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# Towards Democratic Elections in Sudan

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Thursday, September 18, 2008



**National Endowment  
for Democracy**

*Supporting freedom around the world*

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# Towards Democratic Elections in Sudan

NED Sudan Conference

## Introduction

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**Dave Peterson**

*Senior Director, Africa Program*

*National Endowment for Democracy*

The National Endowment for Democracy's conference on Sudan's upcoming elections, held in Washington on September 18, 2008, responded to a compelling need. After 22 years of civil war, hundreds of thousands dead and millions displaced, the Comprehensive Peace Agreement not only brought peace, but established the parameters for Sudan's democratic transition that includes national elections in 2009 and a referendum on self-determination in 2011. The U.S. has invested millions of dollars in the Sudanese peace process, including the elections, and the stakes are enormous. Yet there had been remarkably little attention given to the CPA, and still less to the elections, in the American press or among policy makers in Washington.

The conference intended to raise the profile of the Sudanese elections in the U.S. and contribute to a greater understanding of their importance and what is involved. Thus, the first panel presented the official views on the elections from Ambassador Richard Williamson of the U.S. State Department, as well as contributions from Ezekiel Lol Gatkouth of the Government of Southern Sudan and Mudawi el Turabi of the Government of National Unity. This was rounded out by an on-the-ground political analysis of the election process by Elwathig Bereir of the National Center for Peace and Development, a NED partner based in Khartoum.

NED is supporting more than 20 partners in Sudan who are working in some way on the elections; many are providing civic education on the election process, some are providing training to potential election observers, others are promoting non-violence and reconciliation. Many other American and Sudanese institutions are also supporting the elections. The conference highlighted some of

these efforts, with presentations by two members of the NED "family," Susan Page of the National Democratic Institute and Stephanie Blanton of the International Republican Institute, as well as a long-time NED partner, Mahgoub el Tigani of the Sudan Human Rights Organization. Representatives from two other American democracy-promoting institutions active in Sudan, Dorina Bekoe of the U.S. Institute of Peace and the Zeinab Abdelkarim of the International Foundation for Electoral Systems, also contributed their expertise.

The conference sought to encourage Sudanese, including the Government of National Unity and the Government of South Sudan, as well as civil society and the Sudanese people, to reinforce their commitment to free and fair elections. Many elections have been held in Africa in recent years; some good, some not so good. Nor are Sudanese strangers to democracy and elections. Presenters at the conference were often sharply divided on whether or not the upcoming elections could be successful. But certainly all agreed that the challenges are formidable. We were honored to receive a keynote address from Congressman Donald Payne, a leader in the American debate on Sudan, as well as Bona Malwal, a former NED partner now advising President Bashir. Jennifer Cooke, the new Africa director of the Center for Strategic and International Studies concluded with some incisive advice for the way forward. We hope the discussions and dialogue that ensued throughout the day will help contribute in some modest way to the holding of peaceful, democratic elections in Sudan.

## **Panel 1: “Policies and Politics”**

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**Ambassador Richard Williamson**

*Special Envoy to Sudan, U.S Department of State*

Thanks very much. It’s a pleasure to be at NED. As noted, I’ve been a long-time collaborator with the National Endowment for Democracy and a strong supporter of its work.

Sudan is a country with great diversity and division that has led to destruction and devastation, death, and despair. Jimmy Carter wrote in his forward to Victoria Butler’s book, “Sudan: the land and the people”, Ambassador Timothy Carnegie said, “Sudan is the most ethnically, geographically and culturally diverse country in Africa”. Yet most people only think of it in terms of large-scale suffering and seemingly endless strife. Hundreds of ethnic groups form a mosaic in Sudan: Arab and African; Muslim, Christian, and animist; nomad and farmer. The brutality of nearly 25 years of civil wars and the succession of humanitarian crises have retarded economic development and have obscured the possibility of creating a truly plural society.

The peace agreement of January 9, 2005 brings an unprecedented opportunity for the people of Sudan to put violence behind them. Despite enormous challenges, there’s now the chance for all Sudanese to forge new ways to share the natural, cultural, and historic bounty of their country and to live together in peace and mutual respect. It’s interesting, after the recent election in Zimbabwe and the election in Kenya, I was in Addis meeting with the AU Commissioner for Peace and Security, Ambassador Al-Amamra, and he mentioned that there was growing sensitivity. That in addition to the traditional causes of conflict in Africa from ethnic divisions and resource conflict, that now there is a greater appreciation that elections also can lead to conflict. I would argue that this analysis is not necessarily true because in both of the elections, in Zimbabwe and in Ethiopia, there was corruption that tainted the election and it was the corruption that led to the violence and divisions that had been underlying the situation.

The United States supports credible, peaceful, nation-wide elections and they’re prepared to give technical and financial assistance, which they’ve already done for capacity building, et cetera. I have to say, last spring I was not optimistic about the SPLM conventions, both the local level one and when they had the convention for the entire South. They were messy, imperfect, but amazingly, effective. I was proven wrong, despite the stress at the time of the looting and burning in Abyei, which made it more difficult. I think we should take encouragement from that. It showed both a commitment from the leadership of the SPLM, but also at the grassroots, a desire to participate, to begin to talk not only about personalities, but also about issues that matter. I think there was some learning curve where some of the internal jostling for position, some of the initiatives were not successful and we’ll help people recalibrate going forward. But conventions by their nature should be an opportunity for political parties to sort through issues and leadership. Conventions, by their nature, should be an opportunity for broader base participation in the political process. And the convention in May proved to be a success and that is encouraging. However, there are key challenges that remain. We’re way overdue for the appointment of the independent and representative national elections council. On July 14<sup>th</sup>, the new election law was signed with great ceremony, and names have been submitted for some time now, but we’re still waiting for President Bashir to announce the appointment of all of the election commissioners and that’s something that is important.

The environment for the election and the state of the media, civil society, the right of assembly, and especially the security sector are vital, and in each of these areas there are reasons for concern. Obviously, the security sector is a particularly acute concern, in the context of the violence that occurred in Abyei, which drove 50,000 to 70,000 people out of their homes, most of whom now live under plastic sheets, waiting to return home. And while there has been some cleanup and joint integrated military maneuvers response, the joint integrated police force has not responded. Despite the naming of the chief and deputy chief civil administrator, the civil administration has not yet begun to function almost three months after the violence, because it is waiting for the government

of national unity to announce all the members of this civil administration.

Even more concerning is what's going on in Darfur today. The violence continues. Just this past weekend I talked to Minni Minawi who is a signatory of the Darfur Peace Agreement and whose SLM rebel movement was the only one to sign the Darfur Peace Agreement. He is officially an advisor to President Bashir, but having been ignored, he left Khartoum and returned to his people in the deserts of Northwestern Darfur last June. Just this last weekend, the camp that was known to be that of the SLM was bombed and surrounded by some 90 vehicles, and a three and a half hour skirmish ensued between Sudan Armed Forces and the SLM. But this isn't even as much of a concern as the attack on August 25<sup>th</sup> on the Kalma camp, an IDP camp of 90,000 people, where 90 to 100 vehicles circled the camp. There was bombing and shooting. Reports have been as high as 86 deaths, though the UN has only confirmed a little over 30. A couple hundred wounded. Doctors in the emergency room in Nyala reported women, children, and men shot at point-blank range in the face. Pictures show bodies with wounds from large artillery, not just gun fighting. Zam-Zam camp had a drive-by shooting two weeks ago. The point is there continues to be insecurity there under the guise of a law and order campaign in Darfur.

At the same time, humanitarian workers are not able to function. The areas that humanitarian workers are able to reach have decreased, year by year, in the last few years as violence has increased from area militias, rebel movements, and others. Over 100 national humanitarian vehicles have been stolen this year, and over 30 humanitarian workers have been kidnapped and not heard from. In this environment, the World Food Program has had to diminish the rations it's able to supply in Darfur, which is particularly troubling at this moment when we're in the midst of the rainy season. And any credible election will require the participation of all Sudanese.

The election preparation is complex and logistically challenging. UNOPS has estimated that it will cost 4 to 500 million dollars. The UN and other donors stand ready to give assistance, but they can't begin to do that until they are officially requested to provide assistance. That request has not been

forthcoming even though the election is supposed to happen, as I said, in July of next year.

Additionally, the census was delayed, and then delayed, and then delayed. The questionnaire did not include all of the elements that had been stipulated, in particular, both ethnic identity and religious identity were dropped, which became a matter of controversy. Nonetheless, Salva Kiir agreed to let the census go forward.

The United States believes that an election can provide an opportunity for some sorting out, hopefully in a peaceful manner and for the people of Sudan to realize their aspirations, political participation, and decision-making power, without the use of a gun. All this is complicated because on July 14<sup>th</sup> the International Criminal Court Chief Prosecutor announced that he was making a referral to the pre-trial chamber of a request for an arrest warrant of President Omar al-Bashir on a dozen counts of war crimes, crimes against humanity, and genocide. Procedures within the International Criminal Court allow the pre-trial chamber, which is made up of judges, to have what time it needs to deliberate on evidence provided by the Chief Prosecutor. That process is going on now and no one can be sure when a ruling might come down. That has certainly heightened some of the divisions, making it more difficult to move on security and perhaps to move on some of the aspects of preparation for the execution of a free and fair election.

In conclusion just let me say that the United States government strongly pushed for elections as part of the Comprehensive Peace Agreement. The United States should take some pride in its pivotal role in the naivasha process to help facilitate the CPA and help end the longest civil war in African history where more than 2 million people have died and more than 6 and a half million have been displaced. But the key is to get to 2011 when a referendum is scheduled for the determination for the South. If the election does not take place, it will undermine the likelihood that a peaceful referendum will take place and the self-determination that was negotiated for the South will be denied and that could lead to a spiral of new violence. So this election is not only about Sudan moving forward in allowing the people of Sudan an opportunity to participate and gain some ownership of their own

future, it's also about trying to get the diversity and divisions into a pattern of resolving those strong differences in a peaceful political process rather than through massacre and murder. And it's about moving toward 2011 when Southern Sudan will have an opportunity for self-determination. There are those in the South and in the North who hope that things can improve enough that when the referendum comes, the decision will be to preserve a united Sudan. But the possibility for a peaceful, united Sudan will be dependant on elections taking place.

Challenges are great. The United States stands ready to be supportive and help, but ultimately this is a problem, this is a challenge owned by the Sudanese people. Organizations like the National Endowment for Democracy, the National Democratic Institute, and the International Republican Institute, and many others in civil society and elsewhere want to help the Sudanese realize the opportunity for elections. As I've noted, the challenges are great, the prospects uncertain, the amount of work to be done great, too.

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**Ezekiel Lol Gatkouth**

*Mission of Southern Sudan to the U.S.*

It is widely recognized that the vision embodied in the CPA is a vision for the democratic transformation of all of Sudan. This vision, called "New Sudan" by the SPLM, is a vision for all Sudanese, and we believe it was supported by the overwhelming majority of all Sudanese, North, South, east, West and center. It is true that the CPA provides for a referendum in 2011 for the South and for the people of Abyei, which could lead to their separation from the rest of Sudan. But even those that support the separation option want desperately for their brothers and sisters in Sudan's North, East, West and center to fully enjoy the benefits of the New Sudan vision because they want to live in harmony with them. The CPA provides in its implementation framework the opportunity for Khartoum to take many clear steps to make the unity of the Sudan state attractive. This is also our obligation as SPLM to make unity attractive to those who will vote in 2011, during the referendum. We in the SPLM are of the view that Khartoum has chosen not to pursue this approach on a wide range of matters, especially free and fair

elections. This is tragic. It is my view that unity is only possible if the 2009 elections are free and fair, and elect a democratically transforming government that will uphold the right to self-determination and popular consultation and operate in an unbiased and transparent manner. Conversely, failure to achieve free and fair elections guarantees separation and risks future conflict in Sudan. The National Congress Party's elections have clearly undermined the election schematic in the CPA. Definition of the borders between the North and the South and the final passage of the Election Law are indispensable building blocks for elections, and have suffered serious, unnecessary delays. The census, while not required as an element in the election process, could have fostered confidence in the electorate had Khartoum not caused significant delays by withholding funding. This is also a sign of bad faith from the National Congress Party. In fact, it is worse than that. The list of the elements necessary for coherent national elections that have been left undone or have been seriously delayed by the National Congress Party is staggering. Take for example the national elections commission. The much-delayed law establishing the commission was finally enacted in July of this year. It provides for the commission membership to be appointed by the Presidency within thirty days. That, too, is late. Once the commissioners are appointed, the National Elections Commission staff must be hired and trained, but there is no budget. By law, the National Election Commission is responsible for setting up election districts and overseeing almost all aspects of preparation, implementation, and tabulation of the national election, which is scheduled to occur in July 2009.

The delays in establishing the National Election Commission, in addition to the others already mentioned, present a clear picture of bad faith on the part of the National Congress Party, which is clearly understood by our constituencies. Nevertheless, we will do our best to support a free, fair, and coherent election for the people of Sudan. The SPLM is committed to contesting the elections nationally, at all levels and at all positions, with the goal of becoming the leading party in Sudan. We acknowledge the challenges that obstruct the democratic transformation of governance in Sudan, namely conscious attempts by the National Congress Party to delay and obstruct our activities. One way to approach this is to consider more

creative solutions to the huge hurdles that need to be overcome. One such hurdle concerns the participation of the beleaguered people of Darfur in the national elections. Though they have many thorny aspects and no consensus has been reached, one of several options being evaluated is for the election in Darfur to be tailored to Darfur realities. While working for an overall solution to Sudan's Darfur agony, might it be possible to hold elections in Darfur only for national posts, since voter presence in a constituency for local elections purposes is a huge problem for Darfur? Properly supervised voting for national posts by only voters in refugee camps and IDP camps, as well as in quiet areas of Darfur, may be possible. Local elections could then be held at a future time.

