



DRDC

# Darfur Relief and Documentation Centre



## 5<sup>th</sup> Population and Housing Census in Sudan –

### An Incomplete Exercise



# **5<sup>th</sup> Population and Housing Census in Sudan – An Incomplete Exercise**

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## Table of Contents

Chapter	Pages
Executive Summary .....	05
Introduction .....	06 – 08
Inconsistent Census Findings .....	08 – 09
Importance of the Census .....	09 – 11
Issues of Contention and Concern .....	11 – 13
Rejection of Census Results .....	14 – 15
Southern Sudan and the Nuba Mountains .....	15 – 17
Darfur and the 5 <sup>th</sup> Population and Housing Census .....	17 – 19
1. Southern Darfur State .....	20
2. Northern Darfur State .....	21
3. Western Darfur State .....	22
Unusual Increase in Darfur's Nomadic Population .....	23 – 25
Impact of the 5 <sup>th</sup> Population and Housing Census on Darfur .....	26 – 29
UNFPA and Sudan's 5 <sup>th</sup> Population and Housing Census .....	30
General Executive and Legislative Elections .....	31– 36
Exclusion of Darfur from Political Transformation in Sudan .....	36 – 37
Conclusion .....	38 – 39
Recommendations .....	39 – 40
Endnotes .....	41 – 43

## **Acronyms**

AUPD	African Union High-Level Panel on Darfur
CAPMAS	Central Agency for Public Mobilisation and Statistics (Egypt)
CBS	Central Bureau of Statistics
CPA	Comprehensive Peace Agreement
DPA	Darfur Peace Agreement
DRDC	Darfur Relief and Documentation Centre
GoS	Government of Sudan
GoSS	Government of Southern Sudan
IDPs	Internally Displaced Persons
JEM	Justice and Equality Movement
NCP	National Congress Party
NEC	National Elections Commission
SLM/A	Sudan Liberation Movement/Army
SPLM/A	Sudan People's Liberation Movement/Army
SSCCSE	Southern Sudan Centre for Census, Statistics and Evaluation
SSLA	Southern Sudan Legislative Assembly
UNAMID	African Union/United Nations Hybrid Operation in Darfur
UNECA	United Nations Economic Commission for Africa
UNFPA	United Nations Population Fund

## **Executive Summary**

The coming 12 months are very critical for the political history of Sudan. Two landmark events in the country's history will take place. In April 2010 Sudan is expected to organise the first multi-party general executive and legislative elections after more than 20 years of authoritarian military rule. In January 2011 the people in Southern Sudan will exercise, in a popular referendum, their right to self-determination and decide on the future of the country. The referendum on the right to self-determination will be a choice between maintaining Sudan as a united country built on the Comprehensive Peace Agreement (CPA) as its foundation on the one hand and creating a separate State in Southern Sudan on the other. Either way, the effects on Sudan's political future are expected to be irreversible.

The CPA requires that Sudan organises a population census as precondition to prepare the ground for the 2010 elections and the 2011 referendum on the right to self-determination. The data collected during the census would be the primary source of information to decide the number and re-allocate the electoral constituencies and to re-demarcate the administrative boundaries. The census data will also determine the outcomes of the 2011 referendum on the right of Southern Sudan to self-determination. Furthermore, data collected during the population census will be the basis for re-distribution of political power and repartition of economic wealth in the country. Accordingly, Sudan organised the 5<sup>th</sup> Population and Housing Census in April-May 2008 and disclosed the results thereof in May 2009. The census outcomes have created more problems than offered solutions. They have further divided the country and seriously threatened the organising of the general elections and the referendum.

This DRDC report is documenting for some aspects of Sudan's 5<sup>th</sup> Population and Housing Census and drawing attention to key areas of weaknesses of the census operation.

DRDC wishes to acknowledge efforts of all the people who contributed towards the realisation of this report and to thank them all. Special thanks go to Dr. Charles Graves and to Ms. Alexandra Hamilton-Small for editing the manuscript.

