

**Note to Mr. Le Roy**

**Briefing to the Security Council on elections in Sudan**

**11 March 2010**

Monsieur le Président,

1. Je vous remercie de me donner l'opportunité de présenter au Conseil de sécurité la situation au Soudan. Comme les membres du Conseil le savent, le Soudan prépare actuellement ses premières élections nationales en 24 ans. Elles auront lieu du 11 au 13 avril et se tiendront à tous les niveaux des deux gouvernements d'unité nationale et du Sud Soudan. Ces élections sont une étape importante pour la transformation démocratique du Soudan prévue par l'Accord de Paix global (CPA) de 2005. Les préparatifs sont bien avancés, avec l'assistance technique des Nations Unies et leur soutien logistique limité. D'importants progrès ont été accomplis, mais de nombreux défis demeurent. C'est pourquoi, nous pensions qu'il était temps d'informer le Conseil de l'état d'avancement du processus et de partager avec lui certaines de nos préoccupations.

Monsieur le Président,

2. Comme vous le savez, le processus d'inscription des électeurs sur l'ensemble du territoire soudanais s'est déroulé dans le calme du 1er novembre au 7 décembre. D'après le rapport de la Commission Electorale Nationale du 2 mars, 79% de la population en âge de voter selon le recensement effectué en 2008, a été inscrit sur les listes. Ce pourcentage inclut 67% de la population concernée au Darfour,

72% dans le reste du nord et 111% au Sud-Soudan. Les raisons du fort taux d'enregistrement dans le sud ne sont pas entièrement claires. Cependant, il doit être noté que le Mouvement populaire de libération du Soudan (SPLM) avait dénoncé les résultats du recensement de 2008 comme ayant sous-estimé le nombre de personnes dans le sud.

3. Bien que la Commission Electorale Nationale n'ait pas publié de données détaillées sur l'enrôlement des personnes déplacées internes, il semble que seul un nombre limité d'électeurs, 10%, ait été inscrit sur les 2.3 millions de personnes déplacées au Darfour. Cela s'explique par le boycott des personnes déplacées des camps fidèles à Abdul Wahid, ainsi que les considérations sécuritaires qui ont empêché la Commission Electorale Nationale d'ouvrir des bureaux d'enregistrement dans certains camps. Ceci étant, quelques personnes déplacées qui avaient boycotté le processus d'inscription sur les listes électorales ont récemment exprimé un intérêt à participer. En particulier, les chefs du camp de déplacés d'Abu Shouk à El Fasher ont demandé la réouverture des bureaux d'enregistrement dans le camp où seulement 4 700 sur les 54 141 résidents avaient été inscrits. Cependant, nous restons inquiets du grand nombre de personnes déplacées ainsi que des électeurs potentiels vivant dans les zones contrôlées par les groupes rebelles, qui demeurent exclus du processus électoral.

Monsieur le Président,

4. Comme vous le savez, le 1er juillet 2009, l'Assemblée législative du Sud Soudan a officiellement rejeté les résultats du recensement de 2008. En dépit de son attachement réitéré à la tenue des élections, le Mouvement populaire de

libération du Soudan (SPLM) continue de contester les résultats du recensement comme base de distribution des sièges et de délimitation des circonscriptions pour le scrutin législatif. Cependant, le 21 février, le Gouvernement d'Unité Nationale et le Gouvernement du Sud Soudan ont conclu un accord selon lequel ce dernier renonce à ses objections contre l'octroi de 40 sièges supplémentaires à l'Assemblée Nationale. Cet accord permet aux représentants du Sud de maintenir leur droit de veto à l'Assemblée Nationale. Les partis d'opposition ont dénoncé cet accord comme illégal et inconstitutionnel puisqu'il n'a pas été validé par l'Assemblée Nationale.