There are a number of other major issues concerning the 2009 election in Sudan that I will flag for you, but not fully discuss because of time. These include: incredible infrastructure challenges in the South; we also need a massive voter education especially in the South, where the majority of people are illiterate, but will be voting more than twelve times at ballot boxes. We need a real process of how we can vote. We must reform election-related laws that are inconsistent with the Interim National Constitution and constrain use and control of its state instruments for its campaign purposes because in Sudan now, accessing media has become very difficult and the censorship is common. The National Congress Party is basically controlling everything and we are afraid that during elections we will not be allowed to advertise our programs and proposals. So for us, the media issue is a concern. Of course we have Darfur, the ICC, border demarcation, because you cannot hold elections if you don't know your borders and of course the international support for the elections and our position on the ICC is very clear. We are calling for the National Congress Party to cooperate with the ICC because we believe that this is not a political issue you cannot just go around the world mobilizing, this is a legal issue, it has to be faced legally, and that will help SPLM. And of course the issue of Darfur is a political issue, not a humanitarian one. Yes, of course the people of Darfur need food, but it is actually more than that: all Sudanese, they need their share in power. They need development too, that is also being applied in the South. And of course, we need international support during elections.

With all of the limitations we face, the SPLM is enthusiastic about the approaching elections. We do believe that democratic transformation of Sudan is possible and that the opportunity to realize our vision is at hand. To us, this is all about our people, our country, our children, and our future. Ultimately descriptive of the upcoming election, the words "free and fair" will positively change the lives of the Sudanese people forever. To that end, we of the SPLM welcome your help and support in the election.

Finally, I just want to reiterate that this country of ours called Sudan has a real opportunity to remain united if the National Congress Party has a change of heart and the people and our brothers in the North want this country to remain united. Unfortunately, it seems that the National Congress Party and the people in the North are not ready to make unity attractive. We have been in disagreement for the last three years and the National Party actions on Sudan are not being carried out. So if you go to anybody now in the South and ask them, "what do you want: a united Sudan or a separated Sudan?", about 30 percent of them would vote for separation. But I think we have a chance to have this country remain united if we can really transform it during the election. The only way that we can bring the two together, the North and the South, is through the efforts of the SPLM because Northerners have been ruling this country for a long time and it would be good to reach out to the marginalized people of this country so it can remain united. Thank you.

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**Dr. Mudawi El-Turabi**  
*Member of Parliament*

As Ambassador Williamson said, the election law was passed on the 14<sup>th</sup> of July, but the democratic transformation also depends on acts created as early as September 2005.

As we come to the importance of legislation, Africa in general and Sudan are examples, living examples, because legislation represents the vision of the country. It contains broad national goals and priorities, it reflects the aspirations of the country, it defines the implementation mechanism used to achieve targets outlined by predetermined goals.

In 2005, when the CPA had been signed, it aimed to end the longest war in Africa, but we experienced some setbacks. People are asking why the Sudanese parliament took so much time for reform because the bill of rights, which is enshrined inside the constitution in chapter two, is one of the best in Africa, but it will remain just a constitutional issue. To apply it on the ground, you have to reform the whole set of bills which I estimate now to be no less than 122 bills. Sudan also faces setbacks because of extremism; the military intervention in politics by army and guerrillas; the parochial culture in contrast to multiculturalism; the poverty and debts boomerang; socio-economic conditionality; and ethnic and raced-based regionalism and its tendency towards violence, terrorism, political violence, and anti-democratic practices.

The CPA aims to end the longest war in Africa and lead the country through a period of transformation, from 2005 to 2011, and ensures the end of self-determination, which my colleagues have been talking about. Part of the constraints we experienced in drafting the CPA had to do with power sharing, which now looks as follows in the CPA: the National Congress would have about 52%, the SPLM/SPLA 28%, Northern Parties, our 12 parties, having 14% and Southern Parties having 6%. So if we assume that the NCP and SPLM are in good harmony, we can expect that the country is going to be painted by their colors for the next 20-30 years. Thank God they are not in very good harmony. Other challenges in the legislation include: plurality/diversity of the legal systems; meaning, common law, which is English-based; civil code, which is Egyptian, Turkish and continental law; traditional indigenous customary law; and religious law. We have to take all of these aspects into consideration when we make any kind of legislation or bills. When it comes to plurality, a balance between rule of law and social peace should be considered. This is because of different judicial systems, different legislative procedures, different hierarchical types of legislation: decrees, acts, statutes, ordinance, rules, and directives and militant and self-protective societies. Sultans and tribal leaders are completely protected by law by their own forces.

Regarding the taxonomy of Sudanese democracy, there is a dynamic complex and ambivalent

relationship between the state and the society in Sudan and between the different actors involved in society – political actors, trade unions. Other factors such as diversity, religion and ethnicity also determine the stable democratic society. Society is becoming a political target. There is a kind of power relationship between the state and the society, which we sometimes call clientalism in political science. Like other African countries, Sudanese society bears on pluralism and collectivism, and primordial realities and social structure remain strong and will be main factors for years to come. That is part of the constraint that is always pressing legislators, as is reviewing the role of the parliament. But we'll take a look at the heritage which we have for the time of Numeri and the time of the present regime that has been ruling the country as an authoritarian regime for more than twelve years. There is a kind of legislation that we try to avoid although this parliament that we have now is just an appointed parliament and hopefully that is going to change in July to an elected parliament. There is already some legislation which overrules executive or party censorship. Leaders are transforming from weaker to stronger. This is part of the system that needs to be taken into consideration in democratic transformation. In order to be transformative, parliaments need more information.

Then we come to the role of the current parliament in the National Assembly, which will have the same power sharing arrangement that we have. We created in this parliament a policy to facilitate networking and a support system. This is allowing us to broker peace accords, like the DPA, Cairo Accord, and the EPA.

We are also pursuing political reforms to better monitor the executive, as well as legislation to more effectively direct government funds. We have undertaken individual legislation efforts (52 different efforts recorded and 31 successful) and examined the importance of an effective committee, which is working across party lines like in Kenya and Uganda, because not all of the 20 committees are terminated. For this reason, we tried to create a mechanism in Sudan that would allow us to draft laws and bills, starting with the party acts, the Army Act, Police Act, Electoral Act, Media Amplification Act and others. With this new mechanism, we could completely forget about the

portioning of the 52, 28, 14, and 6 in the Council of National Unity GONU Parties. The Council was created in 2006. It consists of all of the parties participating in the Government of National Unity. Today, it has 80 members and consists of two levels: the upper level is chaired by President al-Bashir, and the members are the leaders of the parties. The lower level is comprised of 32 members, each party has two, and decisions are made by consensus, not by portioning.

Normally, when we come to drafting a law like the Electoral Law or any other law, for example Party Law, we use the following mechanism: contract ten scholars from academia to draft a core law which is based on other models, for example in Malaysia, India, Pakistan, South Africa, or Nigeria. Normally when we contract these ten scholars, we ensure that one of them is Nubian from the North, one is Nilotic from the South, one is an indigenous African from Darfur, another is a Bejaman from the East, and that one is an Arab from the center. With this kind of diversity, acts that come to the Council will represent all ethnic groups in Sudan. Acts then go to their legislative bodies and advisors and after many amendments we give them back to the Commission of Constitutional Revision, then to the council of ministers. After that, they go to parliament, where a seminar will convene, during which parties that are not part of the National Unity government (e.g. Sadiq al Mahdi's Umma Party and Hassan al-Turabi of the NP) will share their opinion about an act with parliament. The Party Act, the Army Act, the Police Act, the Electoral Act, the Commission for Muslims in the Capital Act, and the Media Amplification Act have gone through this same process. This is why each of these Acts might take about 4 to 6 months to be passed. An example: the Election Act. It was drafted through the same mechanism, striking a balance between traditional forces and modern ones. The act also takes the Millennium Development objectives into consideration by its affirmative action and gender elements. It also considers the constituency borders of the 1986 elections, as well as the results of the last census. The total new parliament seats are 450; in 1986, there were 273. If we have to choose between these numbers, we have to choose between the following: 270 seats if the direct votes are 60%, 248 seats if the direct votes are 5%, 225 seats if the direct votes are 50%. It means, if we come to 55%, and we

make the constituents 248 by direct votes, it means we have to re-draw the 1986 borders. It will also create a problem because every party will try to move tribes inside or outside and try to put their constituency there. Women will have about 25% of the seats. This is part of our obligation to the MDGs. Proportionate representation will make up the rest (20 seats) and the cut-off we agreed to was 5%, which I think is the law here. But it is still not going to solve the problem, because in my opinion, free elections must also be fair. If participation of different parties in economic life is not balanced, certain parties can dominate with their mobility and access to media and advertising. Developing a mechanism for drafting laws, including the Electoral law, and paving the way to a democratic transformation have been painful processes these past three years.

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**Elwathig Bereir**

*National Center for Peace and Development*

Sudan suffers from chronic political instability; ethnic disputes; large-scale internal displacement; corruption; widespread poverty; hunger; disease; mass-migration; an extremely poor human rights record and discrimination against women. A large section of the Sudanese population is also unfamiliar with its rights and responsibilities as citizens. The forthcoming election mandated by the CPA represents an opportunity to restore the social contract between Sudanese authorities and the Sudanese citizenry. The upcoming general election will establish for the first time a foundation for a peaceful transfer of power, bringing legitimacy to the political system, and recognizing the state on a federal basis. Sudan needs to adopt a full-fledged national project for democratic transformation, not only to develop the characteristics of a democratic state, but also to carry out changes that encourage respect for pluralism, ethnic culture, religious diversity, and development goals. Ultimately, the objective is to keep the state from collapse.

The Fund for Peace Organization, in collaboration with Foreign Policy magazine, published a joint study on the states of the world. The study covered 177 states and employed a failing state trend line based on social, economic, political, and military indicators. For the second year in a row, the study

classified only ten states more at risk of failure and collapse than Sudan.

To change this reality requires the establishment of a legitimate political system that represents all components of Sudanese society. This can be achieved only through free, fair and transparent elections, that are in accordance with an electoral law based on consensus among political forces. The election must also entail a high degree of public participation so that its result is accepted because of its democratic merits.

The current challenges: there is no electoral law or system suited for all societies. The new electoral law in Sudan is one of the most complicated electoral systems in existence. Voters have to vote at the same time for the twelve states, the president of the government, the president of the government of the house of Sudan, governors of all states, women's list, proportional list, and so forth. Therefore, there is a need for an awareness campaign to rally all political forces around the electoral law to bolster voter registration, civic education, and training of election monitors. An election committee, commission, or council, an independent election committee and subcommittees should be formed immediately based on a consensus reached by all political forces. The basis of distribution of constituencies should be well-defined and establish a level playing field.

The interim national constitution (INC) guarantees rights and basic freedoms for all Sudanese people. These include: freedom of thought, faith, expression, movement, and freedom to establish and join societies and parties. Additionally, Sudanese are equal before the law and have the right to vote in a democratic election. In spite of these INC bills, there are a number of laws and practices from the previous CPA which wholly or partially contradict the constitution and are incompatible with the peace agreement. Practices targeting and restraining opposition groups, harassing the political opposition, restricting freedoms, and armed suppression against civilians are problematic practices in Sudan. These laws must be repelled or modified to make the constitution more fair. Now these laws include the Sudanese National Security Act of 1990, which allows a staff member of the security service to arrest, search, detain, confiscate, and interrogate

any person; the Criminal Act of 1991; Press and Publishing Act; Trade Union Acts; Public Order Act; and Personal Status Act - all restrict freedom and contradict the Comprehensive Peace Agreement, the INC, and universal standards of human rights. Instead of amending these acts, new restrictive legislation has been issued. This includes the Voluntary Organization Acts, which imposed restrictions on the financial accounts of NGOs and the Political Parties Acts, which need consensus of all other political parties.

Regarding public civil service, judiciary and law-enforcement institutions, they either suffer severe incompetency and capacity insufficiency, or are severely compromised in other ways. Reform of civil service institutions is of vital importance to democratic transformation because public service staff who are responsible for technical aspects of elections have been known to spread fear and intimidation among Sudanese and violate their rights; this impairs the neutrality, independence, and professionalism of the public service.

The judiciary is also impaired, namely because the executive authority has interfered in its operations. For example, hundreds of judges have been dismissed. This lack of independence is particularly problematic as the judiciary is responsible for supervising elections.

Sudan also lacks a strong independent media that can regulate the use of national and visual mass media by candidates and insure a level playing field among them.

Democracy cannot function in the absence of political parties, which provide a vehicle for the voters to express their opinions. Sudan is probably the most mature of East African countries with regards to partisan politics; many of its parties have been in place since the 1940s and have participated in approximately five general elections between 1956 and 1989. Yet, there is growing concern about the fragility of democratic principles and the institutional weaknesses within political parties. Additionally, large segments of the population are secluded from party politics and decision-making is based on a top-down approach. The funding source of political parties has also been compromised, not only because funds have been confiscated, but also because the NCP government has made tremendous

changes to the Sudanese economy by funding infiltration efforts. It has also used money as a basic weapon for fighting and dividing political parties. It considers the state as its primary mechanism for wealth accumulation. Also, we should not ignore the presence of parties in the government that are soliciting the state treasury and foreign countries for funding.

Border demarcation of the border line between North and South Sudan and other zones of the state, South Darfur, South Kordofan, North state, Blue Nile, and White Nile is progressing very slowly. Disputed oil in Abyei represents only the tip of the problem. There is also the problem of border lines between Sudan and its neighboring countries, which have committed acts of transgression. All of these border issues will put millions of people outside of the Sudanese state and large numbers of them will be denied voting rights.

