

Challenges of Displaced Persons in Political Participation

An Analytical Study



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The National Democratic Institute for International Affairs

NDI is a non-profit, non-partisan, non-governmental organization that has been supporting democratic institutions and practices in various regions of the world for more than two decades. Since its founding in 1983, NDI and its local partners have worked to establish and strengthen political and civic organizations, protect the electoral process, enhance transparency and accountability in government performance, and enhance citizen participation.

The National Democratic Institute began operating in Sudan in 2002, implementing programs to promote national participation in political space and government accountability, including public opinion research, civil society support, civic education, and election monitoring. With USAID support, the NDI worked on local observation of the 2010 national elections in all 25 states, as well as voter education, (men and women alike), and the holding of numerous seminars and discussion groups.

In the wake of the transitional phase, the National Democratic Institute launched, in early 2020, a new program called Supporting the Transitional Phase for Comprehensive Change in Sudan, to work directly with institutions and civil society organizations by providing the necessary technical support for effective participation in the transitional phase. The institute's current programs focus on advocating for the peace process, political reform, providing technical support to the transitional legislative council, and building civil society capacities to follow up on the transitional phase and the political and electoral process.

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(Throughout our time here as IDPs, we have not been informed of any elections or even pre-election procedures such as the census, the electoral register, and other procedures, which means that we as displaced persons are not included within the governments and its official bodies accounts.)

Yagoub Muhammad Abdullah,
General Coordinator of IDPs and Refugee Camps

Introduction :

There are about 25 million people around the world today who have been forced to flee their homes and communities as a result of armed conflict, sectarian violence, and gross human rights abuses, however, unlike refugees; they remain within their own countries (IDMC, 2021)

The responsibility to provide protection and humanitarian assistance to these internally displaced persons (IDPs) rests with their governments. IDPs are citizens of the countries in which they were internally displaced from their previous areas of residence. They – like the rest of citizens in their countries – are entitled by laws and charters to enjoy full and undiminished rights, including the right to public participation and administration/management of their country's affairs. This includes the right to participate in elections as voters and as candidates.

There are 3.3 million displaced persons in Sudan. They are mainly concentrated in the Darfur region and the two areas of Blue Nile and South Kordofan, constituting a hotbed of armed conflicts between the Armed Insurgencies and the Sudanese government. Armed conflicts are the main cause of displacement and refugee movement in Sudan. 74% of displaced persons reside in camps as IDPs while 26% reside in areas outside the camps. (Relief, 2022)

Given that displacement is due to armed conflicts of a political nature, internally displaced persons and refugees automatically become political activists during and after displacement as a result of these conflicts. It results in IDPs' electoral participation and can be an important means of furthering the goal of finding sustainable solutions for themselves. (Jeremy and Erin D, 2009)

Conducting free and fair elections is one of the most essential post-conflict pillars for rebuilding divided communities. An electoral process that ensures the participation of IDPs is critical. The reason for this is the significance of electoral participation itself in peace and reconciliation efforts, thus achieving stability and sustainable peace.

The peace processes often serve as the framework within which warring parties define post-conflict governance arrangements. In fact, it sets the basic guidelines and principles for a fair and transparent electoral process that leads to the formation of a broad and more inclusive government that is responsive to the **aspirations of the people**. (Grace, J. and Mooney, E. 2009)

The electoral contribution of the displaced is influenced by the political circumstances and factors that caused the displacement process. It can thus be a cause of division amongst even them. This, in turn, undermines trust in the electoral process. To avoid this kind of electoral conflict, decisions regarding the displaced participation require a **political agreement** well in advance of the elections. (Mooney and Jarrah, 2005)

Objectives of the Study :

This study aims to analyze the electoral participation of the internally displaced person in Sudan with a focus on the IDPs in Darfur camps. In addition, it aims to identify the obstacles and challenges that prevent IDPs from participating effectively in the electoral process. We will achieve these aims by highlighting the 2010 general elections. The study also aims to identify the international, regional and local legislation that guarantees the displaced person the right to participate in the elections.

Methodology and Information Sources :