5. Cet accord a également des conséquences pour le Sud Kordofan où les désaccords sur les résultats du recensement ont été particulièrement prononcés. Le SPLM a dénoncé le fait que le recensement n'ait pas inclus bon nombre de ses partisans et protesté contre la réduction du nombre des circonscriptions dans la capitale de l'Etat sur la base de ces résultats. Le SPLM a également qualifié le processus d'inscription des électeurs dans l'Etat du Kordofan de très largement frauduleux. Le 23 janvier, le Gouverneur adjoint du Sud Kordofan a annoncé que le SPLM boycotterait les élections dans l'Etat à moins que la délimitation des circonscriptions ne soit revue et le recensement reconduit. C'est pourquoi l'accord du 21 février stipule que les élections dans l'Etat du Kordofan seront décalées afin de permettre la tenue d'un nouveau recensement et la redistribution des circonscriptions de l'Etat. Cet accord prévoit par ailleurs l'attribution de six nouveaux sièges au Sud Kordofan et à Abyei dans l'Assemblée Nationale, portant le nombre total de sièges de celle-ci de 450 à 496. Ceci a soulevé la question de la sous-

représentation du peuple du Sud Kordofan dans les institutions nationales durant la période transitoire et de ses conséquences sur les consultations populaires prévues en janvier 2011.

Monsieur le Président,

6. Lors du processus de nomination qui a pris place du 12 au 27 janvier, la Commission Electorale Nationale a accepté **dix** candidatures pour l'élection présidentielle, notamment celles du Président Omar Al-Bashir du Parti du Congrès National (NCP), de Yassir Arman du SPLM et de Sadiq Al-Mahdi du parti de l'Umma. La Commission Electorale Nationale a rejeté trois candidatures pour non-respect des dispositions légales. Suite au processus d'appel, la Cour Suprême a rendu un arrêt en faveur de deux de ces candidats, dont la seule candidate féminine. En ce qui concerne la Présidence du Gouvernement du Sud Soudan, deux nominations ont été reçues, celles de Salva Kiir du SPLM et Lam Akol du SPLM-Changement démocratique.

7. Au total, près de **183** candidats ont été enregistrés pour les élections des gouvernorats des 25 Etats du Soudan, avec des candidats du NCP et du SPLM dans pratiquement tous les Etats. 2 317 candidats se disputent les 270 circonscriptions du scrutin législatif, 1 026 candidates les 112 sièges réservés aux listes féminines, 793 candidats les 68 sièges des listes de partis, 395 candidats les 170 sièges de l'Assemblée Législative du Sud Soudan et un total de 4 471 candidats les sièges des Assemblées Législatives des 25 États.

8. Pour le SPLM, le processus de nomination a posé un défi à l'unité du parti puisque près de 300 candidats du SPLM n'ayant pas été nommés par celui-ci ont soumis les documents nécessaires à leur participation aux élections en tant que candidats indépendants. Bien que le SPLM ait reconnu des irrégularités dans le processus de sélection des candidats, le parti n'accordera aucun soutien à ses membres présentant des candidatures indépendantes.

Mr. President,

9. Let me turn now to the campaign period, which began on 13 February and is to end on 9 April. The NCP was the first to launch its elections campaign, followed by the other political parties. Motivational and informational messages are beginning to appear in the media and public spaces, and face-to-face events are taking place at an increasing pace. In the South, President Bashir has launched an intensive campaign, starting from the city of Torit. The number of SPLM-affiliated candidates running on independent tickets against SPLM nominees has added to the closeness of races in some States. The campaigning environment is therefore increasingly competitive, with a high turnout expected. In Darfur, election campaigning is also well underway, especially in the main town centres, and the majority of the population outside of the main IDP camps and rebel-controlled areas appear to be ready to participate in the elections. The NCP is dominating the campaign, although opposition parties and independent candidates are also heard.

10. As in many elections, the campaign period in Sudan is subject to emotions, tensions and security concerns. The period has seen a rise in political frustrations, some

incidents of censorship of free speech and assembly, and a few isolated incidents of violence. In Darfur, there remain many acute challenges, including opposition to the elections by armed movements and some IDPs; the limited capacity of opposition political parties and the persistent fragile security situation. In addition to Darfur, we are concerned about security in parts of the south, where fissures in the SPLM and a proliferation of independent candidates have led to very tight races, political tensions and increased inter-communal tensions, with many voters aligning along ethnic rather than party lines.