There is no disagreement over the importance of women's role in the development of democratic society in Sudan. Although women got the right to vote in 1957, their representation in the legislative body during the years since then has declined and their political participation remains weak. Reserving 25% of parliamentary seats for women is undoubtedly a victory. This positive development, however, requires tremendous effort as low political participation among women cannot be rectified through quotas only. Women need training, rehabilitation, financial support, and capacity building.

The catastrophic war currently going on in Darfur needs an intensified effort in order to establish peace so that the region enjoys stability before the general election. The continued war in that part of the country means the exclusion of Darfur from the election, which could bring about a new government lacking legitimacy and cause increased unrest among rebel groups. On that note, the issue of transforming armed rebels into civilians to be able to participate in the election must be addressed. The population census is the foundation on which development plans are drawn up and according to which the election constituencies are distributed. However, the recent population count was conducted in highly complicated circumstances, with ongoing war in Darfur, and the failure of a voluntary retention program to

repatriate IDPs in the South. Furthermore, the census operations were not met with a positive response by some leaders and officials. This situation adversely affects the election.

Since the ICC indictment, a new war front has emerged between the Sudan government and the international community, building on animosity from previous confrontations. The following remark sheds light on the positive and adverse effects of the ICC's arrest warrant on President Omar El-Bashir: "the warrant has put tremendous pressure on the National Congress Party. The regime and its party have embarked on consultation with all of the opposition parties in Darfur and Darfur components, in addition to extending an open invitation to all armed functions for participation in a round of negotiations. The proposed warrant has snatched from the President a pledge for devolvement and rehabilitation in Darfur and commitment to implement what is decided by the people of Darfur. The warrant also made the NCP concerned with its own in power, particularly the presidency. Whether honest or not, pressure by the international community may lead to a full confrontation or may cause a violent reaction that may lead to an escalation of violence in Darfur and undermine the CPA.

#### Q/A

*What are your thoughts about holding town-hall meetings to allow people to be stakeholders in this process? Perhaps it would be more sensible for legislators and scholars to learn the public's point of view first, before forming their own opinions about how to draft this legislation.*

**Dr. Turabi:** It is important to remember that the present parliament is a nominated parliament and not an elected one. Secondly, we managed to come to an agreement inside the Council of National Unity Parties to ignore the proportion of power sharing inside the parliament as well as in the Council so that at least we can come to a kind of consensus. Because if you draft a law and try to pass it just by a mechanical majority, it will only be accepted by those who drafted it. Out of the 18 parties today inside the government, there is only one party who has been in government since 1989. For this reason, there is another mechanism we are using to deduct the public opinion. When we take

the draft from the scholars, we don't just pass it through immediately; we give it to the parties themselves and ask them to go discuss it with their own members. It may take about 4 to 6 weeks before they come to us with their amendments or with their reforms on a particular issue or a particular article. Then after that it goes to the media, the research centers, and the university for public hearings and audiences. During the process of proposing the Armed Forces Act, the Police Act and the Electoral Act, more than six or seven forums in universities and research centers were taking place. It then goes to the national revision commission, which is a parties commission comprised of CPA creators and partners, as well as civil society and scholars. The system is complex, but what you said might be taken into consideration because democracy is a process not just a procedure. We have to persevere for the next 30 years if the country is going to be transformed.

***Does the constitution take into account certain stipulations included in the CPA? Or do existing laws trump the CPA?***

**Dr. Bereir:** I meant that the INC are in the constitution, but we're not really on the ground. The Vice Chairman of the National Council, Dr. Lamin, said in the newspaper four weeks ago that there is a crossing between what is criminal and what is political. So security has the right to detain and to investigate political or criminal issues. When I am talking about these certain laws, they have to be responsive and properly implemented on the ground.

***How are the elections going to impact Darfur?***

**Mr. Gatkouth:** We have a Darfur taskforce to help resolve the issue of Darfur because without Darfur being resolved, we will not see democratic transformation in Sudan. I think we need to move quickly as Sudanese to resolve the issue of Darfur. I am happy and thankful to the US government for their participation, especially Ambassador Richard Williamson. They are trying to help us. Darfur is part of us. What has happened is not appreciated by anybody. We of SPLM don't like it and we condemn the killing at Kalma camp. We want this to end and this is why we are trying to bring Darfurians together. They are now in Juba and Comrade Salva Kirr who is the President of South

Sudan is trying to unite them too. This unity could lead to the creation of one position paper that Darfurians can use to enter into negotiations with the National Congress Party and clearly articulate their position. Without Darfur being resolved, it is going to be very difficult and the transformation we are trying to achieve in Sudan is not going to take place. We are trying to appeal to everybody to see if we can help to resolve the issue of Darfur quickly so that we can have elections in '09

***How does one deal with the NCP having a majority in government?***

**Mr. Gatkouth:** We have ministers in the Government of National Unity, but the undersecretaries and down are all NCP. They have this idea of empowerment in their caucus. The NCP is relying on its old tactics. As SPLM, We are trying to transform this country, but the old guards are not ready to relinquish their power. If there is no change of heart in this country Sudan, you will have more Sudans. You will have South Sudan, you will have Darfur, a Republic, you will have an eastern Republic, and a Northern Republic. Unless there is a real democratic transformation of Sudan, the country will end up in mini Sudans. Because if I'm your roommate and I wanted to live with you and you don't want me to live with you, then what do you expect me to do? Look for another apartment? An exit? This is exactly what is happening. We are trying to live with you, Southern Sudanese, as marginalized people in this country of ours. You are not allowing it.

**El-Turabi:** I'm sorry. You are talking about 52 to 48. It is 51 to 49, because the NCP already gave up 3% of his share to the significance of the east front.

***Dr. Turabi, to have free and fair elections it will be necessary to open political space in order to conduct voter education campaigns. Therefore, certain laws that restrict the freedom of assembly and freedom of speech must be revised; these are mostly laws that are not in the interim constitution of 2005, such as the National Security Act, the Humanitarian and Voluntary Work Act of 2006, the Press Law, and Political Party Law. But as you say, it takes 4-6 months to pass amendments to laws, and so we may not be able to stick to the election timeline. What is your comment on that?***

**Dr. Turabi:** There have been plenty of acts passed already that contribute to a democratic transition. But there are some controversial acts that didn't make it to parliament, an action that has to be agreed upon by the SPLM and the NCP, who pledge the acts that go to the National Assembly.

There is a lot of controversy about the NGOs Act passed in 2007, but it has been passed by consensus, by the agreement of all 18 parties inside the parliament, which were represented by 420 members in parliament that day. The Act had been passed by 390 members and only 30 members objected. The Party Law, there were 450 in the Parliament that day and only 12 objected. The Electoral Act, out of 365, only 12 people objected. So we have instilled the vote which is very important indeed and I hope the National Security Act is going to be passed between November and December this year. This will require the efforts of political parties, public opinion leaders, research centers, as well as the press. Otherwise we will just be in this vicious circle because sometimes it is a kind of an obstacle between parties and leads to leaders not working seriously towards democratic transformation.

***Dr. Turabi, you said that the parliament represents the vision of the country. What is that vision?***

**Dr. Turabi:** When I say that the parliament represents the vision of the nation, it means I am talking about elected parliaments which come through free elections and as I have said, this present parliament is a nominated parliament. The main objective by consensus was for it to end the longest civil war in Africa and to ensure a democratic transformation in the country. This is the vision of the country for the time-being.

***Which guerilla army has intervened in Sudanese elections?***

**Dr. Turabi:** The army three times aborted the democratic regimes elected and guerillas didn't allow elections in certain parts of the country to take place in 1985 and in 1986. Another guerilla group might interfere in the election process if peace is not achieved beforehand.

***Mr. Elwathig, you said the ICC warrant against the President will affect elections. What would happen if the President died, would that affect the election too?***

**Dr. Bereir:** The main point I was trying to explain is that we are facing many challenges with the election and we want to confront these obstacles in order to have free and fair elections. The ICC has its effects on the country as a whole. So we really need to tackle this issue, to see how we're going to deal with it.

***Ambassador Williamson, can you talk about what the US assessment on oil sharing has been from the North to the South; are those funds being transferred and are they being well managed by the South?***

**Ambassador Williamson:** Our best estimate is that about 43% of oil revenue is now being shared with the South. So roughly consistent with the CPA It should be a little higher than that, but it's shared. There remain significant problems in transparency, administration, and trust between the North and South, but I'd say that's not unique to the oil industry and how business is done in that part of the world.

***Does the US have an official position on whether the ICC plays a positive or a detrimental role in the peace process in Sudan?***

**Ambassador Williamson:** Our position is that the United States supports no impunity. We are not members of the International Criminal Court, so we don't comment on their internal deliberations or mechanisms. Obviously we watch it closely. With respect to a subset of the pre-trial chamber's deliberations, Article 16 gives authority for the U.N Security Council to lift the jurisdiction or suspend the jurisdiction of the ICC for its actions that are a threat to international peace and security. The Government of National Unity has been very active in seeking diplomatic support for an Article 16. It has succeeded in getting support from the African Union, Peace and Security Commission, from the Islamic community, the OIC, and from the the NAM, the non-aligned movement. However, the only authority to invoke an Article 16 suspension of jurisdiction lies with the UN Security Council. It has not come before the UN Security Council.

There would need to be nine votes in favor of an Article 16 and none of the permanent five members of the Security Council with veto power could vote 'no'. A suspension can be up to a maximum of twelve months, but it couldn't be for six, it could be for four.

*On the role of China, what's the status of the investigation of China? Has it been helpful or unhelpful post-Olympics in terms of resolving the conflict?*

**Ambassador Williamson:** The government of Sudan has received substantial diplomatic support in cover from the government of China in many venues including the UN Security Council, where Chinese activity can make it difficult for action because they have a veto, unfortunately for deliberations on Article 16, China's position is more marginalized. I wish I could say that China has exhibited some concern for the humanitarian suffering in Sudan, I wish I could say that China has played a constructive role on the issue of arms sales to China, I wish I could say they've acted in good faith with countries' concerns. I can make none of those statements.

*You say that the indictment of Bashir by the ICC would put pressure on the NCP and would complicate the situation in Sudan. What's the alternative? How else do you hold someone accountable for genocide and for the atrocities they have committed?*

**Dr. Bereir:** I am saying we just have to balance justice and peace. The main issue is not just to go after El-Bashir, the main point we should be concerned with is the existence of peace in the country as a whole. I'm not saying we should just ignore justice, but there is a balance that needs to be achieved between justice and peace. We risk the collapse of the whole country because of the issue of the ICC and how it may complicate elections.

## **Panel 2: “The Role of the US and the Role of Sudanese Civil Society”**

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**Susan Page**

*National Democratic Institute*

During the negotiation of the CPA, the ordinary citizens of Sudan were extensively represented by one of two negotiation teams, either the National Congress Party (the government of Sudan) or by the SPLM. However, in reality, the mediation team - led by the Africa member states of IGAD, with the support of the international community - recognized that the CPA provided little direct input from the people that negotiators claimed to be representing. In the preamble to chapter 2 of the CPA, the power-sharing protocol, the parties, “resolved to usher in an era of responsible, just, transparent, people-led, and integrity-based governance” and were cognizant of the fact that the smooth and successful implementation of the peace agreement shall, “to a large measure hinge on rallying the majority of the Sudanese people behind it.”

As you are all aware, the CPA brought in a government of national unity, shared largely between the National Congress Party and the SPLM, but with the participation by stipulated percentages of other Northern and Southern political parties. The premise of the CPA was different than other CPA agreements in that it granted some form of semi-autonomy to Southerners. The CPA, negotiated over a period of nearly three years, explicitly recognizes the need for the involvement and participation of the people of Southern Sudan at all levels of government and national institutions as an expression of national unity of the country. In order to back up its words with actions, the CPA spells out the exact nature of the power-sharing arrangements, both prior to the elections and after the elections up until the end of the interim period, which will end with the simultaneous referendum of the South and Abyei in 2011. During the negotiations, and with great pressure from the international community, and I must say the U.S was particularly active in this role, the parties were encouraged to hold elections early on as a means of consolidating the peace-building process. Negotiations took place over and

over about when Sudan should hold elections. Although certain things, certain aspects are not required to be performed before the elections take place, they were certainly hopeful that the repatriation plan, the consolidation of the peace process, the information campaign, and reconciliation would have taken place.

There has been some progress in most of those areas. Thus, these elections should not necessarily be seen as a mark of the end of the current shared administration because the CPA, the interim national constitution, the interim constitution of Southern Sudan, and all of the state constitutions are very clear that “whoever runs in any election must respect, abide by, and enforce the peace agreement.” The parties also recognize the need to, “legitimize the arrangements agreed to in the CPA, to that end fair electoral laws shall be adopted, including the establishment of political parties.” So these elections are really marking the transition from an appointed government to an elected government in all levels.

As you know, the Political Parties Act has been passed, but the national elections commission has not yet been appointed. I just got back from Khartoum on Saturday evening, and there’s talk about how the Elections Act says that there should be a chairperson and deputy chairperson, but no co-chairpeople. So there has been some discussion in Khartoum about whether or not that is an acceptable arrangement and I understand this has delayed the appointment of the members of the elections commission.

It is hoped and expected that Sudanese civil society organizations will continue to expand their promotion of the Peace Agreement to include voter education and domestic observer networks, and that national and international support for the elections will continue building on existing programs such as NDI’s civic education and radio programs, and focus group research elaborating the desire of the Sudanese people throughout the country. Of course we also expect that these elections will see the participation of political parties and new civil society actors in continuing to shape and inform their government in full respect of the peace agreement that is codified in the international constitution.