Abdelbagi Jibril  
Executive Director

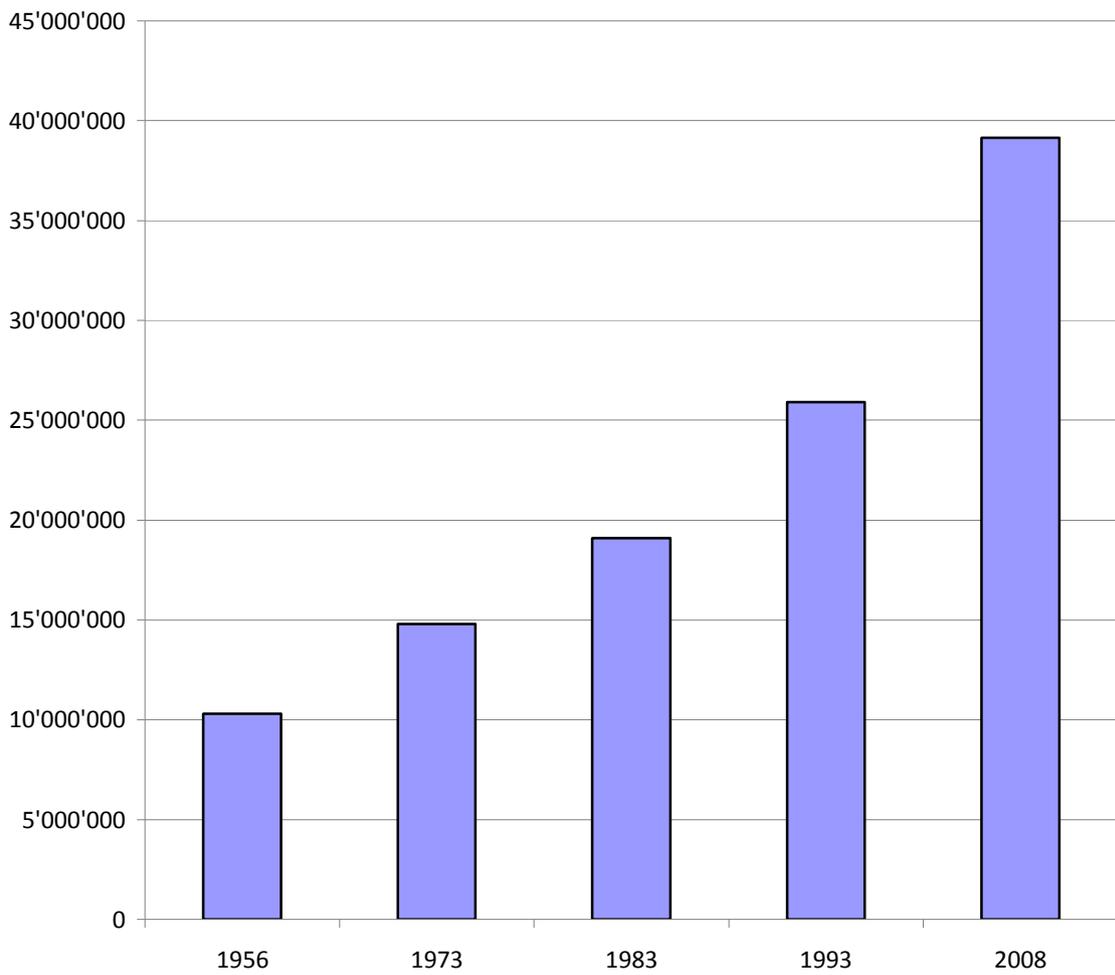
## Introduction

On 21<sup>st</sup> May 2009 the Central Bureau of Statistics (CBS) in Khartoum announced the outcomes of Sudan's 5<sup>th</sup> Population and Housing Census. CBS officially dubbed the event "Sudan Census Priority Results" indicating that the final results are yet to be made public. The 5<sup>th</sup> Population and Housing Census in Sudan was mandated by Sudan's Interim National Constitution which stated that: "A population census throughout the Sudan shall be conducted and completed by the end of the second year of the Interim Period."<sup>1</sup> This provision meant that the 5<sup>th</sup> Population and Housing Census should have been organised all over Sudan before 9<sup>th</sup> July 2007. Population census is usually a *de facto* process in which all persons present in the country during the census period – nationals and foreigners alike, whether they live in households, state institutions, nomadic settlements as well as the homeless and those in refugee or internally displaced persons (IDPs) camps, etc. – are counted.<sup>2</sup>

Sudan organised partial population censuses on four occasions (1957, 1973, 1983 and 1993). During these previous censuses some parts of the country, especially in Southern Sudan, were excluded which makes the 2008 census exemplary as it covers Southern Sudan for the first time in Sudan's post-independence history. The census was held during the period 22<sup>nd</sup> April – 6<sup>th</sup> May 2008, i.e. more than one year before the outcomes were released. Dispute between CBS and its counterpart i.e. Southern Sudan Centre for Census, Statistics and Evaluation (SSCCSE) over exchange of raw census data,<sup>3</sup> in addition to unexplained motives behind the government's decision to delay the release of the census results several times, have fostered speculations about possible manipulation of census raw data. International donors and United Nations (UN) agencies such as the UN Population Fund (UNFPA) provided technical support, logistics and funding for the 5<sup>th</sup> Population and Housing Census.