11. We have also received some reports of arbitrary arrests, harassment and interference with opposition parties' political activities. On 4 March in Khartoum, a group of anti-NCP political activists was arrested and detained by the security forces on the grounds that they had caused 'public noisiness.' According to the United Patriotic Front (UPF), the National Intelligence and Security Service (NISS) have also held some of its student members in *incommunicado* detention for several months. In Southern Sudan, political party offices have been vandalized on three separate occasions, and individuals and groups affiliated with the SPLM-DC have allegedly been arbitrarily arrested and detained by the SPLA in at least six separate incidents.

Mr. President,

12. Opposition political parties have continued to raise concerns about the legislative context of these elections in terms of guarantees of freedom of speech and assembly. In this connection, they claim that implementation of the 1997 Emergency Law, which continues to be in effect in Darfur, has

restricted their campaigning activities. The National Security Act, adopted on 20 December 2009, does not conform to the CPA or the Interim National Constitution in that it preserves the National Intelligence and Security Services' powers of arrest and detention for four and half months without judicial oversight. The Act also provides for the immunity of NISS personnel from prosecution, with no recourse for the population against their actions and no civilian oversight.

13. Opposition parties have also claimed that the Press Act, which was adopted in June 2009 and retains certain censorship powers of the intelligence services, may be used to impose restrictions on the freedoms of the political parties. On 3 March, the Sudanese state radio refused to broadcast a speech by Presidential candidate Sadiq al-Mahdi, in part because his proposed speech included reference to Bashir as an ICC indictee, in contravention of rules allowing all Presidential candidates airtime to deliver electoral programmes. On 3 March, the Bakhita and Liberty radio stations in Juba were temporarily shut down, preventing some candidates from campaigning.

14. In this environment, political parties have expressed frustrations with respect to the NEC's handling of the electoral process. On 22 February, the NEC issued a circular on campaign activities, which some opposition parties branded an attempt to restrict their freedom of assembly and to interfere in their internal affairs, since it imposes excessive requirements for the organization of campaign activities and preserves the prerogatives of the security services. On 2 March, several opposition parties announced

their withdrawal from the NEC's joint media committee for elections, arguing that they were being used to legitimise the committee but were not involved in the decision-making process. Consequently, on 4 March, a coalition of northern opposition parties plus the SPLM submitted a memorandum requesting the NEC to publish the final results of the voter registration; solve differences over the population census results and establish a new media council to provide equal media opportunities for the candidates.

Mr. President,

15. The United Nations is working closely with all concerned to impress upon the Government, political parties, the National Electoral Commission and civil society the need to ensure that the conduct of these elections is politically acceptable to the Sudanese people. The African Union High Level Implementation Panel for Sudan (AUHIP) has also continued its efforts towards the creation of an enabling environment for the elections, in particular through preparations for two summit meetings of political parties, scheduled to take place in Khartoum and in Juba.

Unfortunately, amid disagreements and distrust among the representatives of the parties participating in the national elections and objections by some opposition parties (the Umma Party, Communist Party and Democratic Unionist Party) the meeting was postponed. In a more positive development, fifteen Southern political parties, including the SPLM and the SPLM-DC of Lam Akol, attended the meeting organized by the panel in Juba on 2-3 March. The parties all signed a Code of Conduct and a Declaration of Commitments, which the



National Congress Party and some Northern parties subsequently signed on 8 and 9 March in Khartoum.

Mr. President,

16. I would now like to turn to some operational issues relating to the preparations for the elections. As Council members are aware, there are a number of challenges associated with this extremely complex voting process, including the production and transport of ballots, access to remote areas, insecurity in some areas in the South and in Darfur, and a lack of familiarity with electoral processes in segments of the population.

17. We are concerned about delays in the production and shipment of polling materials and have encouraged the NEC to develop contingency plans in case of the late arrival of some of the ballots. Responsibility and funding for the transportation of electoral materials is also a critical issue and donors have agreed to advance funds to cover the movement of materials from Khartoum and Juba to State capitals, against a NEC pledge to reimburse the funds once received from the Government.