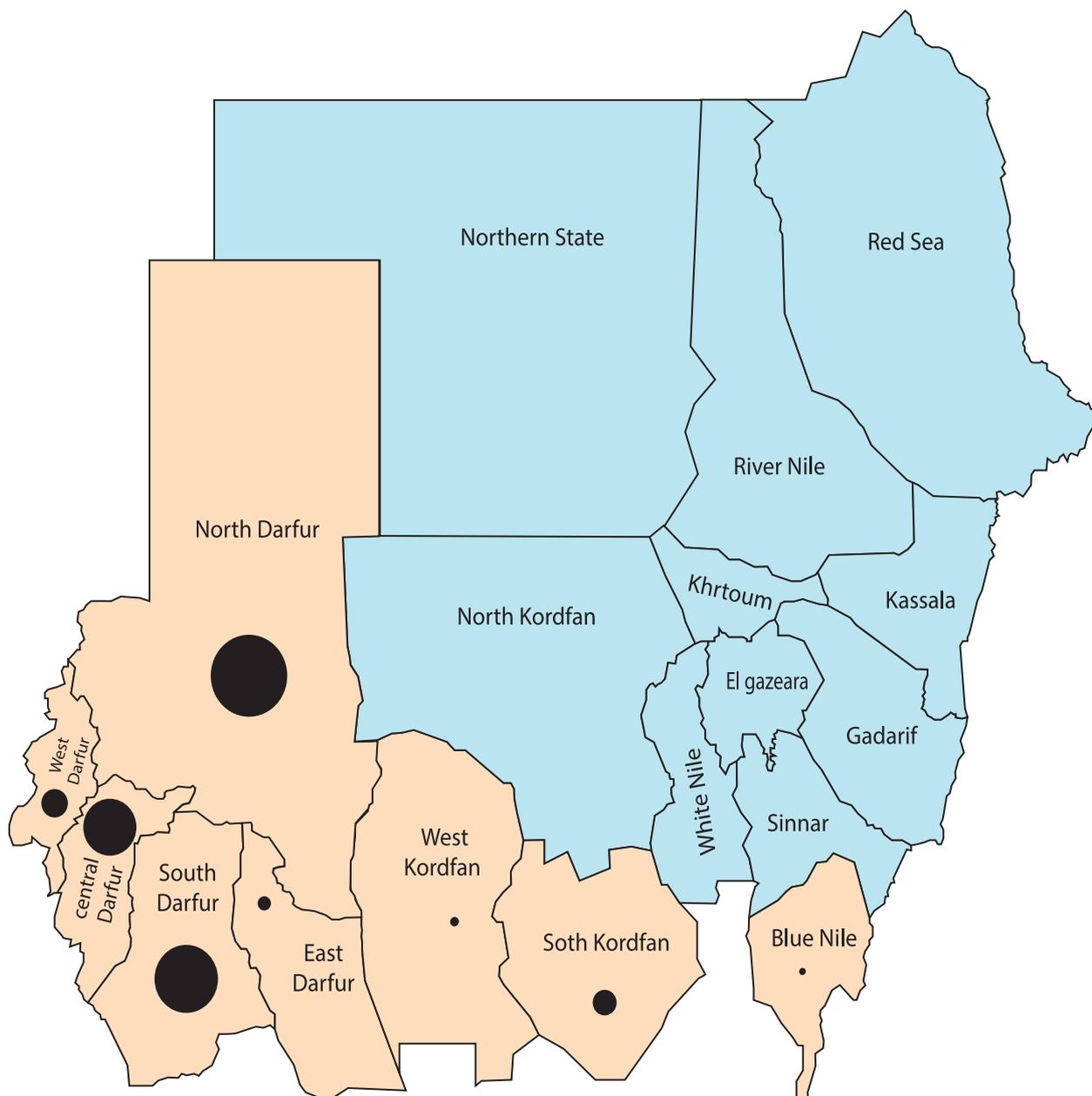
This study is based solely on a quantitative approach of collecting data from primary and secondary sources. Interview and focus group discussion tools were used to gather information from primary sources. More than 11 Focal group discussions and conducting interviews were organized with key informant such as: coordinating heads of IDP and refugee camps; the elderly; members of the camps' resistance committees; heads of women's unions, and independent civil society organizations in the major camps for IDPS in Darfur states. Secondary sources included official documents, including the Constitutional Document, the Juba Peace Agreement in Sudan, and the 2008 Elections Law. In addition, they also included international, regional, and local missions and organizations' reports on the 2010 Sudan elections.

Definition of IDPs :

According to the Guiding Principles, IDPs are defined as: (Persons (or a group) who have been forced or compelled to flee or leave their homes as a result of armed conflict, situations of general violence, human rights violations, natural or man-made disasters, or to avoid the effects of these conditions. However, they did not cross the recognized international borders of the State.)



Location of camps of displaced Persons - Sudan



State	percentage %	Number of displaced	State	percentage %	Number of displaced
Soth Kordfan	9	272,800	South Darfur	26	797,100
Blue Nile	3	91,300	North Darfur	31	933,300
West Kordfan	3	81,700	central Darfur	14	422,900
			West Darfur	11	337,800
			East Darfur	3	99,700

Source : NDI. ORG. SUDAN

- **Geographical distribution of the displaced person in Sudan:**

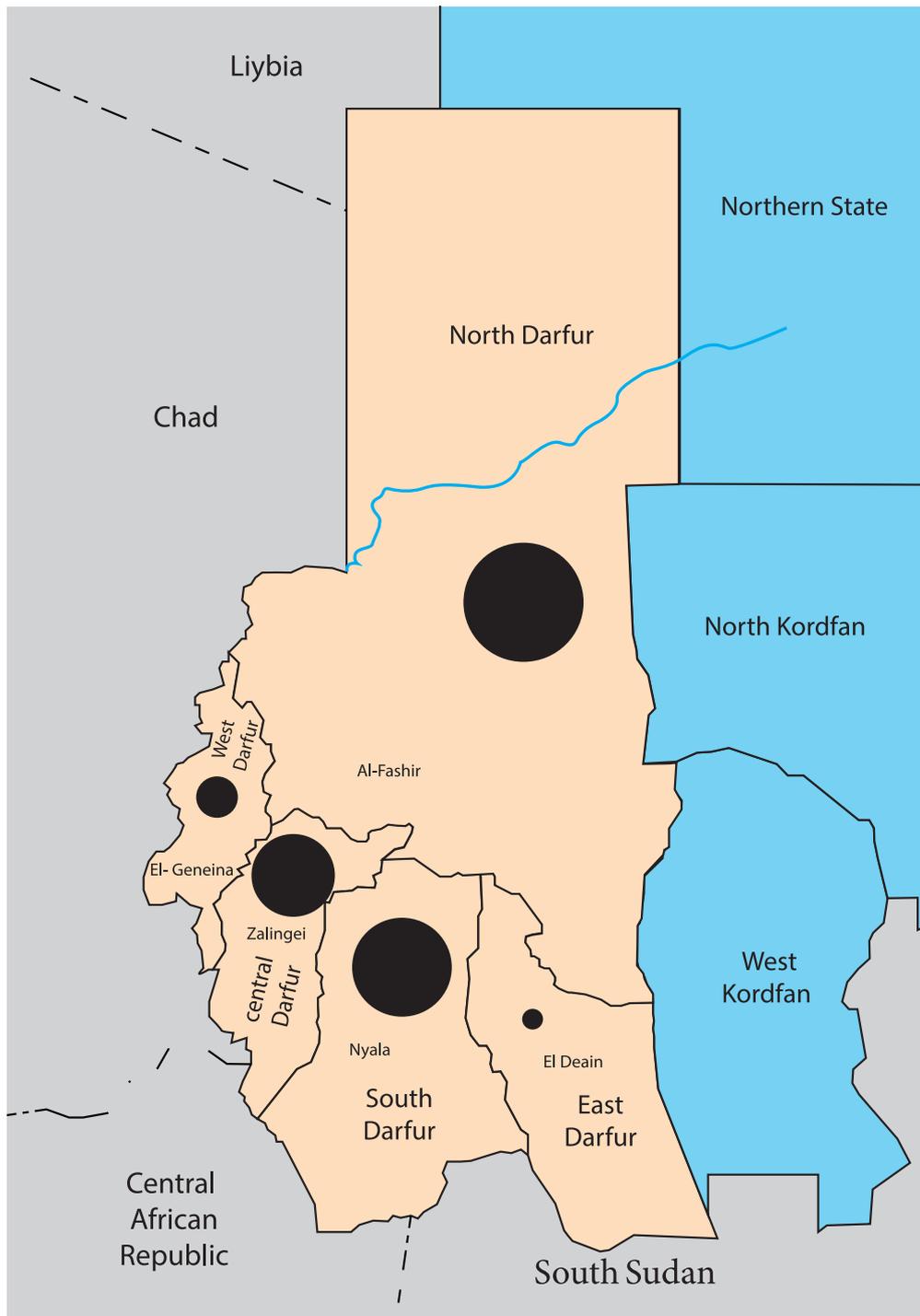
States	Number of Displaced	Percentage of IDPs in the State (%)
North Darfur State	797.100	31
South Darfur State	933.300	26
Central Darfur State	422900	14
West Darfur State	337.800	11
East Darfur State	99700	3
IDPs in Greater Darfur	2590200	85%
South Kordofan	272800	9
West Kordofan	91300	3
Blue Nile	81700	3
IDPs outside Darfur	445800	15%

