about a comprehensive, lasting and sustainable peace in Sudan;
- It would unnecessarily expose AU observers to potential security risks in the three areas of Darfur, South Kordofan and Blue Nile. Failure to observe in these areas would challenge the credibility of AU observer report.

#### **b. Non-deployment of AUEOM**

The following implications are envisaged should the AU decide **not** to deploy observers to the April 2015 elections:

- The Government of Sudan would feel disappointed and may perceive the AU as taking sides in the dispute between it and those campaigning for postponement of the elections;
- It would rob the elections of its credibility and by extension the legitimacy of the government that will be formed after the elections;
- It may force the Government of Sudan to rethink and engage more positively with other stakeholders in the national and constitutional dialogue process; and
- It would set a precedent that the AU is upholding its principles governing democratic elections in Africa. This may present the AU in good light. However, this has to be a consistent practice.

#### **V. Conclusion**

The majority of the interlocutors met by the pre-election assessment mission underscored the importance of the national dialogue process for the future of Sudan and in the overall efforts towards the democratic transformation of the

country. The overwhelming demand of stakeholders is that elections be held after a comprehensive national dialogue process that would address not only the numerous challenges facing Sudan but also creates an enabling environment for the conduct of genuine and inclusive electoral process.

Based on its findings and assessment, the pre-election assessment mission concludes that the necessary conditions and environment for the holding of transparent, competitive and credible elections as agreed in the AU principles governing democratic elections have not been satisfied. The mission notes that the existing government security measures put substantial restrictions on freedoms of expression, association and assembly and they do not provide an enabling environment for free participation in the electoral process.

The pre-election assessment mission also takes note of the assurances by the NEC and the Government of Sudan through its Ministry of Foreign Affairs to facilitate the smooth entry and movement of AU observers. However, in view of the deteriorating security situation in 7 out of the 18 states of Sudan, and the negative impact the conduct of the elections would have on the national dialogue process, including the potential for increased violence, it is the considered view of the pre-election assessment mission that deploying an AUEOM under this circumstance would not be viable and effective, and would not contribute to democracy building in Sudan as enshrined in the African Charter on Democracy, Elections and Governance, which the Republic of Sudan has signed and ratified. Despite assurances from Sudanese authorities, AU observers would find it difficult to move freely within the host country, particularly in the conflict areas of Darfur, South Kordofan and Blue Nile, which are currently under state of emergency.

## **VI. Recommendations**

The pre-election assessment mission wishes to offer the following recommendations in line with previous decisions and communiqués of the AU Peace and Security Council and in the context of the involvement of the AU through the work of the African Union High Implementation Panel (AUHIP) to

Sudan and South Sudan led by H.E. Thabo Mbeki, Former President of South Africa:

- The planned elections be postponed and national dialogue be prioritized. This will allow more time for the creation of an enabling environment for credible, transparent and competitive elections following the national dialogue as elaborated in the Communiqué of the AU Peace and Security Council during its 456<sup>th</sup> Meeting on the report of the AUHIP for Sudan and South;
- Mediation: AU should intensify and strength its mediation efforts through the AUHIP before and/or after the elections to find mutually acceptable outcomes and solutions to the many challenges facing Sudan. In particular, the AU should encourage all parties to join the national dialogue process. In this regard, it is prudent to call for postponement of the elections until such a time the necessary conditions,.,;
- Technical Assistance: In the interim between the national dialogue and the holding of elections, AU and international donor community should consider providing technical support and advice to the NEC to strengthen its capacity to conduct credible elections that meet acceptable standards. The NEC has already submitted a request for technical assistance to the AU Democracy and Electoral Assistance Unit (DEAU). This request should be honoured and acted upon immediately after a decision to postpone the elections has been agreed upon. Providing technical assistance to the NEC is absolutely necessary at a time when there is a general lack of external support to the electoral process;
- AU should encourage the Government of Sudan to engage in some immediate confidence-building measures such as relaxing restrictions and allowing political freedoms; and
- There is need for continued international engagement and support to the national dialogue process. Bilateral and multilateral partners should continue their support to the AU-led efforts at seeking peaceful resolution of the deep-rooted problems of Sudan.

## Appendices

### Appendix 1: List of Presidential Candidates for 2015 Elections

No	Name	Political Party	Symbol
1	Omar Hassan Ahmed Al-Bashir	National Congress Party (NCP)	Tree
2	Fadul Elseed Issa Shuaap	Federal Truth Party	Tractor
3	Abd Al-Mahmoud Abd Eljabar	Union of Forces for the Nation	Lamp
4	Mohamed El Hassam Mohamed El Hassan	National Reform Party	Moon
5	Yasir Yahya Salih	Justice Party	Horse
6	Fatima Ahmed Abd Al-Mahmoud	Sudanese Democratic Socialist Union	Pigeon
7	Khairy Bakhit Khairy Khidr	Independent	Flower
8	Hamdi Hassan Ahmed Mohammed	Independent	Map of Sudan
9	Assad El Nile Adel Yasin	Independent	Window
10	Essam Ali Al-Gali Taj El Deen	Independent	Victory Sign
11	Ahmed El Radi Jadallha Saleem	Independent	TV
12	Adel Dafallaha Jabir Bashir	Independent	Bristles
13	Mohammed Awad Ahmed Elbarudi	Independent	Lorry
14	Alam Elhuda Ahmed Osman Mohammed	Independent	Ball
15	Omer Awad El-Kareem Husein Ali	Independent	Compass
16	Mohamed Ahmed Abdlgadir Alarbab	Independent	Elnihass