According to the available census data, Sudan's total population in 2008 stands at 39,154,490 (Northern Sudan is 23,378,555 or 59.71%, of the total population, Darfur is 7,515,445 or 19.19% of the total population and Southern Sudan is 8,260,490 or 21.10% of the total population).<sup>4</sup> The census results also revealed that Sudan's overall population has increased by about 14 million since the 4<sup>th</sup> Population Census, held in 1993,<sup>5</sup> suggesting that the overall population increase in Sudan in 2008 has reached 67% compared to 71% increase in 1993, a 67% increase in 1983 and a 40% population increase in 1973. This staggering population increase makes Sudan one of the world's fastest growing countries.

**Chart I: Population of Sudan (1956 - 2008)**



UN agencies, the World Bank and other institutions give different estimates of Sudan's population. For example the US Population Reference Bureau estimated the population of Sudan in 2008 at about 39,445,000<sup>6</sup> while the US Department of State estimated Sudan's population in 2008 at 40,218,456.<sup>7</sup> As for the *Institute de la Statistique, Québec, Canada*, Sudan's population in 2008 is estimated at 41,348,000.<sup>8</sup> Other sources estimate the population of Sudan to be at much higher numbers.<sup>9</sup>

### **Inconsistent Census Findings**

The *Age-specific Population Distribution Tables* – which provided break-up of the census data – showed that gender disparity in Sudan is in favour of males with nearly one million 993,464 more males than females. It also showed that there were about half a million 448,849 more males than females in the post-reproductive age group of 46 years old and above with a gender disparity rate ranging from 6% to 18% for the different age categories. These two census findings are particularly significant within Sudan's context taking into account the disproportionate number of males that have perished in the different armed conflicts in the country during the last twenty years compared to female war casualties. Moreover, females are the prime source of population increase in a largely polygamous rural society like Sudan. These census findings, therefore, challenge universal demographic trends which indicate an almost zero chance that up to 18% male-female disparity rate in the post-reproductive age group of 46 years old and above could exist in situations like the one prevailing in Sudan. These findings raise plausible questions about the validity of the reported increase in Sudan's population in the last 15 years.

In the age group of 85 to 89 years old, the census showed a population disparity in favour of males ranging from 6% to 18% whereas in the age group of 20 to 39 years old there was gender disparity favouring females (37,235 to 182,130) with a range of 2% to 6% compared to 3% to 18% for the different categories in other age groups. This census finding implies that women in Sudan at their reproductive age of 20 to 39 years old are numerically superior to their male counterparts but their number decreases at a much faster rate than males in the age group of 40 years old and above. This particular census outcome sharply contrasts the universal demographic finding that females on average live longer than males. High gender disparity was also reported within the young population groups and that in the age group of 00

to 15 years old there were 827,222 more males than females.<sup>10</sup> Such finding could hardly be substantiated in Sudan where gender choice and selective abortion are virtually non-existent. Relating gender disparity in this age band to other age categories, the high difference in the number of boys compared to girls means that a considerable number of girls were either grossly undercounted or not counted at all. In contrast gender disparity in the population above 16 years old was shown to be 166,242 more males than females.<sup>11</sup> The 5<sup>th</sup> Population and Housing Census claimed that nomad population in Darfur has increased from 695,518 in 1993 to 2.95 million in 2008 thus registering a population growth rate of 324%. The census results showed a 55% increase in Southern Sudan since 1983 while the average increase in the administrative North, including Darfur, over the same period has reached about 100%.

### **Importance of the Census**

The 5<sup>th</sup> Population and Housing Census is considered a major exercise upon which certain milestone events and decisions on Sudan's political future would be based. The first milestone event based on the census results would be the general executive and legislative elections to be held in April 2010. The forthcoming general elections are expected to be the first multi-party elections in Sudan since the National Congress Party (NCP) under the command of Marshal Omar Al-Bashir ascended onto power in a *coup d'état* on 30<sup>th</sup> June 1989, nearly 21 years ago. The second milestone event to follow the 2010 general executive and legislative elections would be the referendum on the right to self-determination for Southern Sudan scheduled to take place in January 2011.