- **Classification of displaced person in Sudan :**

Age	Gender	
	Male	Female
Under 17 years old	27 %	28%
18 to 59 years old	18 %	19%
Over 60 years old	4 %	4%
Total	49 %	51 %

Source: United Nations Office for the Coordination of Humanitarian Aid in Sudan

Location of camps of displaced Persons - Darfur



State	percentage %	Number of displaced
South Darfur	26	797,100
North Darfur	31	933,300
central Darfur	14	422,900
West Darfur	11	337,800
East Darfur	3	99,700

Source : NDI.ORG. SUDAN

IDP's right to political participation in international, regional, and national the legal framework :

The human rights the legal framework refer to international, regional, and national documents, declarations, agreements, and treaties related to human rights. Mechanisms are the standards that ensure the integrity of the electoral process as elections are linked to ensuring fundamental rights and freedoms. The human rights mechanisms that provide for the right of displaced persons to participate in elections are divided into international, regional and national. They also stipulate the basic rights of the displaced person related to elections and guarantees them electoral participation in nomination and candidacy, detailed as follows:

A. International the legal framework

International the legal framework and treaties guarantee the citizen the right to political participation directly or through electing representatives at all levels of legislative and executive governance. These mechanisms include:

Universal Declaration of Human Rights :

Article (21) states the following:

1. Everyone has the right to take part in the government of public affairs of his country.
2. Everyone is equal to everyone else in the right to hold public office in his country
3. The will of the people is the basis for the power of government, and this will be manifested through fair elections conducted periodically by universal and equal suffrage, by secret ballot or by an equal procedure in terms of guaranteeing freedom of voting.

Article 21 has been codified in a number of international and regional treaties and charters, including but not limited to:

- a. Rights of citizens to take part in the conduct of public affairs, directly or through freely chosen representatives.
- b. To be nominated and elected in fair and periodic elections by universal and equal suffrage and by secret ballot and shall ensure free expression of the will of the electorate.
- c. Equal access to public office in his country, on an equal basis with others.

United Nations guidelines on internal displacement⁽¹⁾ :

The United Nations guidelines on internally displaced persons were developed in 1998 by Dr Francis Deng, then the Representative of the Secretary - General on Internally Displaced Persons, with the assistance of a team of legal experts. A key point in the development of the guidelines was the team's insistence on the inclusion of the right to vote as this right is subject to abuse, especially in situations of prolonged displacement. The Guiding Principles are based on the rules of law that have affirmed the right of internally displaced persons to vote.

Displaced persons have the right to participate in political participation, including the right to vote and to be elected, in addition to participation in government and public affairs. This right has been clearly emphasized in the United Nations Guiding Principles on Displaced Persons in:

1. Principle 1-1, which provides that: (Internally displaced persons in their country enjoy full equality, with the same rights and freedoms as other persons in the country under international and domestic law and should not discriminate against such persons in the enjoyment of any of these rights and freedoms on the grounds that they are internally displaced.)

2. Principle 15-1 provides (the right to seek safety in another part of the country)

- Principle 20-1 states that internally displaced persons, whether living in camps or not, may not be discriminated against, by virtue of their status as displaced persons, in the enjoyment of the following rights: (The right to vote and to participate in public affairs, including the right to the means necessary for the exercise of this right.)
- Principle 20-2 states that, (In the case of IDPs, the relevant authorities issue all necessary documents required for the enjoyment and exercise of their legal rights. These documents include passports, personal identity documents, birth certificates and marriage certificates; in particular, the authorities shall facilitate the issuance of new documents, or the replacement of documents lost due to displacement, without imposing unreasonable conditions such as requiring the return of the person to his or her usual place of residence to obtain these or other required documents.)

