

The NEC should announce the number and location of polling stations in a timely fashion and inform all registered voters of their voting rights and the location of their respective polling station. This will help ensure that all registered voters have equal access to the polls. The Carter Center also urges the wide participation of political party agents from across the political spectrum, as well as increased mobilization of domestic observers, to monitor the polling process. In addition, the Center would welcome the participation of additional international observers given the importance of the elections in South Kordofan for all of Sudan.

Finally, in light of Sudan's commitments to ensure equal and universal suffrage, the responsibility to ensure faithful implementation of the CPA, and Sudan's constitutional protections of freedoms of association and freedom of expression, the Government of Sudan (GOS), in partnership with representatives of the international community present in South Kordofan, should continue to closely monitor the situation in the state. In particular, in the leadup to polling in May, while recognizing that an election is a political contest, all sides should recommit to working together to achieve a peaceful interim process in the state.

The Center observed voter registration in South Kordofan, conducted from Jan.24-Feb. 12, in preparation for the State Legislative Election scheduled for May 2. The Center deployed six observers who visited 67 voter registration centers in South Kordofan in 19 of the state's 32 constituencies. The Carter Center appreciates the timely action by the NEC to provide accreditation to Carter Center observers, ensuring no delay in observer deployment.

The Carter Center will remain in Sudan to observe the candidate nomination, campaigning period, polling, and counting processes of the South Kordofan elections. The elections will be assessed against the 2005 CPA, Sudan's Interim National Constitution, the National Elections Act, the Political Parties Act, as well as Sudan's international treaty obligations. Currently, the Center has 12 long-term observers in Sudan to report on post-referendum processes and to monitor the postponed elections in South Kordofan and Popular Consultations in Blue Nile. The objectives of the Center's observation mission in South Kordofan are to provide an impartial assessment of the overall quality of the electoral process, promote an inclusive process for all in South Kordofan and demonstrate international interest in the electoral process.

The Center's observation mission is conducted in accordance with the Declaration of Principles for International Election Observation and Code of Conduct that was adopted at the United Nations in 2005 and has been endorsed by 35 election observation groups. The Center will release periodic public statements on referendum findings, available on its website: www.cartercenter.org/

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Preliminary Statement on the Voter Registration Process for the Postponed Elections in South Kordofan

The Carter Center observed the voter registration process in South Kordofan, conducted from Jan. 24- Feb. 12, in the run up to the state legislative election anticipated to take place on May 2.¹ The Center deployed six observers who visited 67 voter registration centers in South Kordofan in 19 of the state's 32 constituencies. The analysis and recommendations included in this statement are based upon the direct observations of the Center's observers.

Overall, the Center noted that election staff at voter registration centers conducted their work in South Kordofan in a largely credible manner. Voter registration was conducted in a peaceful environment in the majority of locations with the exception of a minor security incident in Alsammah East. Registration centers generally operated without major impediments providing the residents of the South Kordofan an opportunity to register for the elections in May 2011.

Despite these successes, there were several shortcomings that hurt the inclusiveness and integrity of voter registration, resulting in low voter registration. The NEC announced a total of 642,555 registrants, which is approximately 100,000 voters lower than the voter registration in South Kordofan for the April 2010 national elections. According to the June 2010 census, there are approximately 1,172,406 eligible voters in the state. While it is not possible to determine the exact reason for lower than anticipated voter turnout, insufficient voter education, a limited number of registration centers and poor preparations by the NEC were likely contributing factors. During the voter registration process, election management authorities deployed insufficient

Few cases were reported of voters being denied the opportunity to register due to the residency requirement or absence of identification documents. In the majority of registration centers visited by observers, registration staff failed to request proof of identification, suggesting that their training did not sufficiently focus on the preliminary steps of the registration process. Given that registration was conducted by mobile teams it is unlikely that officials would always be able to rely on any registration staff's personal knowledge of community members. In the future, training should focus on ensuring these important checks are adhered to by staff.

The Center was also concerned with the SHEC's failure to provide sufficient access to voter registration centers to residents of the Abyei area. According to the CPA, citizens of Abyei should be represented in the legislative assembly of South Kordofan.⁶ In the letter to the Center, the NEC confirmed the eligibility of Abyei "citizens" and noted that they are part of El Dibab and North Abyei constituency No 32.⁷ It is of concern, therefore, that the SHEC in South Kordofan decided against deploying voter registration centers within the boundaries for Abyei as set by the Permanent Court of Arbitration. This effectively forced eligible residents of Abyei to travel many kilometers north in order to register to vote. While residents who were not able to register to vote have no further recourse at this point, the Center urges the SHEC to ensure that measures are taken to provide voter education to registered voters in Abyei regarding polling procedures and the location of their polling station for the elections in May.