The starting point is that the population census was provided for in the CPA and as such it is considered an important pillar for its implementation. The CPA addressed the questions of the population census, national elections and representation on many occasions and in particular in the Implementation Modalities of the Protocol on Power Sharing, article 1.8.1., 1.8.2., article 1.8.4., article 1.8.8 and article 1.8.9. It has provided that a population census throughout the Sudan should be conducted and completed by the end of the second year of interim period. This provision was repeated verbatim in Sudan's Interim National Constitution of 2005.<sup>12</sup> The CPA thus specified that the population census in Sudan should be completed by 9<sup>th</sup> July 2007 and Sudan's Interim National Constitution specified that national elections based on the census outcomes are to be held no later than 9<sup>th</sup> July 2009.

The delay of the 5<sup>th</sup> Population and Housing Census and the general executive and legislative elections represents a violation of both the CPA and the Interim National Constitution. This is because there were neither a declared derogation from the provisions determining the dates of the population census and the general elections in the CPA nor were there bilateral amendments – by the coalition partners – of the agreement or the Interim National Constitution to provide for the change of dates of these two events. Conventional as well as legal action to amend the dates of the population census and/or the general elections were necessary because these two events are the most fundamental exercises in Sudan's political transformation wrought by the CPA. Judging by this experience of indifference towards agreed upon accords there would be no guarantee that the dates set for the holding of the referendum on the right to self-determination for Southern Sudan i.e. 9<sup>th</sup> January 2011 would be respected despite the potential dangers such a possible delay entails.

The 5<sup>th</sup> Population and Housing Census was also crucial for Darfur because one of the historical demands which commands unanimity of opinion among the different tribal and ethnic components of Darfur is that the participation of the people of the region in the central government and in all other aspects of political and economic life in the country should be proportionate to their population size. This position was reiterated by more than 180 participants at the Darfur Civil Society Inaugural Conference held in Doha during the period 16<sup>th</sup> – 19<sup>th</sup> November 2009 when they stressed that population size of Darfur should be the basis for wealth sharing and economic and social development in the region.<sup>13</sup> It should be recalled that the Darfur Peace Agreement (DPA) stipulated that population size is the fundamental principle that governs its implementation.<sup>14</sup> The DPA stated that population size constitutes the main criteria and guideline for power sharing as well as wealth sharing. In the area of effective and equitable participation of the people of Darfur in the important national civil service sector, population size is thus considered a crucial component of the DPA that would "... determine the issue of imbalances and recommend appropriate measures to ensure fair representation for Darfurians in the service."<sup>15</sup>

In addition to determining the number of the electoral constituencies in each of Sudan's 25 States, the outcomes of the 5<sup>th</sup> Population and Housing Census will be used as the basis for re-demarcation of the administrative boundaries and reallocation of electoral constituencies before the general executive and legislative elections scheduled to take place in April 2010.<sup>16</sup>

The census data will also be used as the official primary source of information to determine the outcomes of the 2011 referendum on the right of the people of Southern Sudan to self-determination. Information and data collected during the 5<sup>th</sup> Population and Housing Census is expected to feed into a central database for strategic national planning and implementation of socio-economic policies including poverty alleviation strategies as well as agricultural and infrastructure development. Because of the partial nature of previous censuses held in Sudan it is, therefore, agreed that available demographic data and other population characteristics are outdated and irrelevant. More so, previous censuses were mainly based on population estimates. Review of available official population data indicates that some basic information on the population's size, density per state, age structure, growth rate, and other indicators such as fertility and mortality rates are not accurately known in Sudan. Accuracy deficiency also applies to population indicators in the area of poverty level, healthcare, education level, labour force composition, agricultural production etc. It is hoped that the 5<sup>th</sup> Population and Housing Census would enable Sudan to gather comprehensive, credible and accurate data on the population's regional distribution and characteristics and that fair and effective use of such data would be elementary for Sudan's stability. The census data would be used not only for national development planning and social services, but also as the basis for review and repartition of political power and economic wealth across the country – thus laying down the foundation for a democratic and egalitarian Sudan, free from the ills of the past.