3. Principle 29-1 states that Internally displaced persons who have returned to their homes or habitual residence or resettled elsewhere in the country may not be discriminated against by virtue of their former status as displaced persons. (They shall have the right to participate fully, on an equal basis, in the conduct of public affairs at all levels and in equal access to public services.)

1- The guidelines on internal displacement consist of 30 principles, comprehensive in scope. The principles set out the main rights and guarantees related to the protection, protection, and assistance of individuals during the period of displacement, during their return, resettlement, or reintegration into society.

B. Regional (African) mechanisms:

African Charter on Human and Peoples Rights.

Article 13

1. All citizens have the right to participate freely in the conduct of their country's affairs; either directly or through representatives freely chosen; in accordance with the provisions of the law.
2. All citizens are also entitled to the assumption of public functions in their country.
3. Everyone has the right to benefit from public property and services, within the framework of the full equality of all before the law.

The African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention)⁽²⁾

The Kampala Convention for the Protection and Assistance of Internally Displaced Persons is one of the regional mechanisms that obliges governments on the African continent to protect the rights and well-being of peoples who have fled their homes as a result of conflict, violence, human rights violations, and natural disasters. Experts view the provisions of the convention as derived from or perceived by the United Nations Guiding Principles on Internally Displaced Persons and fundamentally as being complementary to each other.

Sudan is not one of the countries that have signed and ratified the Kampala Convention for the Protection and Assistance of Internally Displaced Persons; however, the convention is the best tool to address IDP issues due to the inclusion in this agreement of topics addressing the problems of permanent and prolonged displacement. The issue of IDPs' participation is not an exception. In this direction, the Convention affirmed the right of internally displaced persons to participate in political participation.

Article 9

a. Article 9, paragraph 1, clause 1, states the following:

- State parties shall protect the rights of internally displaced persons, regardless of the causes of such displacement, by refraining from the following:
- Discrimination against these persons in the enjoyment of any rights or freedoms on the grounds that they are internally displaced.

b. Article 9, paragraph 2, clause 2, provides for measures to ensure that internally displaced persons are received without discrimination of any kind and live in favorable conditions of safety, dignity, and security.

2- Sudan has not yet ratified this agreement, but most of the provisions of the Protocol on Displaced Persons and Refugees for the Juba Peace Agreement were based on the African Union Convention on the Protection and Assistance of Internally Displaced Persons in Africa

Article 11

Article 11, paragraph 2, requires state parties to enable displaced persons with free choice in matters regarding their return, integration, or resettlement options, by consulting with them on these and other options, and ensuring their participation in finding sustainable solutions.

Article 13

a. Article 13, paragraph 2, obliges state parties to facilitate access of internally displaced persons to civil status documents necessary for the enjoyment and exercise of their rights. These include documents such as passports, personal identity documents, civil certificates, birth certificates and marriage certificates.

b. Article 13, paragraph 3, necessitates state parties' facilitation of the process of issuing new documents or replacing documents that have been lost or destroyed during the displacement process. Issuing must be done without imposing unreasonable requirements such as the request to return to the habitual residence of the person concerned to obtaining such documents or other required documents, failure to provide IDPs with such documentation should not prevent them from exercising their human rights.

C. National legal framework

The Constitutional Document for the Transitional Period :

(The Constitutional Document made citizenship the only criterion for obtaining rights and performing duties, and as is stated in Chapter Four, Article 45(1) , (Citizenship shall be the basis of rights and duties for all Sudanese.)

Article 59 provides (The right to peaceful assembly guarantees everyone the right to freedom of association with others, including the right to form or join parties, associations, organizations, trade unions and unions to protect one's interests.)

Article 58 guarantees the right to political participation as regulated by law, with the article: (Every citizen has the right to political participation and public affairs as regulated by law.)

Looking at the above provisions on participation in the electoral process, we find that they are general and without reference to how IDPs participate in the electoral process. However, the Juba Peace Agreement in Sudan, states: The Juba Agreement on Peace in Sudan, annexed to this document and signed on October 3, 2020, between the Transitional Government of Sudan and the parties to the peace process, is considered an integral part of it. In the event of a conflict between the two documents, the conflict shall be removed in accordance with the provisions of the Juba Peace Agreement.

It is essential to note that the Juba Peace Agreement was signed between the transitional government and the parties to the peace process in Juba, and which, according to the text of Article 79 of the Constitutional Document, is considered part of that document.

Juba Peace Agreement in 2020⁽³⁾

The Juba Agreement defines internally displaced persons in the protocol on IDPs and refugees as (People who have been forced or compelled to flee their homes or places of habitual residence as a result of the conflicts in Darfur and who have not left the country across internationally recognized borders.)

The Agreement emphasized the necessity of IDPs participation in the electoral process, and the integrity of the procedures that precede the electoral process. This was stated in Article 13: (The two parties agreed to hold fair general elections with international monitoring at the end of the transitional period, to be preceded by the implementation of the agreed-upon plan for the voluntary return of the displaced and refugees). To achieve this aim, the agreement stipulated various tracks; the holding of the constitutional conference; conducting of the population census; adoption of election and political parties' law; and the formation of the Electoral Commission.

Although the African Union Agreement on the Protection and Assistance of Internally Displaced Persons has not been signed and ratified, the provisions contained in the Juba Agreement's Protocol on Displaced Persons and Refugees are, to some extent, more aligned with the Kampala Agreement. It is especially true of the aspects related to the political and electoral participation of the displaced in the electoral process. The Protocol states in Article 2-1: (The two parties shall abide by all agreements and treaties related to displaced persons and refugees ratified by the Government of Sudan.)

In addition, Article 2, paragraph 2, states that (human rights of internally displaced persons must be fully respected and guaranteed under international law whether during or after the voluntary return and resettlement process.)