Naturally, there remain significant challenges to these elections. Regarding the ICC indictment, as our colleagues have already mentioned, it does have an impact on elections because at least based on my trip to Khartoum, the UN organizations are fearful that they will be kicked out in the event that the indictment is not deferred. So that's something to be worried about.

The request for assistance from the United Nations has also not come; the government of Southern Sudan has requested assistance, but they're obviously only one part of the government. At this point, I can't imagine that the rest of the government would do so while the indictment is still pending. It would not make sense if it's ultimately not sure if the UN is going to remain there.

The NGO law, and this was mentioned in a question by Zeinab, the NGO law of the Voluntary Works Act passed in 2006 actually says that no civil society organization shall receive funds or donations from outside the country or from any foreign person inside the country, or from any other body unless upon verification of the source of funds and approval by the minister to this effect. So that's another issue that needs to be looked into. As Dr. Turabi has mentioned, of course these are all acts that have been fully and legitimately passed by the National Assembly, but they do raise some concerns for people trying to operate and assist local civil society organizations.

One thing that hasn't really been mentioned is the postponement of elections. The Elections Act and the Interim National Constitution do specify that presidential elections can be postponed, but only for a maximum of 60 days. It's silent on whether elections at any other level can be postponed. Given the specificity at one level, we can only assume as lawyers that it means the others are meant to carry on. And lastly, the CPA does provide for a review of the feasibility date of the elections six months prior to the date of the elections.

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**Stephanie Blanton**  
*International Republican Institute*

IRI itself has been active in Sudan since about 2002 when it went in with NED funding and since then, it has continued to operate US government-supported capacity building projects. Our main focus is in the South, though we have recently expanded some of the political party programs to the North. We will be doing preparations for those political parties that are going to be competing in the elections. We supported preparations for the SPLM convention earlier this year, which as Ambassador Williamson said, was not the most organized. The one in May was actually very promising from a political standpoint. While it was a bit disorganized, I will say that a lot of interesting things came out of the most recent convention, such as the fact that one saw a lot of action on the state level that actually changed leadership. Many of the same faces are around at the top and political bureau, but you do see a kind of recognition of what participating in the process can do. So it's going to be very interesting to watch that evolve.

From IRI's standpoint, we will be doing things that are very basic in campaigns: helping develop messages for the parties, helping the parties recruit candidates, helping them understand and disseminate laws that they're going to be faced with. From that standpoint you'll see over the next 6 to 8 weeks quite a significant change in the approach from preparations for all of the legal aspects dealing with the electoral law and political party law, to actual politics on the ground. We hope to see many of the political parties developing campaign strategies for themselves. Obviously there are challenges and some lack of understanding or full appreciation for what these laws can actually do on the ground. This is one of the most challenging aspects of election support, particularly for the parties that are in the minority, being the SPLM, DUP, and a number of others are trying to compete in the North.

As we all know, it's going to be next to impossible to conduct elections in Darfur or at least to conduct credible ones as things stand. You're looking at a very limited amount of access - limited access to funds, to the media - and that's going to impact greatly the success or failure of many of the parties that are competing.

For the political parties, an independent electoral commission is critical and we must remember that

it is appointed. All of us who have followed elections know that the rigging is less likely on election day than it is throughout the entire elections process and a lot of this is going to play out over the next several weeks as Susan and many of the panelists have mentioned. I think you have a massive logistical undertaking. If any of you have followed elections in DRC in 2006, that's the kind of scale we're talking about. Many of these places can't be reached; many of them are inadequate given the magnitude of the process. If elections are held in July, I think we're going to find it exceptionally difficult to carry them out in the South because of the rainy season. The practicality of elections happening in a number of areas in the South is going to be very unlikely.

As I said, there's going to be the issue of trying to campaign in the North and what impact that's going to have. There's a different, clear disadvantage for many of the political parties from a financial standpoint.

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**Dorina Bekoe**

*United States Institute of Peace*

I'm going to talk about identifying some of the flash points for potential violence, some of the triggers that we should look out for and also identify some opportunities that exist ahead of time to reduce some of these tensions in a bid to have a peaceful political transition.

A lot of current research shows that about 25% of elections in Africa involve some violence. Rarely is this spontaneous; a lot of it is organized. As Stephanie said, you're not going to find rigging on the day of elections. You're also not going to find a lot of violence. There are some exceptions, but most violence is seen either ahead of time, when people are trying to affect the votes, or afterwards in reaction to the voting process or the results themselves. So when we're thinking about preventing election-related violence, we really want to focus on the several months before and try to identify what some of the flash points might be. We should also be aware that after the vote and the elections, the process isn't really over and there's great potential for more conflict.

So what does all of this mean for Sudan? The 2009 elections would be, if I'm correct, the ninth national elections in Sudan. But this of course doesn't mean that they've all gone smoothly. In fact the majority of them have taken place while the North and the South were at war. Some took place following coup d'états. So there isn't a strong history of very smooth or free and fair elections in Sudan.

The upcoming electoral period is much the same in terms of the tensions that exist in the country, but there are some significant flash points that have emerged over the course of the last year that we should be paying attention to. We should also be looking at opportunities to reduce some of that tension or manage some of that conflict so that it doesn't transform into violence. Conflict will always exist, it's just a matter of how can you manage that conflict both at the civil society level, the regional level, and at the international level.

So I'll just go through a few major triggers of violence and conclude there. The first that many have mentioned is Darfur. If you go back a few months ago to the census, the process of which was rejected by the rebel leaders, it poses a problem both in whether the census is then the basis for establishing electoral districts. You're going to have some tension there on whether or not it is actually representative of the Sudanese population or not. Of course, the real issue is the fact that the peace process in Darfur has stalled. So what's incumbent on both the international community and at the national level is to start a credible peace process for Darfur so that this issue of accepting the census and holding elections can come to some resolution before in fact those elections take place.

The second issue, that was also raised this morning, is border demarcation. In May we saw a lot of violence in Abyei and almost 90% of the inhabitants were displaced. Where did that come from? Some of that tension had been building up for months between the Sudan Armed Forces (the SAF) and the SPLM. They charged each other with sending reinforcements. Part of the complicating factor was that the border itself was unclear. That was coupled with existing grievances and existing conflicts over resources between the Misseriya and the Dinka. One thing that has been tried and should be reinforced is the reconciliation process at the

local level between the Misseriya and the Dinka. There has been evidence that some civil society groups did help foster reconciliation efforts, so some of that tension has been addressed. But secondly, and more importantly, is the new roadmap that was developed in Abyei that should be implemented and monitored because the unclear border is not just a problem for Abyei, but indeed for others in the North and South and it's that lack of clarity that not only caused this tension, but also is delaying disarmament and demobilization. It's also delaying the redeployment of the armies of the SAF and of the SPLM and so it really brings to the floor the necessity to honor the border agreements and make them much clearer. In all of these aspects there's room for both civil society, as well as national and international actors, to work in a more collaborative effort to resolve some of these issues.

I'll just mention one last thing that was also evident in what we saw in Abyei. In Abyei, the joint integrated units, which are supposed to represent the merging of the SAF and the SPLM, essentially fell apart and both retreated to their major parties. One of the reasons why the joint integrated units are not strong is resources, and that's something that the international community can contribute to. We are several months away from the elections so there is time to engage both on the ground and at a national and international level to try to reduce and manage some of these conflicts so that when the elections do come around they are more peaceful, or as peaceful as we could hope them to be.

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**Zeinab Abdelkarim**

*International Foundation for Electoral Systems*

Let me start by saying that we currently do not have a program in Sudan, but we did a baseline civic and voter education study last month and I was deployed to Sudan to contact the government of the North and the government of the South to introduce the type of work that we could provide and the type of assistance that IFES could provide, both governmental and in the electoral process. That mission also focused on doing a needs assessment study to respond to an IQC that came out from USAID for electoral systems assistance to NEC, which is the National Election Commission in Sudan, as well as the sudden high election commission.

I'm going to focus my presentation on the challenges that face voter education and civic education programs in Sudan. I think many of you will agree with me, regardless of the uncertainty surrounding the 2009 election, that it's very crucial that voter education programs and civic education programs start immediately in Sudan. The National Election Act of 2008 has introduced a very complex electoral system that requires comprehensive education of the electorate to ensure its meaningful participation. Also, we know that a very high percentage of the voters in 2009 will be first-time voters. They know little about elections and electoral processes. The electoral officials, candidates, and political party agents also don't know that much about this complex and complicated system. So an effective voter education program in Sudan must be comprehensive to reach all sectors of Sudanese society.

At this point it's not known to what extent the election commission will engage in voter education programs. Yes, it's a mandate of most election management bodies to play a role in voter education, but the magnitude of that role has yet to be clearly defined, and the election commission itself has yet to be established. Certainly, the National Election Commission will not have the financial resources, nor the personnel or the community presence to ensure effective electoral outreach programming. So there must be strong collaboration and partnership with the NEC, as well as with the southern High Election Commission in Sudan and with the state commissions for elections that also have a very strong partnership with civil society. Collaboration with political parties and the media will be equally as important. It's also worth mentioning that international assistance will play a vital role in the formulation of the voter education message and in the dissemination of voter education materials.

My colleagues have stated that as of today the government of Northern Sudan has not requested any international assistance from the UN or any other international organization. This is very critical. We also face the issue of how local NGOs can really receive such support from the international community if the NGO laws remain as restrictive as they are. The situation in Southern

Sudan is a little bit different. The government of Southern Sudan has reached out to the UN and requested that the UNOPs do a gap analysis. UNAMIS has offices in each of the ten states in Southern Sudan and a base in Juba. In Northern Sudan, they have headquarters in Khartoum. They stand ready to actually deploy staff and have offices in all the Northern states, but they are waiting for the request to provide assistance because they cannot really move forward. This is not only impeding UNAMIS, it is also putting political pressure on the UNDP as well.

UNDP in Sudan is going to operate through a basket fund, which means they have to have donors commit funds for the basket fund. The donors cannot commit their money for the next fiscal year if they don't know for sure that there will be an election. Formation of the election commission has yet to take place even though the law actually mandated that it should have happened by August 30<sup>th</sup>. It is also crucial for the NEC to be formed because the law, the election law, is very general and a lot of gaps were left in the legal framework that the NEC will need to fill. So we're awaiting a lot of rules and regulations to be established, some of which will affect voter education programs.

I'm going to touch a little bit on some of the challenges that everybody else have talked about, one of them being the census result. We know that the census result will affect the power-sharing arrangement, which means the census issue must be settled before the national legislative election.

Rain is another challenge, and the rainy season in the south of Sudan is not only the month of July. It extends from July to November, and is going to create a lot of obstacles to carrying out voter education, to electoral education and to Election Day itself.

Another very important factor that needs to be taken into consideration is that the presidential elections may or may not happen as scheduled or that runoff elections may need to be held. According to election law in Sudan, runoff elections must occur within 60 days of an election. This could push elections even further into the rainy season, further reducing voter turnout. And we all know that turnout is always lower in runoff elections too, so voter education programs will need work on that.

As I mentioned before, there is a need to amend certain laws that restrict freedom of expression and assembly in order to allow civic education programming to occur and also to open the way for a peaceful transition. I do understand that some of these laws have been passed by the majority, but they have problems, which need to be addressed if international funding is needed for voter education and election support programs. One of the major components of the IQC issued by USAID was a \$45 million procurement for elections. This would include ballot papers, ballot boxes, etc. This is helpful but for it all to take place, there also has to be the political will to engage the international community as soon as possible.

Let's talk a little bit about civil society in Sudan and its readiness for the upcoming election. Most of the assessments that have been done on civil society in Sudan have come to the conclusion that it's weak. It has been weakened by decades of war and government control. The current law really gives the government huge authority and power over civil society and that impedes their implementation of election-related programming.

Civil society also lacks the skill, the human resources, and the adequate external support for it to play a vital role in the protection of civil liberties and human rights and in the development of voter education. There is going to be a need for intensive training of civil society, for example. Intensive training should address financial management because most CSO NGOs have not been receiving funds from international donors and international donors have very strict rules and regulations. So any training is going to need to address voter education and capacity building. If we're talking about an election happening next year, and a voter education phase that is to start in the beginning of next year, this will not be enough time to build civil society capacity and disseminate information about elections. It's just absolutely impossible.

The media will also play a significant role in the elections. I'm talking about all types of media: traditional, nonconventional, as well as mass and electronic media, some of which need more capacity building than others. The press law also needs to be addressed. In the past, the election authority assigned the responsibilities of its media committee, which used public TV and radio. That's

not going to be enough to reach people in remote areas, including the nomad. In the current election system we do not have special election provisions that address their geographic location.

What about the refugees and the internally displaced? Again, the government says that these populations can only vote if they come back to Sudan. Most of them are in countries that neighbor Sudan. We need to think about an integrative message delivery system and this has to be done by consultative meetings with the civil society, parties, and the leadership of the country to decide on the message and how they send it.

We also need to consider how to reach Sudan's various religious groups with voter education programming. They are unique and could enhance such programming.

When we talk about women in Sudan, they play a role in the political process, they are well educated, but a social and cultural barrier still exists to their full integration into the political process. This is evidenced by that fact that we had to institute a quota in order for women to be represented in the legislative body. Unique election programs need to be developed to reach women in Sudan, taking into consideration their high rates of illiteracy.

Regarding the youth of Sudan, they have been impacted by the civil war; many have been enlisted as soldiers. Reaching out to them is also going to require unique programs to help them understand their political rights and take a role in the political process. On a related note, under the CPA, 180,000 combatants will be disarmed and reintegrated into Sudanese society in the next three years. This group is also going to need special programs.

I've mentioned the nomad before and because of their nomadic lifestyle, they represent a particular challenge to voter education programs. One idea is to train the leadership within these small communities to be in charge of voter registration. But again, where will they vote? Does the time of residency in the law apply to them? Are they going to have special treatment that the election commission will need to address in the legal framework?