Election Administration

The NEC has the responsibility to administer elections nationwide, including the voter registration process. While the NEC largely abided by existing laws, the commission failed to adopt and publish procedural decisions in a timely manner, which would have improved the transparency and integrity of the process.⁸ By prioritizing speed over inclusivity in the registration process, the NEC failed to fully abide by Sudan's commitments to guarantee universal and equal suffrage for all eligible citizens, and increased obstacles to participation.⁹

The NEC was constrained by limited capacity and funding during the registration process; staff at the majority of registration centers visited by observers was concerned by a lack of compensation. In all, 68 percent had not yet received payment during the registration process. In many locations visited by observers, voter registration staff reported receiving 200 SDG (approximately \$70 USD) as a loan, which was to be deducted from their salaries. Several staff felt they had not received adequate information regarding when they would receive their final salary. The NEC should work with the SHEC in South Kordofan to ensure all staff receives clear information on payment in a timely manner and to create a plan in the weeks before voting begins so that polling staff are not subject to similar ambiguity or delays in payment.

document of the eligibility, the law provides for identifiers who are authorized to vouch for people in their assigned region.

⁶ Article 6.2, Comprehensive Peace Agreement.

⁷ Letter dated Feb. 21, 2011, sent by the Secretary General Dr. Galal Mohamed Ahmed.

⁸ The National Elections Act (Article 5) recognizes the independence of the election management bodies by stating that "[t]he Commission shall be financially, and technically independent, and shall perform its functions and duties independently, impartially and transparently..."

⁹ Article 25 (b) UN, International Covenant on Civil and Political Rights; UN, United Nations Human Rights Committee, General Comment 25 (para 11) on "The Right to Participate in Public Affairs, Voting Rights and the Right to Equal Access to Public Service."

Registration Process

While the majority of the voter registration centers observed by The Carter Center implemented their duties in a technically sound manner, there were nonetheless several deficiencies in administration by the NEC and SHEC that hurt the integrity of the voter registration process. Carter Center observers reported several instances in which staff failed to follow procedures correctly. Of particular concern, registration staff consistently failed to ask where the citizen was residing (registrars inquired at 26 percent of centers visited), their length of residence in the area (nine percent of registrars), and whether the registrant had previously registered to vote in another area (reported at only one center visited by observers). The registration procedures require staff follow these steps to provide safegua

in the Khartoum data center to facilitate the process.¹⁵ The number of books processed in Khartoum eventually totaled 110. Despite these efforts, data entry did not finish on time and the exhibition process was delayed by three days after it was clear the Feb. 23 deadline could not be met, which in turn impacted the electoral timeline.

Carter Center observers reported that a small number of books were quarantined in Kadugli and

observers were impeded in their work. However, to the knowledge of Carter Center observers, none of these allegations materialized as official complaints.

On Jan. 28, the SPLM filed an official complaint with the SHEC alleging registration of underage people, denied access of their party agents to registration centers and also challenged the suspension of the registration process in Alsammah East registration center # 2 due to the chaos that was caused by unidentified people, and demanded the dismissal of the chairperson.¹⁹ NCP officials brought a counter complaint, alleging that the SPLM disturbed the registration process and claiming that SPLM agents were photographing registrants, which led to a shooting and created a disorderly environment. In its who6N b1.151,

for violations of political and electoral rights, including the right to vote and to be registered as a voter, as well as candidature, party and campaign rights.²³ In addition, it is the responsibility of the state to ensure the dispute is resolved effectively within the timeframe of the electoral process by an independent and impartial authority.²⁴

Political Party Activity

The presence and active participation of party agents representing different interests is critical to the integrity of the electoral process. The agents' effectiveness, however, is based on their ability to work freely, with a strong comprehension of election procedures and of their role in the process. During the registration period, party agents were seen in the majority of registration centers observed, however, their membership was largely limited to the NCP and SPLM. Of these two parties, the SPLM had a larger presence across the state in the stations visited by observers. During the meeting with the National Umma Party, observers were informed that the party did not have enough resources to monitor the voter registration process, which also appears to be the case with other opposition parties.