### **Issues of Contention and Concern**

The 5<sup>th</sup> Population and Housing Census in Sudan had been politicised and contentious. It was the most polarised, controversial, inconsistent and unscientific census to be organized in Sudan's history. The census outcomes widened the dichotomy between Southern and Northern Sudan and consolidated mistrust about the government's future plans, especially in areas affected by armed conflict and political unrest such as Darfur and the Nuba Mountains. Politicization of the census operation was inevitable because the CPA, which ended the war between Northern and Southern Sudan, mandated that the census outcomes were to be used for political purposes. The CPA also considered holding of the population census and the use of its outcomes for development planning and political and economic arrangements as tool to ensure sustainable peace and stability in the country. The use of the census outcomes for political purpose as stipulated in the CPA largely explains why the NCP fully supported the

contested outcomes of the 5<sup>th</sup> Population and Housing Census while the Sudan People's Liberation Movement (SPLM) has publicly disputed them and opposed their use as the basis for holding the general elections and the power-sharing and wealth-sharing arrangements.

The 5<sup>th</sup> Population and Housing Census had been beset with hiccups even before it commenced. Sudan's complicated political realities of borderland national identity, ethnic backgrounds, religious affiliations, cultural and regional origins etc. came to the fore to dominate the scene from the very beginning. In this respect it is to be noted that the Technical Working Group – which was created by the Population Census Council<sup>17</sup> as the core expert body responsible for the methodology and all other technical aspects of the census operation – has confirmed the importance of issues of ethnic background and religious affiliation within the context of Sudan and recommended that ethnic origin and religion be included in the census questionnaire. However, pressure from NCP members and their allies is believed to be behind the unilateral intervention of the President's office which considered that issues of ethnic origin and religious affiliation as sensitive issues that are often the main causes of conflict in Sudan. Accordingly, the Presidency decided that it is in the interest of the country to avoid reference to these matters and it finally instructed the Population Census Council to delete reference to ethnic background from the census questionnaire.<sup>18</sup>

Opposition to and protest against the population census were reported before, during and after the operation. For example, a last minute threat from the Government of Southern Sudan (GoSS) that it will abandon the 5<sup>th</sup> Population and Housing Census altogether left the government without a choice but to shift the initial census start-up date from 15<sup>th</sup> April to 22<sup>nd</sup> April 2008. The SPLM placed the questions of ethnic origin and religious identity high on the census agenda while these issues were downplayed by the dominant coalition partner the NCP. The census field operations faced technical difficulties and confusion not only because of what appeared to be ill-judgment and lack of good will, but also due to incompetent personnel and poorly trained enumerators. Add to the difficulties and confusion is that fact that two separate registration forms were used for the collection of census data. These data collection forms consist of a short population registration form of 11 questions designed to satisfy the basic population data needed for the general elections – and which was used in about 90% of enumeration areas – while a longer registration form that provided for standard social and economic information was administered in about 10% of the enumeration areas.<sup>19</sup>

The GoSS insisted that the population of Southern Sudan resident in Northern Sudan was grossly undercounted. According to the SPLM estimates, the population of Southern Sudan in Khartoum alone is over 2 million inhabitants yet the census results showed that their number is little more than 500,000. On 16<sup>th</sup> April 2008 and in protest of the NCP unwillingness to heed the SPLM demands to include ethnic origin and religious affiliation in the headcount and that the census in Southern Sudan be organised on alternative dates to avoid the rainy season, the GoSS resolved to “ ... reserve[s] the right to have an opinion on the general outcome of the census results and the application of such results to: (1) Determine the ethnic, religious, cultural, social and economic diversity of the Sudan and (2) Confirm and/or adjust the power and wealth sharing arrangements as stipulated in the Comprehensive Peace Agreement (CPA).”<sup>20</sup> GoSS decision to reserve the right to have an opinion on the census results was a thinly-veiled rejection of the census operation even before it has started. The GoSS position was reaffirmed by First Vice-President Salva Kiir Mayardit on 19<sup>th</sup> February 2009 when he threatened to reject the census outcomes in case they turn out to be below the SPLM’s estimation that the people of Southern Sudan represent 1/3 of Sudan’s overall population.<sup>21</sup> Action of the SPLM and other political forces in Sudan against the 5<sup>th</sup> Population and Housing Census indicated that the most politically-contentious aspects of the operation had been:

1. The sharp decrease in the numbers of the population of Southern Sudan resident in the Northern States of Sudan;
2. Inconsistency in the numbers of the population of Northern Sudan in particular the unmatched increase in the numbers of the nomad population in Darfur;
3. Exclusion of millions of IDPs and other war-affected communities in areas under the government control in Darfur from the census records because they were not counted or grossly undercounted;
4. Areas of Darfur under the control of the Darfur insurgents were not covered; and
5. Areas of Darfur under the government control – from which IDPs and refugees were forcibly expelled – witnessed illegal migration and resettlement of tens of thousands of alien nomads in the last five years and that the migrant nomads were counted as full-fledged Sudanese citizens in the census.