Regarding people with disabilities, not only do polling stations need to be designed to accommodate PWDs, but also special voter education programs will need to be developed to effectively educate them.

Lastly, concerning the Sudanese Diaspora, the law does identify that Sudanese living abroad are residents and can vote in the presidential election. But it has yet to be determined by what mechanism these people will vote. We need to resolve how to reach this population through the complex system that has been introduced.

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**Mahgoub Al-Tigani**  
*Sudan Human Rights Organization*

My organization has been collaborating with the NED since the early 90s and we are very happy to say that aside from the legal restrictions that the government of Sudan has imposed on the country, we have been able to work successfully on the foundation of popular organizations in Sudan. We are not working under any claim by any government in Sudan over the legitimacy of popular work. We can look at old parties like the UP or the DUP in Sudan that are not registered under any law and that are one of the major parties in the country and they have past, present and future claims. We can talk about new organizations that have assumed influence in the country. The SPLM is "registered" as a party because of the legitimacy it has gained through its activities. So as civil society organizations, we are not concerned at all with any superimposed legitimacy, but we are concerned about the restrictive measures that government could take to restrict popular organizations from performing activities. Due to these restrictions, we have the strongest condemnation of the government of Sudan. It has invented laws, created procedures, and imposed goals and objectives that challenge and restrict the rights of Sudanese to join organizations, form organizations, work on the improvement of community and political life, and network with the regional and international communities. All of these rights are mentioned in the CPA and in the interim constitution, but what of the CPA's implementation?

If we work as civil society groups towards its implementation, we might be perceived as sympathizers with the government and its ironclad policies. But we are not government sympathizers. What we do is made possible through the help we have, not only from the NED, but from the Sudanese inside, because there is no organization that can live solely on external support. An organization has to have a foundation and know-how. It has to have a popular constituency within its own country. The Sudanese have a legacy. They want to live freely. That's how they undermine government and why governments, whether today or tomorrow, have to come to terms with this legacy of wanting respect for human rights.

It is a simple fact that Sudanese want to live freely, but we see the Sudanese government acting against the will of the Sudanese people. So, we have gotten very generous support from the Sudanese people, and the NED, which is highly appreciated because it allows us to design our own programs. We had this kind of support from the Sudanese government in what is called the "Old Sudan." We had, for instance, an elected government, the intifada October elected government, the April intifada government, the Sadik al-Mahdi government - all aborted for different reasons. But in the time that they were exercising democracy, we had legitimacy as civil society groups to function. We had a doctor's union, a professor's union, a nurse's union. A very long list. Now there is no single government executive; there's a professional security officer to torture, to exercise any kind of surveillance or censorship, or even root intrusion into the very meetings of the Bar Association, or the Doctor's union, etcetera. We didn't have this sort of intrusion before. We had, for instance, Mahgoub Sidahmed who was a simple worker in the Shandanul (a water and electricity corporation) and a famous international labor leader, because he was respected for his understanding and established way of using international law to enforce labor rights.

We ask the international community to really give attention to the real realities of the country, to work with these popular organizations. They have gotten their methods to work despite the efforts of Bashir or Salah Abdallah Gosh of Security. They have ways to hold general assemblies, to train their

people, and they have a role in the upcoming elections. I want you really to realize and talk about the civil society groups inside Sudan, regardless of the arsenal of restrictive laws that are imposed on them. The North and the South are ready as far as these organizations are concerned. These organizations supported John Garang all these years, not as a guerilla, but as a genuinely nationalistic, broad-minded movement to correct the direction of the country. They have continued to support that and we have our distinguished guest here, his Excellency Bona Malwal, who was part of that. He knows that the movement of the Sudanese people for a democratic life cannot be deterred by guerillas. The Sudanese movements are not guerillas; the only guerilla in the country is the government of Sudan, which is repressing and terrorizing people.

We are now programming for the elections and we are ready. We ask the international community to be involved with popular organizations in Sudan. Talk with the Mirghani about his party. Talk with al-Mahdi about his party. Talk with Nugud about his party. Talk about the Nationalists. Talk about the Darfur group. Talk with the professionals, the doctors, the engineers. Bring them together in an international conference. *Those* are the voices of the Sudanese. And then you can ask partners who are now ruling the country. We are sympathetic with SPLM as far as civil society groups because SPLM has been struggling for the same kinds of goals that the popular movement in Sudan is working towards. Now being immersed in all these difficulties and hardships, to the extent that Ezekiel is saying we are in, means that the CPA, the Comprehensive Peace Agreement, has been superimposed and advanced its structure over a structure of a government that is not ready to accept it. And I end this with saying again: we have set up commissions inside the country consisting of popular organizations to oversee the elections, to help international monitoring groups, (except Chinese groups), work with the Sudanese people. We are getting a little bit of support that is very highly appreciated, but we need and want that support to be greater through direct negotiations with the Sudanese popular movement.

## Q/A

***What challenges to you foresee around elections in the three areas (Abyei, the Nuba mountains and the Blue Nile)?***

**Zeinab Abdelkarim:** If people refrain from taking part in the electoral process, then the election is going to fall short of being fair, comprehensive, and inclusive. Security and stability in these areas is crucial and eminent before any electoral processes can take place.

**Susan Page:** I just wanted to say NDI has staff located in all ten Southern states and we also have people in all three areas including Abyei. So the challenges are a lot of the normal challenges related to distance, logistics, and weather, more or less the same challenges that exist elsewhere. I think that a difference is that they do have a different arrangement, not for elections per se, but they do have a different arrangement for going forward. And so some of it is moderating expectations because while everyone talks about the referendum for the people of the South and they do mention the referendum in Abyei, a lot of people in the two areas, in Blue Nile and Southern Kordofan, still believe also that they are going to have a referendum, which is of course not true. They don't really understand what popular consultation means and that it's really working through their state legislature and through the operations of the state legislative assessment and evaluation commission to work with the CPA and have that be the final arrangement for their two areas. So I think a lot of it is also about managing expectations.

***You mentioned some of the requirements to register to vote. How feasible will it be for IDPs and refugees to obtain the proper identification documentation required to vote?***

**Ms. Abdelkarim:** I think it's a very important question and this is one of the issues left for the National Election Commission to determine. There are gaps in the legal framework that have yet to be addressed. We'll have to wait and see what type of documentation will be required from these groups.

***Do you see some progress in the implementation of the CPA that can pave the way for the coming***

***election and help to create a healthy environment for the coming election?***

**Susan Page:** Personally, I actually see a lot of great progress. I think sometimes we're a little bit too harsh on the CPA; it is a massive change in the way that the government is working. It ended a war, it provides a framework, it's bound to have fits and starts. This is not a sort of natural love; you don't make a peace agreement with your friend. You make it with your enemy. So, I do see a lot of progress.

I'm not one of the naysayers about elections. I think elections will take place, I think that they will go forward. I think a lot of people also have not really played their part. I mean IGAD, the Secretariat on peace in Sudan, disbanded after the peace agreement was signed and people who have a lot of resources and expertise were not tapped or utilized by the UN and by other organizations. So you have people like General Sumbwayo basically sitting idle in Kenya. I've mentioned this at a couple of conferences lately, and my theme seems to be that we do have a lot of people with knowledge. I think it's hard to claim expertise on Sudan. If you know a tiny piece of the puzzle, that's about all you can really hope for. But there are a lot of people with great knowledge and who I think would be willing to help and assist.

The multi-donor trust fund has been a disaster. There are a lot of people to blame or institutions to blame, but overall I think there has been great progress. During the negotiations, the Southerners wanted zero interim period, just go straight to the referendum. The government wanted a ten-year interim period, a twelve-year interim period, so you do the math and you split the difference and you get six years. It takes time.

So I don't have any really magical solutions, but I do think there are a lot of people that are available and that are around and would like to help and I do see that there has been a lot of progress although, again, it's organization, the country is enormous, you have logistical problems, etc. So I think you have to weigh them and not constantly say 'this hasn't been done', 'this hasn't been done'. And the reality is, both sides are implementing areas they're most interested in implementing, and the parts that

are most difficult are those parts that are often left behind.

***Do you think the election law will help guarantee free elections?***

**El-Tigani:** To be fair, given the nature of the regime, it's definitely a step forward. But we have to be suspicious about that, we cannot be optimistic at all. Sudanese civil society groups are never made optimistic about their country and its future, but they work towards a goal of achieving full political freedoms. At the same time, we believe the law is also a part of the well-known, well-documented policy making of the government of Sudan since 1989 to the present time. It is still restrictive and authoritarian and favors the ruling party which has no challenger in formal politics. So the law is also part of those realities in the political arena, giving more power to the ruling party. Restrictions on candidacy, restrictions on even being a candidate at any level and then the proportional list and the presentation of parties are restrictive such that you have to have 7% of the total vote, all kinds of crazy things. You just want to be the giant, sole, ruling guerilla against the people of Sudan. What it comes down to is that everything the government produces has a quality of restriction, to enable and empower the ruling party to continue. It also thinks of itself as a real transitional government, but by the very definition of the word, transition means you have to prepare the country for a real government, which the ruling party is not doing.

***Although central Sudan is one of the most densely populated regions in Sudan and where the NCP has mobilized a lot of support, it seems that experts have mainly focused on prospects for elections in Darfur, the South and the three areas. What about Khartoum state and the scenario for elections there and how it will play into NCP support in the elections?***

**Stephanie Blanton:** I think it does get to the aspect of if you're looking at the country, you have Darfur where it's going to be very difficult to have elections; you're talking about the South where, if you're looking at opposition parties competing, you know who will win there. That is more of a logistical challenge as far as getting people to vote and getting an election to happen. The challenges we face in opposition parties in this area include

lack of access to media, lack of resources, lack of funding, significant challenges – I'm thinking of a diplomatic word – they're going to be prevented for actually competing, both from legal standpoints from the electoral law to actually preventing the people from getting out into the streets to do what needs to be done to campaign and recruit voters, bring people into the polls. The pressure and influence is going to be conducted and placed on people who try and vote and vote their own will and it will be a significant challenge from an IRI perspective. This is something we work with, with these opposition parties, and trying to come up with ways around the barriers that are placed.

It seems we've held elections in a number of different countries where these things happen and I think we all have had such challenging experiences in Zimbabwe and the Middle East and other areas. So though it is going to be a big challenge I don't know if we have any grand answers. I know you have to try and take what you've got and figure out a way to get around it and move around the barrier. But it is going to be a significant challenge I think in the election.

**El-Tigani:** I want to add that the central part of the country is highly educated, because it has a lot of economic leverage and ties. There is going to be a very hot competition between the Umma Party, the Democratic Unionist Party, the Communist Party, and the ruling party of course. Civil society groups and unions are going to have something to say about that because many of them have a history of building up civil rights movements in the country for many years.

***What have we learned from past elections? Where are the areas where we have been successful in carrying out elections? Do we have the energies and capability in Sudan to build its civil society right now?***

**Ms. Abdelkarim:** I'll answer the first segment of his question. I don't think that civil society is ready to implement the voter education program I'm talking about. First, it's a completely new election system, very complicated and convincing the electorate to participate in the program is not going to be an easy task. There is going to be a huge need for creating a unified message to reach out to the electorate. This message must be tailored to each

context and each geographic area, which will mean there is a huge need for partnership between the civil society, the NEC, the political parties, the media, and international donors. I don't think in Sudan there exists one civil society group that has a huge network that has access to all of Sudan. I think civil society's past experience will be useful, but there it will be challenging to coordinate all of these efforts.

***Mr. Tigani, I was interested in your appreciation of outside support. You have a number of international and government partners who want to assist civil society. On the other hand, we've seen in other places that outside support can be used to discredit and undermine local organizations. Are there activities that international supporters should not do and should leave for local Sudanese organizations to do? What advice do you have for the people that want to help you?***

**Mr. Tigani:** I think it depends on how far we trust the popular movement of Sudan and on the organizations there. These organizations should not follow the advice of the government of Sudan. That is number one. They must disregard any advice from the government of Sudan because the government of Sudan has proven for twenty years now that it is a government working against its people. So take it from me, as one who at least very humbly has a little bit of knowledge about some groups inside Sudan and how they feel and have worked for a long time, the most important way to talk with a Sudanese organization is to show respect and to show trust and to demonstrate knowledge about their real objectives and the way they are working. Many of them work with groups in the West, among intellectual circles and among arrogant people in Sudan, who think of them as tribal, primitive and traditional. These organizations have a very genuine agenda, whether they are nomadic, or simple workers, or don't have sophisticated technology or licenses and all that; but they are people with real problems. The trade unions: many of them are still working even though they have lost a lot of their members to immigration and torture, but they are still there, working on behalf of the people.

You need to help international donors engage the Sudanese who are going to hopefully, finally have

their voices heard. And then you need to identify the historical leadership of political parties that have shaped the history of the country, whether we like it or not. You cannot ignore the Umma leadership, you cannot ignore al-Mirghani leadership, and you cannot ignore the Communist leadership. These are historical constituencies inside the country and over the past 60 years we have learned a great deal from their experiences and leadership. The CPA might have been an agreement between two armies, but these are massive constituencies in the country that cannot be ignored. International donors must identify them and talk with them.

And the last point I would advise is that if you want to set up radio stations, I think there needs to be full collaboration with civil society groups.