In addition to observing the process, party agents were seen outside the majority of registration centers observed, recording names and numbers of people registered. Members of both parties told observers that this was a way of tracking how many of their members registered, and providing an estimate of how many votes to expect for their candidates. While not in violation of the electoral law, this practice is not an official step of the registration process, resulting in potential confusion for many registrants. Political parties should ensure their members do not engage in activity that could undermine public confidence in the integrity of the electoral process. In this respect, political parties can play an important role in helping to ensure the entire election process is free from coercion or intimidation and is in line with national laws and international obligations.²⁵

Following the completion of voter registration, the eight opposition parties²⁶ held a press conference on Feb. 27 at the SPLM headquarters in Khartoum to announce their concerns to the NEC publicly. On March 28, the SPLM and its supporters restated their concerns over the voter registration process at the demonstration staged in front of the NEC. Regardless of intensive police presence attempting to restrict them from getting close to the NEC headquarters, the petition was submitted.²⁷ In addition, grievances over the voter registration process have been expressed in the SPLM office in Mogran, Khartoum with over 2,000 supporters attending the meeting.

Civic Education

Low registration figures suggest that civic voter education was not widespread throughout South Kordofan, impacting participation levels of eligible voters. Due to late decision-making and the subsequent failure of registration centers to inform registrants of the locations of exhibition and

²³ Article 2, UN, International Covenant on Civil and Political Rights.

²⁴ Article 17, AU, African Charter on Human and Peoples' Rights.

²⁵ Article 40-41, Interim National Constitution,; Article 25, UN, International Covenant on Civil and Political Rights; United Nations Human Rights Committee, General Comment 25.

²⁶ SPLM, Sudan Communist Party, Democratic Unionist Party, National Umma Party, National Party, Justice Party, Popular Congress Party, and Sudanese Ba'ath Party.

²⁷ Please see section on complaints and appeals.

including in election management bodies. It is critical that the NEC and the GOS take steps to ensure that women have greater representation at all levels of the electoral process and are equal partners in realizing Sudan's democratic transition.³¹

Domestic and International Observers

The Carter Center was the only international observer group present in South Kordofan for the voter registration process. Carter Center observers had full access to voter registration centers across the state, the data center and the SHEC and were not hindered in fulfilling their duties. The Carter Center appreciated the timely action by the NEC to provide accreditation to Carter Center observers, ensuring no delay in observer deployment. The Center hopes that additional organizations will apply for accreditation with the NEC and will send observers to monitor the polling processes in South Kordofan.

It is also regrettable that the process was not widely observed by domestic observers, which would have further ensured the transparency and integrity of the process. The SHEC informed Carter Center observers that approximately 120 observers from four domestic groups (Salah, Developing Democracy and Human Rights Network, Thiqh al Atiah, and National Civic Forum) had been accredited. The National Civic Forum was only able to observe as of Feb. 2 due to budget constraints. The Developing Democracy and Human Rights Network commenced observation on Jan. 27 and claimed to have 90 volunteers covering all 32 constituencies. However, the Carter Center observers encountered very few observers at voter registration centers and none were present at the data center in Kadugli.

The Center urges domestic observer organizations to increase their presence during the polling period, while also urging international partners to provide any necessary support to ensure observers are present throughout the state to monitor and report on all remaining parts of the electoral process. Sudan is obligated by an international commitment to ensure that every citizen has the right to participate in the public affairs of Sudan and the right to freely participate within civil society and domestic observation organizations.³²

Role of Security Forces

In most locations of South Kordofan, security forces played a generally positive role in ensuring the security of registration centers. Carter Center observers reported that there were almost no cases of intimidation or harassment by security forces directly observed at voter registration centers. Members of Sudan's national police generally played a positive role in maintaining order during the process; observers recorded members of the police entering registration centers, in contravention to the NEC's procedures on voter registration, at only nine percent of registration centers visited.³³ There were isolated reports of arrests of opposition party members without cause in South Kordofan during voter registration, which may contribute to increased tensions on the local level.

It should be noted that South Kordofan, on the border with Southern Sudan, is impacted by the ongoing conflict in Abyei and the resulting civilian displacement and troop buildup. The GOS, in

³¹ Article 9 (1), AU, Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women.

³² Article 25, UN International Covenant on Civil and Political Rights.

³³ NEC, Electoral Register Manual, Procedures for Updating the Electoral Register, Southern Kordofan 2011,

partnership with representatives of the international community present in South Kordofan, should continue to monitor tensions in the state, particularly in the lead-up to polling in May. All sides should recommit to working together to achieve a peaceful interim process in the state.³⁴

Background on the Carter Center's Mission

The Carter Center election observation mission observed the entirety of the 2010 National Elections following an invitation from the leaders of the Government of National Unity and the Government of Southern Sudan. In August 2010, the Center commenced referendum observation activities, subsequently deploying long-term observers throughout Sudan in September 2010, including to South Kordofan, where a team has been present in the state on a continuous basis. The Center assesses the election processes in South Kordofan based on the Comprehensive