The protocol guarantees the displaced the rights and freedoms that any Sudanese citizen enjoys. This means that none of their rights will be suspended as IDPs. Article 5, paragraph 2 says that (displaced

persons and refugees shall enjoy all the human rights and fundamental freedoms of any Sudanese citizen, including the right to freedom of movement and residence anywhere on Sudanese territory.)

Article 6, Paragraph 7, Clause 2: (The rights and privileges of citizenship and participation of the displaced and refugees shall not be forfeited or affected by their status as IDPs or refugees, and their rights must be fully restored and guaranteed in Sudan.)

The displaced may not be prevented from participating in elections to elect their representatives on an equal basis with others. Article 7, paragraph 2, clause 7 states: (IDPs and refugees shall not be discriminated against or prevented from participating in government or electing officials. IDPs have the right to full and equal participation in public affairs at all levels and in accessing public services.)

3- Juba Peace Agreement in Sudan signed between the transitional government and peace process parties in the capital of South Sudan

Due to the importance of identity papers or documents in elections, Article 8, paragraph 7, clause 2: (The Government of Sudan shall provide displaced persons and refugees with all documents necessary to exercise their legal rights, including passports, birth certificates and ownership titles.)

Sudanese Elections Law of 2008:

The 2008 Sudanese Elections Law defines the eligibility of the voter in Article 21. It clear sets out (that the voter must be of eighteen years of age, registered in the electoral register, and of sound mind.

Article 22 specified the conditions for registration and participation in elections stating the following:

1. Registration in the electoral register is a basic right and an individual's responsibility for every citizen who meets the legally required conditions.
2. Without prejudice to the generality of the provisions of clause 1, a Sudanese resident in Sudan on the date of submitting the application must meet the following conditions:
 - a) To be residing in the geographical district for a period of no less than three months prior to the date of closing the record, with the exception of regular forces and nomads whom rules define the controls for their registration.
 - b) To have a personal identification document or a certificate approved by the People's Committee and Locality or from the native or traditional administration authorities, as the case may be.
 - c) Not have been registered in any other geographical district.
3. A voter is not entitled to participate in the elections or the referendum unless they are registered three months before the elections date.



Special circumstances accompanying the displaced participation in 2010 general elections

The displaced have remained out of the political process in Sudan due to the civil war in South Sudan. They were not part of the electoral process in all elections in Sudan; unlike the 2010 elections, which came as one of the benefits of the Comprehensive Peace Agreement signed between the Sudanese government and the Sudan People's Liberation Movement in 2005 to end the two-decade war between northern and southern Sudan.

As for the displaced in other areas of Sudan, especially in Darfur, the 2010 elections are considered the first elections in which they were displaced. The participation of the displaced was low starting from the stage of population census. A report prepared by the Darfur Center for Aid and Documentation on the Fifth Population and Housing Census stated that the census teams were confronted by demonstrators in a number of displaced camps in Darfur. The confrontations were caused as a rejection of the census process where in some areas; the confrontations were violent resulting in the death of a person on April 22, 2008, in Kalma camp in South Darfur. Additionally, the displaced in main camps in Darfur announced their boycott of the census and threatened to kill the census teams if they entered the camps.

The camps of Hamidiyah, Hasahisa and Khams Dagayeg in the outskirts of Zalingei town staged similar demonstrations and submitted a memorandum to the representative of the United Nations declaring their boycott of the census.

All main camps in the outskirts of Nyala including Zalingei and Wadi Saleh were surrounded by Sudanese police forces in an attempt to prevent the displaced from leaving the camps and demonstrating against the census process. As a result of the siege of the camps, some citizens in Nyala refused to participate in the census as an expression of solidarity with the displaced. In North Darfur, IDPs kidnapped and imprisoned members of census teams; while in the locality of Kabkabiya, the displaced boycotted the census.

As for registration in the electoral register, the Carter Center stated in its comprehensive report on the 2010 elections that the National Elections Committee failed to provide clear and specific guidance to protect the political and civil rights of the displaced persons, and their exercise of their right to register to vote as required by international standards. Reports indicated that a very small percentage were recorded among the huge numbers of displaced people in Darfur and enrollment rates in the camps were partly low as the displaced were skeptical that registration in the camps might prevent them from returning to the land from which they were forced to flee. Registration teams did not visit many camps due to presence of armed movements opposing the elections.

Accurate official data on IDPs participation in the candidacy of 2010 elections is unfortunately unavailable. Most of the main camps in Darfur region are completely devoid of polling stations. For instance, the state of South Darfur, which ranks second in term of number of displaced people in Sudan with a population of 797,100 constitutes about a third of the displaced population and is 26% of the total number of displaced people. Kalma is considered one of

the largest camps with a population of about 126,200. However, there was not one polling station established in it as a result of complete boycott of elections by the displaced. It is the same case in Direj camp, which hosts a population of 35,000. As for the Ottash camp, which is populated with 76,000 displaced, only one polling center was established in it. According to observers, the voter turnout was 30%.

Unfortunately, in the camps in Kass locality in South Darfur state which has a population of 77,000, no polling station has been set up. As a result, IDPs were forced to participate and vote in polling stations situated out of the camp as part of the Kass town population.

The situation in Central Darfur where ⁽⁴⁾seven displaced camps are located, was no different. All the displaced persons boycotted the 2010 elections. This instance represents the highest rate of displaced persons boycotting elections in all five states of Darfur.

As for the situation in North Darfur, where displaced people's population is 933,300 and distributed in several camps, including the three main camps. Five polling stations were set-up; according to the estimates of the displaced, voting percentage was less than 20% in the three camps combined.

- Zamzam camps: two polling centers were set up.
- Abu Shouk camp: two centers were set up.
- Alsalam camp: one polling center was set up.