## Luncheon Keynote Speaker

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**Congressman Don Payne**

*D – NJ*

It's certainly a pleasure to be here and let me thank the NED for organizing a conference of this nature because I do believe that this issue is very important. Sudan is certainly a country on which a great deal of the future of Africa will depend. We all know that at one time Sudan was the breadbasket of Africa and supplied enough food for the entire continent. However now we find that there's desertification and turmoil and so this tremendous, valuable resource has been lost. Of course if I were putting together the program I might have suggested that we have someone from Darfur, or to represent Darfurians, or Nuba, so that we could really hear from people from those truly affected regions. I know that we can't do all things that we'd like to, but we do have to remember the victims and we do have to try to focus on them specifically, even though in general, when we discuss Sudan we're talking about the problems there. I would have liked to have heard from some of those victims. I see quite a few members of the government of Sudan here, probably more than I've seen in an audience in my whole career.

I go to Sudan a great deal, but I've never been to Khartoum because until the government in Khartoum decides that it will defend people like governments are supposed to do, until the government decides that it will not use weapons of war against its people, I will not go to Khartoum. Some here may recall the 1970 Kent State shootings when the National Guard fired on some and several students were killed. There was a tremendous outcry and in a report produced shortly after the shooting, the governor of Pennsylvania asserted that a country that uses weapons of war against its people is on the verge of chaos. In this case, two students were killed.

When we look at what has happened in Sudan, over several decades, with the suffering of so many Sudanese people, our inability to end their suffering is tragic. When a nation takes its airforce and bombs huts that just have thatched roofs and mud walls, it's unconscionable. That is not a

government of the people; it's a government against the people. I never dreamt that in the 21<sup>st</sup> century, in the new millennium, we'd still be talking about things that happened in the middle ages. It's unconscionable. I went to Abyei recently and I saw what had happened there. I saw the pain and the suffering of people in Abyei just a couple of months ago. There were areas totally destroyed by the government of Sudan. Just burned up, a scorch-the-earth policy in action, and the bombings still continue as we sit here.

I have been very outspoken as you may know, and let me say that according to apologists for Sudan, nothing happened in these small towns; it's all peaceful and matter of fact to them. The number of people that President Bashir says have died as a result of Darfur is 9,000. That's unbelievable. So we see these persons who are supposed to be defending their citizens in Chad, Darfur, and Abyei. They're really traitors to their own people. How soon you might have forgotten about all the killings in South Sudan. One of the major omissions in the CPA is the issue of accountability and justice. The criminals in Khartoum correctly calculated that if they could go free after the atrocities and genocide in Nuba and South Sudan, why not move ahead in Darfur?

We talk about the genocide in Armenia in 1915, and Adolf Hitler said that if the world had stepped up when the genocide was going on in Armenia, he would not have done what he did in '39 when he went in to Czechoslovakia and other countries. He actually made reference to the genocide of the Armenians, 1915-1921. So when governments and the world do nothing, brutal dictators are allowed to continue to do what they want to do. What is sad about the whole situation in Sudan is that some of the leaders that were supposed to protect and look after the homeless and helpless civilian population have become traitors and apologists to the same people that were killing and maiming the helpless. My friend and visionary the late Dr. John Garang said it best; he said, "these people are too deformed to be reformed."

As we move forward, we're gathered here for the prospects of democratic elections in Sudan. The signing of the CPA was intended to transform Sudan into a democratic country. What we have seen in the past several years is quite the opposite.

A friend of mine told me once that we did not sign the CPA to go to bed with the NIF government, but to put their ideology and brutality to death, to get rid of it. But there is a question about how fair and free these elections can be when people are still being oppressed and frightened by the government. Will they feel free to vote? To make it crystal clear, we're not opposing elections in Sudan. However, the results will certainly be questionable and much more has to be done to ensure that these elections are fair and free. Just imagine holding elections in World War II. As a matter of fact, there is a story about Liberia when Charles Taylor was a presidential candidate, and the people of Liberia hated Taylor. They planned to vote for him for president because that would force him out of Lofa County where he was brutalizing Liberians. So, sometimes people will vote a certain way out of fear. So it's pretty interesting that it's going to be a very difficult election to try to have. Imagine trying to have elections in Rwanda a year or two after the genocide or in Cambodia if Pol Pot ran as a presidential candidate. It's almost analogous.

The vision of the victims of Darfur has come a long way, but there are many that are still being left behind. And then the question will be, who will they be voting for? Remember these people are still facing untold suffering. In the past weeks alone, how many did Bashir force into IDP camps? How will there be free and fair elections when these atrocities are still going on? The intimidation that happened in Rwanda is happening fourteen years later. "Never again" was the saying after World War II, but we really didn't live up to "never again," that's for sure.

In 2004, I was elated when Congress declared the atrocities in Sudan as genocide. I was very proud, because it was the first time that the United States Congress had ever declared genocide. We still had a resolution on genocide and Armenia, which was pulled off the table last year when it was supposed to come up for a vote. So I was elated when the US congress and then the administration and President Bush declared that genocide was occurring. This was after Secretary of State Colin Powell did an investigation of 1300 interviews conducted by international lawyers of victims of genocide. I was there during those interviews, so I was certainly elated and proud when genocide was declared. I was skeptical though, I must confess. I really

didn't think that we were going to get the resolution passed. However, it went through 22 to zero. I must state clearly though that even though the resolution passed overwhelmingly, the Congress, the administration, the US, and the world has failed. Because even though genocide was declared, the situation continues. It still goes on. We still have representatives from the government of Khartoum that are invited to this country to discuss over wine and dinner how certain things are going wrong. And let me just say that many of the apologists for Bashir are responding to the International Criminal Court's charges against Bashir, by not speaking out and defending the helpless; instead, they have decided to help the perpetrators of genocide.

We thought that the transformation of the Organization of African Unity would change the way the AU operates and that the new AU with NEPAD would be a vision of light and hope and a beacon of a new African Union. However, it's totally disappointing that this has happened. Unfortunately, some of the traitors allege that the ICC process is dangerous to peace. And that the CPA will collapse because of the ICC indictment. Let us be honest, in Sudan, is there peace today? Is the CPA being implemented? Have the 2.2 million displaced persons in Darfur returned home? What peace agreement are we talking about: the Darfur Peace Agreement? Why not ask those who signed the agreement where it stands? Because the agreement is not being followed.

Let me conclude by saying that we have a critical situation. I'm not ready to give up on justice and democracy in Sudan. I do believe that this country can be saved if we put more pressure on and roll up our sleeves and work harder at it. I have to commend the administration and President Bush, who with his appointment Senator Danforth, saw that the CPA was important. As a matter of fact, I was at the White House on the Thursday before 9/11, and we had a signing where Senator Danforth was appointed to be a CPA negotiator and the President was really focused on making sure that Sudan would be completely rehabbed. However, 9/11 came along, and all kinds of distractions followed. If President Bush had the time to really focus on Sudan, I think we would have seen better results. I have to commend him though, for the interest that he's had, not as much in the State

Department, but in his personal interest. But I think that we would not be as far as we are with the CPA today if it were not for him and his interest.

#### Q/A

*How do you see the prospect for peace versus justice with the ICC? If President Bashir is in fact indicted, do you think the UN will be forced to leave the country?*

**Congressman Don Payne:** I'm not sure if there could be any less cooperation from the government of Sudan than what we currently have. So I don't know how much worse it could get. We can't get vehicles and 62 persons have been killed trying to. 55 vehicles have been taken by government, while people are trying to transport food to refugee areas. There is no cooperation right now from the government, especially if you are trying to get a piece of equipment into Sudan. Peacekeepers also find it difficult, and there hasn't been much movement forward because the government of Sudan won't give permission for helicopters to come into the country. And so, I guess you could have a slow down or you could at least pursue the perpetrators of all of this and let Bashir have some sleepless nights. Bashir has created a lot of sleepless nights for millions of people and ended their lives, so I strongly support the ICC's indictment. I think it's certainly going to be very difficult to take President Bashir to the Hague for trial, even if he's indicted. But I think that we should let the indictment stand.

*How could the U.S. Congress help elections take place in Sudan in July 2009?*

**Congressman Don Payne:** Well you know we've supported elections in many countries, but I think that the playing field is so uneven in Sudan that even with the SPLM competing nationwide, the apparatus of the Sudanese government will put opposition groups at a clear disadvantage.

The fact that people have been displaced in camps is also problematic. The number of people has risen to 450,000 in Chad. Through NDI and IRI, we've been able to assist countries that really want to have elections. We don't believe that the government of Sudan is really interested in having elections in 2009 and that's an issue that we in the

Congress will have to look at with people from NED, IRI, NDI, USAID and other places. It's also very difficult to do much because many people aren't allowed to get visas to come into Sudan, to do the work that must be done. So I do hope that we have a new administration that will continue President Bush's actions, but also foster a State Department that will act more affirmatively. I think that we have people that can help and have experience in foreign affairs. For example, Joe Biden has made it clear that Sudan will not continue on the path that it's going down right now if he's Vice President.

## **Conclusion: “The Way Forward”**

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**Bona Malwal**

*Special Advisor to President Bashir*

A friend of mine once asked, how can you oppose every government that has existed in the Sudan? And I told him that I want the best government for my country and none has come yet.

One of the reasons perhaps why Dave says that I have a bit of a controversial position in Washington these days is because I believe that when two communities, or two people, or two individuals have been in a conflict and they deliberately, without the force of anybody, agree to enter a peace agreement among themselves, that presupposes that people have to cooperate together. I am in the government of Sudan because I think that we have a great opportunity with the signing of the Comprehensive Peace Agreement. I wasn't a supporter of the negotiations; I did not attend, not one hour, not one day of the negotiations because I didn't believe that the negotiations contained the principles for which I stood and struggled for, for nearly 40 years. But when you have a country and a people that have been devastated the way the people of Southern Sudan have been devastated for 22 years, and a peace agreement like the CPA comes along, you have to reconcile with yourself and accept that a peace agreement *is* for the better. It is for the better of all people in Sudan, though particularly for those who were devastated in South Sudan. I would not have been interested in being part of the government of Sudan if the CPA did not contain the principle for which I fought for 40 years; that is, the right of the people of Southern Sudan to self determination. Having that right of self determination there, I felt that the least I could do was to be part of that peace process and peace agreement and do my little bit as an individual to ensure that the peace agreement wouldn't falter. That's where I stand and it doesn't matter what kinds of titles I get, you know, 'sold to the National Congress Party' or 'apologist for Al-Bashir's regime.' As far as I am concerned, I do not have the slightest feeling that I am doing anything wrong regarding the interests of the people of Sudan as a whole. So I feel proud to be a part of the peace process that is going on. The peace process in

Sudan, of course will not succeed 100%. Where in the world has any peace agreement succeeded 100%? Nevertheless, the tenets of this peace agreement are holding up. We have a process; even my young nephew Ezekiel, in some of his remarks this morning, said that the SPLM is not being allowed to carry out what it wants, its agenda for the peace process. I won't comment to Congressman Payne, who is a personal friend, except to say that if I were called an apologist, I accept it. I accept the guilt for that very willingly without any feeling of remorse at all.

The peace process right now is between the government of Sudan, a government of the National Congress Party, and the SPLM. And by the process of government and by the process of coalitions, nobody allows the other to carry out its agenda, because the coalition government is a government in which two parties engage in order to implement their own agenda. It's nicer if they do it through cooperation, if they cooperate among themselves; that kind of agenda works very well. The SPLM has eight cabinet ministers and ten ministers of state. That's an agenda that cannot be denied. I feel that perhaps the SPLM has not been up to the level it should be. If you have 19 ministers in the government, what are your obligations to your own ministers? I would be very happy to see a government of national unity based on a common agenda. That's what the government does first; each party brings an agenda that then becomes a government agenda. If one party does not carry out the agenda that has been agreed upon by the two parties, then there is controversy. But this has not happened, you know the things that divide us in the Sudan, the things that divide the National Congress Party and the SPLM, are the things that are being emphasized, especially as far as the public media is concerned. And of course in circumstances like that it becomes very difficult for agreement between parties to go on. Again, there is some reason for that; after all we have had 22 years of a civil war. That said, I don't think three years is such a long time for people to build confidence amongst themselves, but I think that the fact that that the Government of National Unity is staying after three years of an agreement, is an indication of the nature of the peace process.

I honestly believe that the people, the two parties, the National Congress Party and the SPLM

understand that the entire country wants this peace process to survive and I think that is what has prevented the total breakdown of this peace process. I personally believe that the peace process is happening and I hope it will be there for the next three years.

We face a lot of controversy about the process of elections. I would not say that democracy can be timetabled. Democracy is a process and a process cannot be timetabled as strictly as it has been in Sudan. The CPA, although it includes strong sections on democracy, was not intended to achieve democracy. The CPA was meant to bring peace to the Sudan, realize the interests of the people of Sudan, and ease the devastation that was caused by war. If the CPA section on democracy doesn't work now, since it is a process, we'll have to continue to work on it. I personally hope that both parties, who share 80% of the power of the country, will find it important and consider it their duty to go through the peace process. That's why the elections are interesting. They are the culmination of the peace process itself, because the final act in the peace process is the 2011 referendum on self determination for Southern Sudan. I would hope that whatever the two parties do among themselves, nobody is going to derail the peace process between now and 2011, because if parties violate the CPA, they won't be able to achieve their goals - the SPLM's desire to create a new Sudan and the National Congress Party's desire that Sudan stay as one country. So far, the indications are that the peace process is on track. There are ups and downs with it as there are indeed ups and downs with human life itself, but I would hope that the Government of National Unity honors the election process.

We talked before about the dates of the election. People have said they are supposed to be in July. Elections don't need to be in July. Elections need to be in 2009 and really when you look at the situation, there has never been an election that has taken place in Sudan in July. Why can't elections take place in April or May, or April, May and June, instead of having the excuse of the rains to not carry them out properly in July (which is the end of the deadline of the CPA)? Why do we have to go up against the deadline of the CPA if we have no intention of postponing these elections? There is time for us to organize the process of elections in

spite of our elaborate legislative procedures. As Dr. Mudawi stated, much of the legislation has already been achieved and what is left in the election process can be completed within the remaining two to three months. Thus, the election process can start in January 2009, not in July, and we can work towards those elections without waiting. That is the best way forward as far as I'm concerned. There are certain things that need to happen and certain things that need to take place before then, for us as the government of Sudan and for us as the people of Sudan, but also for the international community.