18. While the NEC will transport materials to State capitals in the North, the United Nations will support air movements to inaccessible locations in Darfur. The NEC has requested the United Nations to move all materials from Juba to the State capitals in the South, but the UN has made clear it does not have adequate resources to do so. We are working with NEC's State High Committees to finalise plans for the distribution of materials using donor funding, but the NEC will need to ensure that funds reach the States in time for

the rental of vehicles and that sufficient numbers of vehicles are available for rent.

Mr. President,

19. Regarding elections security, the Government has estimated that at least 60,000 personnel will be required to provide security at the approximately 12,000 polling centres in Sudan. There are concerns, however, regarding the insufficient number of qualified security personnel in Southern Sudan, the challenge of training security officers in the time remaining, insufficient funds to pay salaries and subsistence allowances and shortages of equipment to facilitate the movement and communications of security personnel. In support of national efforts, UNMIS police have trained 20,969 Sudanese police to ensure security during the elections - **16,276 from the North, 9,151 in Darfur and 6,120 from the South** - including 1205 women. The Government of Norway has also trained 120 Southern Sudan Police Service trainers in Nairobi.

20. Turning to education and training, UNMIS has assisted the NEC to develop training materials for State High Committees and Constituency Electoral Officers. The recruitment and training of poll workers is also on track. The voter education campaign was slow to start due to a lack of NEC capacity and has so far been limited outside of Khartoum and Juba.

21. The major networks of domestic observer groups have confirmed plans to deploy approximately 7,000 domestic observers throughout the country. There will likely be other accredited domestic observers, possibly bringing the total

number of domestic observers to 10,000. Meanwhile, the number of international observers is likely to fall in the range of 300-500. **The Carter Center has deployed long-term observers since last year**, and the European Union's core team and long-term observers have arrived in-country. The European Union, African Union, **Intergovernmental Authority on Development (IGAD)**, League of Arab States, Government of Japan and Carter Centre have expressed interest in deploying observers throughout Sudan.

Mr. President,

22. The Government of National Unity and NEC should be congratulated for the political and operational progress made toward holding elections throughout Sudan. This is not an easy feat. Well organized and transparent elections that give the people of Sudan a credible chance of choosing their leaders would be a major step in establishing political plurality and open political dialogue in the country, which are the foundations of sustainable peace and development.

23. While preparations for elections have made significant progress, we remain concerned over a number of issues, including restrictions on freedom of expression and assembly, the disenfranchisement of the majority of IDPs in Darfur, allegations of improper use of government resources, limited voter education, and insecurity in Darfur and parts of Southern Sudan. The Government of National Unity must demonstrate the political will necessary to ensure the credibility of the elections, by taking concrete steps to guarantee the exercise of political rights. **The Government of National Unity should also ensure that adequate financial resources are placed at the disposal of the NEC.** While the

United Nations continues to provide technical support to relevant Sudanese authorities, it must be underscored that it is only the Government that has the responsibility and ability to ensure the credibility of the process.

24. In relation to the inclusivity of the process, as I outlined, it is our understanding that only a small number of the IDP population in Darfur has registered to vote, due to a SLA-AW boycott, as well as security issues. The political voice of the Darfur population must be heard in these elections. We would suggest that the Government of National Unity identify mechanisms to include the IDP population in a process of political representation by which they can select their leaders, including in the context of the ongoing discussions toward a comprehensive peace agreement on Darfur. In the post-elections scenario the Government must be pressed to continue negotiations toward a comprehensive peace agreement with representatives of all segments of Darfur.

25. In conclusion, I would also underline that the national elections must be seen as a component of the broader process towards peace and stability, as defined by the CPA. In the months to come, it will be important that the parties remain focused on the broader objectives of peace and security in Sudan and work together, to address outstanding CPA issues and arrive at a comprehensive peace agreement for Darfur. The support of this Council will be vital to ensure that actors in Sudan remain focused on these tasks ahead.