In East Darfur in El Neem camp only one polling center was set up where the displaced population is 99,700.

West Darfur comes in second to last in terms of displaced population size hosting about 337,800 displaced persons distributed in four camps: Krinding, Erdamta, Misteri and Morni where one polling center was set up in each camp. The voter-turnout percentage, however, remained insignificant compared to the number of centers.

Regarding the participation of displaced persons in the previous elections, it is noted that the turnout rate by was very low, if not non-existent in most cases. The boycott of the elections came from the fact that the government which organized the elections forced them to flee their original areas of residence, as a result of the use of scorched - earth policy by the army and militias loyal to the government.

The government, for its part, did not take action and measures to ensure the participation of the displaced in the elections, but rather sought to exclude the displaced from the electoral process, through restrictions that limit the electoral participation of the displaced in legislation, as well as the harassment and intimidation of the displaced by the security services.

4- Camps:(Hamidiyah,Hasahisa and Khams Dagayeg) on the outskirts of Zalingei town , in addition to camps outside Zalingei , such as Runga ,Tas and Nirtiti north and south , Garsila (Al-Dabbah/Arola),Deleji, Um Dukhun ,a.id Bundes .

Challenges IDPs electoral participation in the previous elections:

As Sudanese, citizens the displaced enjoy all basic rights and freedoms stated in the Constitutional Document and the Juba Peace Agreement, on equal basis, without discrimination. These rights are not affected by their status as displaced persons including the right to freedom of movement and residence anywhere within the country. In addition, they retain the right to political participation, including the right to vote, and to set the general policy of the state. These rights equally apply to those living inside displacement camps or out of camps and are not forfeited even if the displaced choose to voluntarily return to their areas of origin, integrate locally, or resettle elsewhere in the country.

Ensuring the enjoyment of these rights effectively contributes to finding a lasting solution to the problem of prolonged displacement, whether through voluntary return to areas of origin or integration into communities elsewhere in Sudan.

The issue of IDPs' participation in political participation always lacked technical procedural regulations and the necessary administrative arrangements which provide appropriate ground and environment for holding the elections. This situation resulted in IDPs facing a number of challenges and obstacles that prevented the majority from exercising their right to vote and to run for office.

These challenges are reflected in the form of rules and laws. They include the emergency law that limits the freedom of citizens. In addition there are practices that amount to deprivation of participation, including the availability of identification documents for most of the displaced; difficulty in obtaining information about the electoral process; poor electoral education; the presence of new settlers; changing the constituency to which where the displaced belong and forcing them to register in other constituencies; distrust of political parties in voters, lack of security and exercise of intimidation in some cases.

1. Lack of supporting documents and identity papers:

Participation in the electoral process requires an identity document as stated by the Sudanese Elections Law, which makes obtaining documents a prerequisite for participation in the elections. Article 22-2 states the following: (Possession of a personal identification document or certificate approved by the People's Committee and locality or from the native or traditional administration authorities, as the case may be.) The requirement to obtain documents is one of the obstacles facing most of the displaced as they do not have identity documents being either damaged, burned or confiscated in the circumstances that accompanied their displacement. IDPs pointed out that there are difficulties in obtaining replacement documents or acquiring new ones because of the requirements attached to the process and it is hard for them to fulfill all these requirements in light of the conditions they live in. One displaced reported:

(Only very few of us have identification documents because our documents were burned and stolen during the attack on our villages. In any elections, it is a must to present identification documents for registration and voting. Even those who went to the cities to get issued identification documents were not given anything. I don't know why. All of this is intended to disrupt displaced people in order not to take part of the electoral process.)

(A displaced person from Kalma camp).

Among all challenges facing the displaced in the process of obtaining identification documents, the most prominent challenge remains the issue of changing the names of the areas that were abandoned by the indigenous people. The government forcibly expelled the displaced from their lands and brought in settlers from some West African countries. The government settled these people on the lands of the displaced, which further marginalized the indigenous population. As part of this policy, the government replaced the old names of the villages with new ones and the new names were entered into the government's data systems. The displaced reported that they when they applied for identification documents from the civil registry it became known that the areas they had abandoned had been renamed. The renaming was rejected by the displaced and prompted them to refuse to apply for identification documents on the whims of government authorities. Acceptance of the government - mandated new names of their indigenous habitual areas implicitly would indicate their acceptance of the new settlers' right and ownership of the lands. In addition, it would be tantamount to accepting the de-facto policy that the government is trying to impose on the displaced in Darfur. Here is the testimony of one of the displaced:

(Issuance of identity documents should not be subject to the whims of the officers and other officials, because we are often given the names of areas other than those we were displaced from..)

(Displaced person from Alsalam camp)

In the 2010 elections, the displaced proposed to use the World Food Program food distribution cards be approved as an identification document in order to participate in the elections, but this request was rejected because the election law has not included it on the list identification documents.

2. Low electoral awareness and education of the displaced

Most of the displaced attribute their lack of participation in the electoral process to poor electoral awareness and education. Their lack of knowledge of the electoral process's procedures, as well as their lack of knowledge of the laws and provisions regulating the electoral process such as the electoral law, the Electoral Commission and other measures related to the electoral process further exacerbates the low participation. The marginalization of the displaced and the disinterest of the State in raising their awareness which had resulted from the exceptional conditions they live - in relatively new temporary places - was considered to be discrimination on the part of the government. This discrimination was designed to prevent them from participating in the electoral process.

3. Absence of election campaigns in displace camps

The process of raising awareness and obtaining information is one of the main challenges preventing the displaced participation in the elections. The lack of awareness of parties and their policies, together with the absence of electoral campaigns by political parties and candidates inside the camps hampered participation. Political parties cited the security situation as a reason for not entering to the camps. There is also the prevailing belief among most political parties that the camps' residents are members of armed movements, leading to fear of engagement with IDPs. This made the camps closed areas.