I think we have to understand that without the involvement of the international community, like it or not, we wouldn't have the CPA today. And if the international community wants what it has brokered, what it has nurtured, then it should not arrest its effort now. I think that there are things that the international community can do. I think it is good that this morning's panel identified the fact that if there are people interested in rigging this election, nothing is ruled out and nothing is ruled in. Rigging could very easily happen, so monitoring should start now in accordance with the legislation. So the international community has a role in making sure the election takes place.

I never say that the people of Southern Sudan should choose unity or separation. The reason I have been an advocate for the rights of Southern Sudanese to self determination is because the people of Southern Sudan were never consulted about being part of the Sudan. I think as a matter of principle the people of Southern Sudan should have the right to exercise self determination, to choose separation or to choose unity. This is up to them. That's why I am a very staunch supporter of the CPA. I believe that if the National Congress Party and the SPLM are sincere and honest about wanting to have peace among the people of the Sudan, then they will see to it that the peace process and the election process are implemented honestly and diligently. A violation of the CPA will have terrific repercussions for the entire country. Therefore, my reading as a member of the government of Sudan is that there is nobody in Khartoum or in Juba who doesn't want this process to be completed. I think the CPA is on course, and we must press ahead with the election process because it is the final act in the implementation of the CPA.

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**Jennifer Cooke**

*Center for Strategic and International Studies*

I'm going to take a step back and look at how the international community and the United States might think about the CPA and upcoming elections. The gist of my argument is that we need to hope and we need to work for the best case scenario, but we also need to prepare for a worst case scenario, potentially a very bad scenario.

The CPA was a starting point, not an end point, and that was very much recognized at the time, I think, by the negotiators as well. It was acknowledged and it was critiqued for including only the SPLM and the government in Khartoum, but for pragmatic reasons, at that time a decision was made to bring peace to the North-South conflict and engage those two critical parties. But that was not the end of the idea of the CPA. It was meant to be a process and a first step in a process of transformation. The agreement was very long, it was very detailed, but in fact, many of the very difficult issues in terms of oversight, in terms of enforcement, in terms of contingency plans, were left unaddressed. A lot of the implementation of the agreement relied on the vision of the two negotiators, John Garang and Ali Usman Taha, and I think we lost a lot when John Garang passed away. The agreement, comprehensive and detailed as it was, could not address every contingency. And that was recognized very early on as well.

It was also recognized that this agreement would not go forward on its own. It was a piece of paper, and arduous as the process of getting to the signing of the CPA was, that was a picnic compared to what the implementation of the CPA would be. And it was assumed, and it was recognized by the negotiators, that there would need to be a lot of international stewardship, oversight, continual pushing of both sides, both of the SPLM and the government of Khartoum, and guarantees on some of the provisions. It was absolutely critical that that happened and I think unfortunately the international community dropped the ball, and the US dropped the ball. This was for many reasons: we have a tendency to be very crisis-driven, Darfur was beginning to bubble up at that time; the constituency that had been mobilized around the

North-South agreement, which was a very remarkable and powerful constituency, became subsumed and focused the anti-genocide movement on Darfur. US policy also failed because of inadequate diplomatic resources within the State Department. There is only so much attention and focus to go around, particularly within Africa, but also with other crises as in Iraq and Afghanistan.

So there's chronic deficit of senior, high-level officials within the Africa department because of funding and so forth. I think at that time we should have appointed an ambassador to Khartoum. I know this seemed very controversial at the time, that this would be a carrot for Khartoum and it would be rewarding them for bad behavior. Frankly I don't care what Khartoum thinks about it, it's more important for our own interests to have eyes and ears on the ground and a senior, empowered person who could pass messages formally and informally on a daily basis to the various players and the various parties in Khartoum and engage with civil society. We heard some of those groups today, working sometimes in isolation. I think having senior US diplomatic engagement with those groups would help give them a voice. But we are where we are today.

On "working for the best" I think we heard from the second panel, especially some of the opportunities. We heard a lot about the challenges: Mr. Elwathig laid those out very well. We heard about how arduous the electoral law has been, and a number of those other reforms laid out equally will be arduous. I think we need to perhaps adjust our expectations about the transformational nature of these elections, but we need to try for the best that we can get in the circumstances. The international community needs to make up for that attention deficit over the last three years around the elections. It's amazing that three years have passed this quickly and that there hasn't yet been a meeting like this to bring Sudanese groups together with US officials to talk about these elections. We're only ten months away at this point. We need adequate diplomatic and senior level attention on the whole of Sudan.

As I said, so much attention has been drawn to Darfur and we need to be working with international partners on this. We also need to navigate the fact that these elections aren't

happening in a vacuum. You have Darfur going on, you have the pending ICC indictment, and with all due respect to Congressman Payne, I think there are legitimate questions about the timing and usefulness of the ICC indictment. You needn't be an apologist for Bashir to raise those questions, about what this means for the peace process. I think his take is that Khartoum cannot be any less cooperative and things couldn't be any worse for the people of Sudan. I think actually, unfortunately, they could be, and I think we need to think about that. There are very legitimate reasons for the ICC indictment and ending the culture of impunity, but I think we need to think very carefully about balancing the ICC with the Darfur peace process and with an election that's going to be very contentious. I do not have the answer about that, but I do think there needs to be a civil, constructive debate around that.

I think we need to be even-handed in our engagement with Sudan. At the same time that we work for the best case scenario, we have to prepare for the worst case scenario and I think we need to be realistic. One wants to be optimistic, but in fact there is a very high likelihood of disaster here and I look forward to audience reaction to that. A worst case would be a breakdown of the election process, fracturing within Northern Sudan, major fracturing within Southern Sudan, resumption of violence and conflict. You may see a hunkering down of the regime in Khartoum, looking for allies elsewhere, perhaps, and I think high expectations in the South of the possibility of western support, even perhaps military support. There's a strong constituency here in the United States that has pushed for Southern rights and I think we need to manage all of those expectations very carefully.

There will also be, should this process break down, a sharp divide in the international community. A breakdown in these elections would put us very much at odds, I think, in strategic interests with China. China with its oil interests in Southern Sudan, with its strategic alliance and so forth, would have a very different take in this and would be even more in opposition to the United States approach than over the Darfur issue, where China does not have a physical oil presence, and where there is at least some kind of commonality of interest in ending the conflict and bridging differences of approach. So there's a possibility of

a division between China and the West even starker than on Darfur. The UN Security Council will be very much divided. I don't think we can expect to have Russia voting with the United States anytime soon, given recent events and the UN Security Council too may be stymied on the issue of what to do. So the way forward, in my perspective, is to really begin now to prepare for that scenario or for a not-so-good scenario.

I think we need senior level, sustained engagement with the Chinese leadership at this point, as well as with the Sudanese parties on all sides. On the international scale, the U.S. should engage with the Chinese leadership to at least try to establish some common ground. What are the benchmarks, what is good enough in these elections? Can we agree on the red lines that tell us that this process is going deeply off track? And how do we manage our response to that? In addition to China, I think we need to begin now consultations with the Africa Union and IGAD, reinvigorate our discussions with IGAD and the Kenyan leadership, and other key partners. What we don't want to happen is for this process to breakdown and then find everybody scrambling to come up with a contingency plan, figure out what we can get China to agree to and so forth. The Arab League will play an important role; we need to be engaging these key players and groups now. How are we engaging the African Union? This is particularly important: China is much less likely to listen to US browbeating than it will to a Pan-African response to this, and we need to galvanize and encourage the African Union to start thinking about this now.

Finally, we do talk a lot about the responsibility to protect and in Sudan we've seen just how absolutely difficult that is. But the responsibility to protect should also include the responsibility to prevent. And by allowing the CPA to lapse for so long in our collective attention, we failed in a very significant way in our responsibilities toward Sudan, even as we've been focusing so much on Darfur. The next administration, whether McCain or Obama, has a real responsibility to do everything it can to forestall a potential unraveling of the CPA. That has got to be a real priority for the incoming administration, because the potential crisis that unraveling could generate would dwarf what is happening in Darfur and really subsume all our energies toward Africa in a very negative way.

## Q/A

*You say that you accept your role as an apologist for Bashir. What does that mean and how will it affect your ability to bring the two sides of the table together?*

**Bona Malwal:** I would not say exactly that I have accepted the role of being an apologist, because Bashir is not recruiting for apologists. But you know anyone who is a member of the government of Sudan, which I am, has a duty to defend and support that government. Bashir is leading a peace process in Sudan that I support and that is the only way out for my country. Some people have labeled me an apologist and that's all I said. I accept that. It's not accepting the role because there is none. Bashir is not looking for apologists, he is looking for Sudanese that want Sudan to succeed via the peace process. Anybody who thinks that we can use the peace process as a way of undermining Bashir and taking him to The Hague is dreaming. Peace can't happen that way. Either you are part of the peace process and part of the agreement with the government of Sudan (which is what Southern Sudanese are all about, and is why we are part of the Government of National Unity, or you are not. And if you are not, of course you leave the Government of National Unity). If Bashir is not interested in implementing the CPA, then I'll not stay with him one more minute. But as long as I have reason to believe that Bashir wants to implement the CPA and I support that implementation, then anyone who wants to call me an apologist is free to do so.

*The CPA under Bashir is not working because John Garang died and he was its chief engineer. The CPA will still be relevant if Bashir goes to The Hague. His departure would be better for the Sudanese people anyway because he is a criminal and has committed terrible human atrocities.*

**Jennifer Cooke:** First of all I want to say that in an ideal world the idea of accountability and impunity is absolutely crucial. However, the indictment of Bashir does not mean his removal from power, it doesn't mean he will go to The Hague. It's an indictment, and it will be a sword of Damocles that hangs over his head. Sudan doesn't recognize the ICC. It's very unlikely that an African neighbor

would have him arrested to take him to The Hague. So the thing is that the ICC doesn't necessarily remove him from the scene. He's there, now potentially as an indicted war criminal, who has garnered, it seems, diplomatic support from the African Union, the Arab League, and others to defer his indictment. I don't think there's an automatic answer: but will it mean that Khartoum hunkers down even further or turns to other allies in the Arab League or to even more support from China? There is a certain sense, right now, that we're not getting anywhere with Bashir so just lay this on him. But we have to think critically about that process. The ICC doesn't remove Bashir, it leaves him there angered, defensive, and perhaps wanting to kick out UN agencies, thwart the election process, and so forth. I do think the sequencing of impunity and the peace process needs to be debated and thought through in a pragmatic way, with the focus, ultimately, on ending the conflict.

**Bona Malwal:** What Jennifer has just expressed is an unfortunate illusion shared by many Sudanese who are not supporters of Al-Bashir. I think it would not be a peaceful world to live in if a head of a state were just an individual. Bashir can't be an individual because he's a head of a state. And that's why the international community recognizes that Bashir is the guardian of the CPA. He signed it. If you take him away, who would replace him? Salva Kirr, first Vice President? Even that is problematic. Who would instate Salva? The International Criminal Court or the Sudanese? There's a process required to bring about a head of a state in any country. One of those processes is elections, which is the subject of our conference here today, and the other, a coup, which has to take place at the hands of nationals. I have seen it. I have seen the devastation that the war has brought to the people of Southern Sudan for 22 years. I have seen how other leaders of the Sudan have had to pay lip service to the implementation of a peace process. Even today, Ambassador Williamson's admission that 43% of the oil sharing is taking place is a big admission. I don't know where he thinks the remaining 7% has gone, he didn't give an explanation. He didn't answer that question.

Donald Payne gave his own explanation of what happened in Abyei. I don't want to talk about that because it is being investigated. I would like that

our American friends, when they want to talk about situations in the Sudan, talk about factual situations in the Sudan.

I think we would be seriously mistaken if we thought that the International Criminal Court could replace our Head of State and that we would remain a happy country in the same way as if we replaced our Head of State ourselves. It doesn't work that way. Bashir was not a personal enemy to us. Bashir was somebody who was in a state of war with us. He took up arms against us; we took up arms against him. We were not forced into the CPA. We negotiated the CPA with him and the fact that he has signed the CPA on behalf of the government of Sudan and that John Garang signed the CPA on the people's behalf makes us partners. And for the CPA to last, we must ensure that Bashir is not just taken from us by the International Criminal Court. I know for a fact that the peace process would not go on if that happened.

If we have to wait for the Oslo pledges, I think that many more people in Southern Sudan will go into exile. So let's not have a personal vendetta, let's not fuel personal grudges in a public situation. What we have as Southern Sudanese is a public situation. Let's deal with it as a public issue for us, rather than a personal issue of Al-Bashir's.

**Susan Page:** I really wanted to address a little bit more the question of the ICC indictment. On my recent trip to Khartoum, all anyone was talking about was the ICC indictment. Jennifer, I'm curious what you think because some of the donors were saying to us that if the indictment stands, if Bashir is in fact indicted, they won't be able to support the elections. These are people who would be putting money into the donor basket or are supporting other domestic organizations or the UN, et cetera. Therefore, how might that impact sanctions and other actions that people might take?

**Jennifer Cooke:** As I've said, I don't have the answer to that, but I think that is the kind of issue we need to grapple with as we go forward. I was anxious to hear what Ambassador Williamson's response would be. Would the U.S. veto a vote for suspension or does that get into too complicated a mess since it doesn't recognize the jurisdiction of the ICC itself? And what would the impact be? How would it affect our ability to give support to

the NGOs working on the ground, delivering humanitarian assistance or establishing government capacity building mechanisms? I don't have the answers to those questions, but that's what I mean when I say let's talk about and think through the pragmatic implications of the indictment even when we know that Omar Bashir is responsible for egregious crimes as head of state.