## Rejection of the Census Results

The 5<sup>th</sup> Population and Housing Census in Sudan was marred by ill-judgment, objections, reservations, and technical and logistical difficulties. The census was held under severe insecurity in some parts of the country especially in Darfur, Southern Sudan and the Nuba Mountains. Contested boundary lines between counties as well as inter-tribal fighting and factional violence, insecurity and logistical difficulties and rainy weather in Southern Sudan hampered the work of the enumerators in the Lakes State, Western Equatoria and Northern Bahr-el-Ghazal States. Similar difficulties were experienced in some parts of Southern Kordofan State, particularly in the Nuba Mountains. As to Darfur, violence, insecurity, military operations, organised popular boycott by the IDPs and war-affected communities, lack of access to the population in the territory controlled by the Darfur insurgent groups as well as the contested administrative and political boundaries – all these reasons have prevented proper conduct of the census or seriously hampered enumeration in large parts of the region.

Enumeration did not appear to have covered households in all parts of the country including some major cosmopolitan areas like Khartoum, Nyala, El Geneina and El Fashir. Interviews and field research conducted by the Darfur Relief and Documentation Centre (DRDC) through local associates in late November and early December 2009 among 1,600 households with a sample of 400 households each in Khartoum, Nyala, El Fashir and El Geneina revealed that only 34% of 400 households interviewed in Khartoum were counted by enumerators during the population census. In El-Fashir 30%, in Nyala 25%, and in El Geneina 19% of the surveyed households confirmed that enumerators had counted them. Survey among cross-sections of IDPs from Darfur in South Khartoum and in Khartoum North (Bahri) confirmed that over 95% of the households surveyed were not counted in any fashion.

Also excluded from the 5<sup>th</sup> Population and Housing Census and the demarcation of electoral constituencies was the area of *Muthallath Hala'ib* or the Hala'ib Triangle in the Red Sea State on Sudan's far north-eastern international borders with Egypt. *Muthallath Hala'ib* area measures about 20,580 sq. km and it had been represented in Sudan's successive national parliaments in previous electoral process. This disputed Sudanese territory is currently under *de facto* Egyptian control and administration since mid-1990s. Egypt's presence in the area was consolidated in January 2000 when Sudan unilaterally withdrew its military forces from

the area, which is an action that effectively amounts to ceding sovereignty over the border zone to Egypt and abandoning its citizens in that part of the country ever since.

For the above reasons, the outcomes of Sudan's 5<sup>th</sup> Population and Housing Census were rejected by the major political forces in the country including the government's main coalition partners such as the SPLM.<sup>22</sup> All the insurgent movements in Darfur together with the former rebel Sudan Liberation Movement/Army (SLM/A)-led by Mr. Minni Minawi, which is part of the coalition Government also rejected the census outcomes. The Beja Congress equally rejected the census results in Eastern Sudan on the ground that "... the census results of Eastern Sudan do not reflect actual population figures of the region."<sup>23</sup> Other important political forces such as the opposition Umma National Party which is chaired by Mr. Al-Sadig Al-Mahdi expressed reservations on the census results and their use for political purpose.<sup>24</sup> Combined together, membership of the SPLM/A, the Darfur insurgent movements, Beja Congress and the Umma Party represents the largest political block in the country.