(We have been absent from elections in 2010 and 2015 as we were not consulted and involved in the elections, we were not part of their plans! They should reach out to us so that our opinion on participation in the elections is known and what is the best way through which we can participate in the elections.)

(A displaced person from Kalma camp).

4. The issue of newcomers and demographic change

Among the challenges facing the displaced is the issue of the new settlers, who are described as follows: (nomads who were brought in from countries such as Niger, Chad, and Nigeria by the government, which changed the demographic composition in the region, and cut off the way for the original people to return to their areas. The primary loyalty of these new settlers, if they participate in the elections, will be to the party that enabled them to settle.)

In a joint report⁽⁵⁾, prepared by the Governmental Refugee Agency and the United Nations High Commissioner for Refugees in July 2007, the number of new arrivals in Darfur reached thirty thousand, most of whom were nomads who crossed the border into Darfur coming from Niger, Chad and Mali. They were received by the Sudanese Bedouins and who took them to the areas that had been evacuated of their original inhabitants.

Former US special envoy to Sudan, Andrew Natsios⁽⁶⁾ said at a press conference in Berlin on December 13: *(There is evidence that the Sudanese government is undertaking a policy of resettling the population; they bring Bedouin Arabs from Niger and Chad to West Darfur and issue them identification papers and land certificates so that they can vote in the elections).*

According to the observers , the increase and exaggeration of the number of Bedouin Arabs coming from West African countries and being granted Sudanese citizenship with a retroactive effect is a governmental strategy intended to deprive the victims of the conflict in Darfur of their land, belongings, moral wealth and further reinforcing their marginalization and their exclusion from active participation in political and economic life in the country.

According to the testimonies of the displaced, names of areas abandoned by their owners have been changed to other names: (Jabal Si) area has been changed to (Abu Daoud), (Duqi) has been changed to (Umm al-Qura), (Korila) has been changed to (Damra Korila) - these are examples and do not reflect all name-changes. The regions' names were entered in State's database related to the civil registry. In this regard, one of the displaced stated:

(The government tried to obscure the identity of my original region. For example, I am from the Jebel Si region, and now it is called Abu Daoud. I don't know from where they got this name. I didn't discover this until after my request to get issued the national ID number.)

(A displaced person from Abu Shouk camp).

The Juba Peace Agreement in Sudan stipulated the right of the displaced to return voluntarily to their areas of origin after establishing political, economic, social and security conditions that guarantee the security and safety of the displaced. The Agreement addressed the issue of new settlers, and provided that their evacuation from lands owned by others and included lands and properties in the areas of return.

5- Quoting a center for aid and documentation

6- The Sudan Tribune was quoted from the newspaper's archives

5. Lack of security and operations of threats and intimidation

The violence associated with the electoral process poses a threat to all voters; however, the greatest impact remains in the context of the IDPs' participation in the elections. Elections must be held in a safe environment, whereby voters cast their votes without danger or threat. The absence of security compromises the integrity and freedom of the electoral process.

It is known that the 2010 elections resulted from the 2005 Comprehensive Peace Agreement. At that time, most of the Darfur states were at war; this weakened displaced participation, and the election period witnessed intimidation and threats.

During 2010 elections, some states such as South Darfur witnessed instances of threats to voters and candidates. For instance, IDPs in Ottash camp were threatened to be forced to vote. The Ottash camp IDPs' testimonies revealed that Nyala local commissioner requested them to participate in the elections and threatened that in the case of a boycott, the organizations providing aid to them will be expelled, or even the camp would be closed. Out of fear for themselves and their families, some of the displaced participated in the elections under compulsion. Grave human rights violations took place in 2010 and cases of arrest, abuse and maltreatment were documented by members of the security services.

(At first, we had decided to boycott the electoral process, but we were threatened by the government authorities that if we didn't vote for the National Congress candidate humanitarian aid would be suspended and humanitarian organizations providing relief services would be expelled; not only that but the camp would be abolished. Some of us had to go and vote for our own safety and the safety of our families.)

(A displaced person from Ottash camp).

(What had taken place in previous times is not elections given that a government official demanded of us to participate under threat, and that is what prompted us to participate in the elections)

(A displaced person from Peace Camp).

Following the exit of the joint mission of the United Nations and the African Union in December 2020 the security situation worsened and incidents of attacks and killings of displaced persons were recorded in most of the Darfur camps. For example, in West Darfur, the Krinding camp was attacked on December 29, 2019, and January 2021, leaving hundreds dead and wounded.

As a result of the security situation left behind by the exit of the joint mission of the United Nations and the African Union (UNAMID), the displaced people demonstrated and demanded that the mission not leave, and civil society organizations called for the mission to continue its operation until a solution to the roots of the crisis is reached.

The current continuing lack of relative safety in the Darfur region causes the displaced to be unable go to the original areas that they abandoned since they are no longer safe, and the conflict around them is still ongoing. In addition to the spread of weapons among civilians, the entry of some armed elements of the movements that signed the Juba Peace Agreement into the camps puts the lives of civilians at risk. Accordingly, IDPs find it difficult to participate in elections in the absence of security and ensuring that they are not forced to vote for a determined candidate.

6. Three-month residency condition.

It is customary for voters to vote in electoral districts for their usual places of residence, but it remains difficult to implement this in cases of displacement for reasons related to the lack of security and the difficulty of returning to the places they left to exercise their right to vote. The right to vote in the 2008 Sudanese Elections Law is linked to the voter's place of residence. Registration in the constituency was linked to a period of residence of three months prior to registration. Nomads and regular forces were exempt from that condition, however the displaced were not mentioned within the categories exempt from the residence requirement despite the exceptional conditions that they live in and the temporary loss of residence in the early stages of the displacement.