**Bona Malwal:** My personal view is that this ICC indictment is not intended to help Darfur either. It's an international political game that is being played against a Head of State that is conceived to have committed war crimes. But you know, other wars are going on in the world and are they free of war crimes? Why pick on one particular individual? I say it this way to look as if I am callous about lives in Darfur, but that's not the point. If you don't treat this equation in totality, then you risk being callous about the situation in Southern Sudan that has killed nearly 3 million people in 22 years of warfare. Therefore, for anybody to treat Darfur outside of the full political context is to play politics and not face the real difficulties in Sudan is in. In this whole entire process, you know, the international community doesn't care. If tomorrow Bashir goes to The Hague, will there be peace in Darfur, or will another war erupt in Southern Sudan? Over two million people have died in Southern Sudan. I am very surprised, particularly by Southern Sudanese, who forget that all of this happened recently and who believe that their role now is to save lives in Darfur. We haven't saved lives in Southern Sudan though. Again, I think we have to look at the situation in the Sudan in its full complexity.

If there is pressure on Bashir to bring the separation in Darfur to an end, it would be asking Bashir too much. I know for a fact that Bashir can do nothing except hand over the presidency to whoever is the representative of Darfur, which is a situation in and of itself; who represents Darfur now? The international community needs to sort out the situation in Darfur; they need to sort out who Bashir is going to negotiate with in Darfur. It is not apparent and therefore to try and remove a head of a state in a country as complex as the Sudan right now is to play with fire.

## **Panelist Biographies**

**Congressman Donald M. Payne**, a native of Newark, New Jersey, was elected to represent the 10<sup>th</sup> Congressional District of New Jersey in 1988 as New Jersey's first African American Congressman by an overwhelming majority and has been returned by a wide margin of the vote in each subsequent election. In 2006, he won election to his tenth term to represent the 10<sup>th</sup> District in the historic 110<sup>th</sup> Congress. A past Chairman of the Congressional Black Caucus, he is a member of the Democratic Whip Organization and has served as a member of the House Democratic Leadership Advisory Group. He formerly served on the powerful Democratic Steering Committee, whose membership determines each individual committee assignment for Democratic members and plays an active role in shaping the legislative agenda. He is also a member of the Foreign Affairs Committee, where he serves as Chairman of the Subcommittee on Africa and Global Health and as a member of the Subcommittee on the Western Hemisphere and the Subcommittee on International Organizations, Human Rights, and Oversight. Congressman Payne has been at the forefront of efforts to restore democracy and human rights in nations throughout the globe. He was one of five members of Congress chosen to accompany President Clinton and Hillary Rodham Clinton on their historic six-nation tour of Africa. He also headed a Presidential mission to war-torn Rwanda to help find solutions to that country's political and humanitarian crises.

**Ambassador Richard Williamson** has become the Special Envoy to Sudan as of January 7, 2008. Mr. Williamson is also a practicing partner in the law office of Winston and Strawn. Earlier in the Bush Administration, Williamson, who has broad foreign policy and negotiating experience, served as Ambassador to the United Nations for Special Political Affairs and as Ambassador to the U.N. Commission on Human Rights. Previously, he served in senior foreign policy positions under Presidents Ronald Reagan and George H.W. Bush, including as Assistant Secretary of State for International Organizations at the Department of State, and an Assistant to the President for Intergovernmental Affairs in the White House. He also has served as Chairman of the Illinois Republican Party. Williamson is active in a wide

variety of civic organizations, serving on the board of directors of the International Republican Institute; the board of the Committee in Support of Russian Civil Society; a member of the advisory committee for the International Human Rights Center, DePaul University, and a member of the Council on Foreign Relations. Williamson received an A.B., *cum laude*, in 1971 from Princeton University. He received a J.D. in 1974 from the University of Virginia School of Law, where he was executive editor of the *Virginia Journal of International Law*. Williamson has authored seven books and edited three. He has written more than 175 articles in professional and popular periodicals.

**Dave Peterson** is the Director of the Africa Program of the National Endowment for Democracy, a privately-incorporated, publicly-funded grant-making organization in Washington, DC. Since 1988, he has been responsible for NED's program to identify and assist hundreds of African non-governmental organizations and activists working for democracy, human rights, free press, justice and peace. He was formerly executive director of Project South Africa of the A. Philip Randolph Educational Fund, and a freelance journalist in Africa and Turkey. He has a BA from Columbia College and an MA from the Columbia Graduate School of Journalism in New York, as well as an MA in African Studies and International Economics from the Johns Hopkins School of Advanced International Studies in Washington DC. He has visited more than 40 African countries since 1984, and has published numerous articles on African politics.

**Elwathig Bereir** is the founding director of the National Centre for Peace & Development (NCPD). The Centre is a member of Sudan Council of Voluntary Agencies (SCOVA), a non-party, non-religious, non-tribal and non-profit organization. The National Centre for Peace and Development has rapidly emerged as Sudan's premier political training organization and becoming a significant fixture among Sudanese civil society. The Centre is also committed to fighting corruption. The Center is the local chapter of Transparency International in Sudan and has developed a national strategy for transparency and fighting corruption. Mr. Bereir received his Post graduate degree in social sciences from the

University of Khartoum 1995, and obtained his bachelors degree in Economics from the University of Houston in 1990.

**Zeinab Abdelkarim** is the Deputy Director for the Middle East and North Africa at IFES and has more than ten years experience in the management of international development activities. Her areas of expertise lie in project management and development, with direct experience managing programming in Sudan, Yemen and the U.S. She has worked with IFES since 2004, first managing IFES's program in Yemen, and proceeded to direct regional activities in Iraq, Lebanon, Jordan, Egypt and the Maghreb from Washington since 2007. During this time, she also gained experience as a trainer in the BRIDGE methodology, which serves as a comprehensive professional development course for key players involved in election administration throughout the world. Her experience includes practicing law in Khartoum, Sudan for five years prior to working in the United States as Public Relations Coordinator and then Human Resources Director for the Arab-American & Chaldean Council (ACC) in Lathrup Village, Michigan. She received a law degree from the University of Khartoum in Sudan, as well as a Master of Law degree from Wayne State University in Michigan.

**Dorina A. Bekoe** is a senior research associate in the Center for Conflict Analysis and Prevention, where she specializes in African conflicts, political development, institutional reform, and peace agreement implementation. She manages a project on political transition in Africa that includes work on electoral violence, Nigeria, and Côte d'Ivoire and organizes working groups on Liberia, Democratic Republic of Congo, and Sudan. Her previous research has focused on the incentives for warring parties to comply with peace agreements, the New Partnership for Africa's Development and its related African Peer Review Mechanism, and the regionalization of conflict in Africa. Bekoe holds a B.A. in economics from Franklin and Marshall College, an M.S. in public policy from Carnegie Mellon University, and a Ph.D. in public policy from Harvard University.

**Stephanie Blanton** joined the International Republican Institute (IRI) in June 2003. She currently serves as Regional Program Director for

Africa, overseeing programs in Angola, Kenya, Liberia, Mali, Nigeria, Somaliland, South Africa, Sudan, Uganda, Zimbabwe and the Muslim Women's Advocacy Program. Prior to her appointment as Regional Program Director in May 2006, Blanton served as Deputy Regional Program Director for Africa, a position she was appointed to in January 2006. Blanton returned to Washington, D.C., after working overseas for IRI in Sudan, Malawi and Nigeria. In 2005, Blanton served as Resident Country Director for IRI's Sudan program and was responsible for opening a field office in Southern Sudan where she managed a political party strengthening, legislative development and coalition building program. While in Sudan, Blanton coordinated an orientation training program for the Southern representatives to the new National Assembly of Sudan established as part of the Comprehensive Peace Agreement. Blanton moved to Sudan after spending more than a year in Lilongwe, Malawi, where she opened IRI's field office and oversaw a pre-election political party strengthening program prior to the May 2004 presidential and parliamentary elections. She also developed a post-election program to assist the newly created political parties as they began to strengthen and reach out to voters.

**Jennifer Cooke** co-directs the CSIS Africa Program, which she joined in 2000, and works on a range of U.S.-Africa policy issues, including HIV/AIDS, security, conflict, and democratization. She is editor of the CSIS periodical *Africa Notes* and, with J. Stephen Morrison, coedited *Africa Policy in the Clinton Years: Critical Choices for the Bush Administration* (CSIS, 2001). She has also written numerous articles and commentary for a range of U.S. and international publications. Previously, she worked for the House Foreign Affairs Subcommittee on Africa, as well as for the National Academy of Sciences with its Office of News and Public Information and its Committee on Human Rights. Cooke has lived in Côte d'Ivoire and the Central Africa Republic and speaks French. She earned an M.A. in African studies and international economics from the Johns Hopkins School of Advanced International Studies and a B.A. in government, magna cum laude, from Harvard University.

**Ezekiel Lol Gatkuoth** is Head of Mission for the Government of Southern Sudan to the United

States in Washington DC. Mr. Gatkuoth joined the Sudan Peoples Liberation Movement/Army (SPLM/A) in 1984. He was trained by Sudan Peoples Liberation Army (SPLA) in 1988 in Matu Battalion, where he remained as a soldier until 1991. In 1993 Mr. Gatkuoth went to Nairobi, Kenya and continued with the political movement SPLM. Thereafter, he resettled in the United States of America to continue his education, while maintaining his political activities with the SPLM, advocating for a democratic change in Sudan. Mr. Gatkuoth continued to advocate for regime change in Sudan and his efforts were acknowledged by the leadership of the SPLM/A in appointing him as Deputy Representative and Coordinator of the SPLM chapters to North America from 2002 through June 2005. Thereafter in June 2005 Late Dr. John Garang de Mabior, Former First Vice President of the Republic of Sudan, President of the Government of Southern Sudan, the Chairman and Commander-In-Chief of the SPLM/A appointed Mr. Ezekiel Gatkuoth as the SPLM Representative to North America. In August 2006, Mr. Gatkuoth was appointed by the President of the Government of Southern Sudan and First Vice President of Sudan H.E. Gen. Salva Kiir Mayardit as the Head of Mission for the government of South Sudan to the United States. Gatkuoth received a Bachelor of Arts in Criminology and Criminal Justice from the University of Maryland College Park in the United States.

**Bona Malwal** is currently a special advisor to the President of the Republic. A journalist by profession and a former Minister of Information, Malwal is a veteran in the Sudanese political arena. After a career as a civil servant and journalist, he became a member of the Sudanese parliament in 1968 and was a founder of the Southern Front Party of Southern Sudan, becoming its first secretary general. He became Deputy Minister of Culture and Information in July 1972, following the Addis Ababa Agreement that concluded the civil war between Northern and Southern Sudan, and soon became a Minister of State and then full cabinet member as Minister of Culture and Information of the Sudan, a position he held for over seven years. In 1977 he became a member of the Political Bureau of the Sudan Socialist Union. He was a Senior Fellow at the Institute of African Studies at Columbia University. Mr. Malwal obtained his bachelors

degree in journalism in 1963 from Indiana University, a bachelor's degree in economics from St. John's University New York in 1970, a Master's degree in International Relations and Journalism from Columbia University and a PHD in International Relations from Columbia University in 1986. Mr. Malwal is a Senior Associate Fellow at St. Antony's College at the University of Oxford.

**Susan Page** is NDI's regional director for Southern and East Africa. A lawyer by training, Susan joined NDI in 2008 with 15 years of field experience working throughout sub-Saharan Africa, with the U.S. State Department, USAID and the United Nations. From 2005-2007, Susan directed the Rule of Law program for the United Nations Mission in Sudan (UNMIS). In addition to managing the UNMIS offices in Khartoum and Juba, Susan provided legal and constitutional advice to all parties involved in the implementation of the Comprehensive Peace Agreement. She also furnished technical advice and analysis to the Darfur parties in Abuja and collaborated with the African Union-led mediation team, also in Abuja. Before moving to Khartoum, Susan took up a State Department-funded technical advisor post in Nairobi with the Intergovernmental Authority on Development (IGAD) Secretariat for Peace in Sudan. During this period, she was an integral member of the IGAD-led mediation process and was instrumental in providing legal and policy advice to the Secretariat and the Parties that led to the Comprehensive Peace Agreement for the Sudan signed in Kenya on January 9, 2005. Susan is a graduate of the Harvard Law School and the University of Michigan at Ann Arbor.

**Mahgoub El-Tigani**, one of the founding members of the Sudanese Social Workers' Association, the Journalists' Union, and Writers' Union in the years 1986-89 of democratic rule, has been SHRO-Cairo president and editor-in-chief of the bilingual Sudanese Human Rights Quarterly in exile, and is professor of sociology at Tennessee State University in Nashville, USA.

**Dr. Mudawi Turabi** is the Assistant Secretary General for the Democratic Unionist Party in Sudan, since 1992. He holds a PhD in political science, and an MBA in Administration and a BSC in politics and economics. Dr. Mudawi is also the head of the Sovereign Sector of the Council for

Strategic Planning, chairman of the Security & Defense Sub-committee, Secretary General of the Council of National Unity Parties. Dr. Turabi has authored two books and written over 50 papers.

## **About the NED**

**The National Endowment for Democracy (NED)** is a private, nonprofit organization created in 1983 to strengthen democratic institutions around the world through nongovernmental efforts. The Endowment is guided by the belief that freedom is a universal human aspiration that can be realized through the development of democratic institutions, procedures, and values. With its annual congressional appropriation, it makes hundreds of grants each year to support prodemocracy groups in Africa, Asia, Central and Eastern Europe, Latin America, the Middle East, and the former Soviet Union.

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