7. Constituency options:

Most of the displaced in Darfur stipulated the return to their areas of origin in order to participate in the electoral process since accepting participation from within camps means accepting the replacement of their original geographical constituency. In this regard, a displaced person from Ottash camp says:

(It is known that we were displaced from different districts.

Now, we are counted amongst the residents of the camp, and we are from the locality of Gereida.

The population of Gereida in this camp is about five thousand displaced people, This means that we have lost a geographical constituency in Gereida. . We do not accept voting from the camps, so as not to lose our original districts.)

(A displaced person from Ottash camp)

Another displaced person added that there is a need for the refugees to return to their original areas in order to know the real population density for each district. This stems from the prevailing belief amongst most of the displaced that area development and services' provision are linked to population density.

(In order for elections to be held, the displaced and refugees must return to their original areas where a population census is conducted, and geographical districts divisions are done. We feel a sense of injustice, as we were forcibly displaced from our original areas while others were settled there) (A displaced person from Abu Shoke camp)

Some others believe that the process of political participation in the elections is linked to influencing the political decision-making process and providing services to geographical constituencies, so in the case of voting from the camp, services are focused within the constituency in which the camp is located. In addition to the displaced people's feeling that they are a burden on the residents of the new district and their presence in large numbers and in a situation of prolonged displacement, may change the political balance in the event of the election and the participation of the displaced as residents of the new district brings discontent to the displaced by the host community.

(To vote, it is better that we go back to our original areas and villages and exercise our right to vote from there. so, our voices can be count there)
(A displaced person from Zamzam camp)

8. Lack of displaced trust in the political parties

The displaced trust in the political parties is very weak making some of them view the political parties as being a partner to the regime which was a direct cause of their displacement from their villages and places of origin. Even during displacement, the parties have not shown a position which affirmed their solidarity with the issues of the displaced in Darfur; This is due to the fact that some political parties view the displaced - especially those who were displaced for political reasons - as being (areas) to cultivate votes only. This was reflected by a displaced person from Abuja camp who stated:

(There is not a political party that talked about the participation of the displaced in the elections, as the participation of the displaced is not a priority for them.
The political parties believe that most the displaced are members of the armed movements)

9. The absence of local or international observers at the polling stations in the camps

IDP camps are almost totally closed areas to international and local voluntary NGOs as well as international and regional missions. International and regional missions cannot visit displaced camps without obtaining prior permission from relevant government authorities. As a result, polling stations in displaced camps were devoid of international and local observers with heavy presence of security forces and government employees, in addition to representatives of the ruling party at the time (The National Congress Party). According to the testimony of the displaced, this situation was exploited to commit wrong practices such as preventing some individuals from voting and allowing others who are not included in the electoral register to vote, while some chose to keep away from the polling stations.



Recommendations :

A. To the Sudanese government, executive and legislative branches

1. In the case of Darfur and some war zones where displacement has been prolonged and the issue of returning to original places of residence or the original constituencies will not take place within a specific time frame, in addition to some of the displaced having completely settled in the camps, which are part of another constituency. To ensure their participation, a number of displaced believe that censuses should be carried out only in at displaced and refugees' camps, enumerate only those who have the right to vote and the allocation of seats specifically for the displaced in which other candidates do not participate.
2. The necessity of signing and ratifying regional and international treaties that affirm the right of displaced persons to political participation, especially the African Union Convention for the Protection and Assistance of Internally Displaced Persons, which is known as the Kampala Convention
3. Harmonizing of the legislation and the upcoming election law with regional and international conventions and treaties to guarantee the rights of the displaced to vote and run for office.
4. Implementation of the Juba Peace Agreement in letter and spirit with high priority given to the protocols related to political participation, especially the protocol for displaced persons and refugees, while accelerating the formation of the Commission for Displaced and Refugees as stipulated in the Juba Peace Agreement.
5. Expedite the handling of IDPs' issues related to land.
6. Facilitate the participation of the displaced and removal of obstacles to the registration process.
7. The necessity to involve the displaced in all stages of the electoral process and to develop plans, measures and legislation related to elections so that they may be part of the groups responsible for developing legislation, regulations, and executive policies.
8. Establishing a special unit for the displaced within the National Elections Commission and its states' branches in the states affected by displacement.
9. Removal of obstacles and hindrances that prevent the displaced from obtaining identification documents and providing them with the necessary documents such as the national number, national ID and passports. Enabling civil registry teams to visit the camps and facilitate the procedures and requirements for obtaining identification documents.

10. The importance of adopting means to prove the identities of groups and individuals through (corporals), especially during the registration and voting processes.
11. Emphasis on representation and development from the perspectives of the displaced so that priorities are formulated from their own perspective.
12. Raising electoral awareness and education in proportion to the local communities bearing in mind that the war resulted in various types of disabilities within the displacement communities.
13. The importance of providing necessary assistance to build the capacities of the displaced, enhance the opportunities necessary to access information, and provide security and safety guarantees for civil society organizations working in the camps.
14. Put in place the necessary measures to ensure the safety of the displaced to participate in the electoral process.
15. Putting in place the necessary measures to guarantee the freedom of movement and the movement of international and local observers.

B. To Civil Society Organizations

1. It is important to create opportunities to involve the displaced in all electoral awareness and education programs and work to develop their capacities.
2. Involvement of coordinating and displaced committees taking into account all special groups of the elderly, youth, and women.
3. The use of different local languages and dialects in the electoral education process.
4. Enact and design the best technical means necessary to develop and organize programs for the displaced.
5. Support displaced women, develop their capabilities and urge them to participate in the electoral process as candidates and as voters.

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