### **Southern Sudan and the Nuba Mountains**

It is ironic that Southern Sudan desperately needed a viable database on the region's and the country's demographic composition in order to be able, among other things, to demarcate electoral constituencies and administrative boundaries, and to determine the populations size and distribution, yet the most violent objection to the 5<sup>th</sup> Population and Housing Census outcomes came from the SPLM. The SPLM warned that it would not be bound by the census outcomes and described the whole process as lacking the required conditions for its conduct to succeed in the South. The SPLM has particularly rejected the census questionnaires on the ground that they missed some key issues such as ethnic background and religious affiliation which are important determinant factors of whether the person is from Southern or Northern Sudan. The SPLM was also concerned that repatriation of Southern Sudanese from the North was not being completed before the headcount, and that heavy rains in Southern Sudan would make roads quite difficult to use during the projected census period. Another source of SPLM's complaint was that the Greater Upper Nile and Greater Bahr-el-Ghazal regions – where most of their respective populations speak and write Arabic language – were provided with census registration forms and questionnaire in English language, while the Greater Equatoria region was provided with forms written in Arabic language contrary to the practice of its population which mostly speaks and writes English.<sup>25</sup>

Some enumerators in the Lakes State were caught in attacks carried out by Dinka Luach section in Kak Payam in which twelve boxes full of census forms were reportedly burnt to ashes along with money carried by the enumerators. In Northern Bahr-el-Ghazal State, the administration of Aweil East County confiscated the census forms accusing the enumerators of cutting off part of their County in the census map.<sup>26</sup> In a statement to the press while his household was being counted, Sudan's First Vice-President and President of GoSS, Salva Kiir Mayardit expressed his disappointment over the conduct of the census and referred to resolution No. 95/2008 adopted by Southern Sudan Legislative Assembly (SSLA) on 11<sup>th</sup> April 2008 and which called for postponement of the census operation to late 2008.<sup>27</sup> In that resolution, SSLA demanded that more than two million Southern Sudanese IDPs should be repatriated from Northern Sudan and be allowed to participate in the headcount as part of Southern Sudan population. It also called on the government to complete demarcation of the North-South borderline and to include ethnic background and religious affiliation in the census questionnaire. The resolution further called for sufficient funds to maintain security in the South before any census exercise could take place.

On 18<sup>th</sup> May 2009, First Vice-President Salva Kiir expressed his concern about "... the way population census was carried out in Northern Sudan" and indicted that: "In order to have confidence in the forthcoming general elections, it is advisable to de-link the contested results of population census from general elections and to use if necessary the old geographical constituencies." On Tuesday, 7<sup>th</sup> July 2009, SPLM Secretary General, Pagan Amum, officially announced the SPLM's "... total rejection of the results of the 5<sup>th</sup> population census" stating that the results "... were modified for political purposes." He added that: "... there are parties behind the increased number of the Arab ethnic groups in Darfur on the expense of African origin groups."<sup>28</sup> In tandem with the position of GoSS,<sup>29</sup> the SSLA adopted a resolution on 7<sup>th</sup> July 2009 in which it decided "... to totally reject the Sudan fifth population and housing census results of 2008 which shall be null and void and shall not be used for any national planning whatsoever, least of all 2010 national elections and 2011 referendum."<sup>30</sup> The SSLA stated that: "The central bureau of statistics in Khartoum refused to share the national Sudan census raw data with Southern Sudan Centre for Census, Statistic and Evaluation" and that: "Southern Sudanese IDP population in Northern Sudan was drastically reduced to 518,271 figures contradict the earlier survey done by various leaders from South Sudan communities in Northern Sudan, humanitarians and UN agencies who estimated the population of IDPs

between two to 2.9 million." The resolution added that: "The Darfur population increased by 62% with southern Darfur population registering an increase of 90.22% making it swells from 2.15 million to 4.09 million" and that: "The nomadic population in the north increased by 324% whose growth is unusual to nomadic communities. In 1993 nomadic population was 695,518; surprisingly it increased to 2.95 million in 2008."<sup>31</sup>

In the Nuba Mountains in Southern Kordofan State, serious logistic problems, insecurity and disputes over borderlines also emerged during the census. A few days before the conclusion of the census, SPLM Chairman and then Deputy Governor of Southern Kordofan State, General Daniel Kodi, issued a statement ordering the SPLM members in the State to boycott the census operation.<sup>32</sup> Among other things he singled out insecurity in the region as the main reason behind his decision. It is to be noted that disagreement between the SPLM and the NCP on the borders between Southern Kordofan State and Southern Sudan and the location of the SPLA soldiers and the Sudan army troops led to clashes between the government-backed Misseriya tribal militia and SPLA soldiers in Kharasana area in April 2008.<sup>33</sup> On 24<sup>th</sup> and 25<sup>th</sup> April 2008, at least 120 Misseriya tribesmen were killed in clashes with the SPLA in the oil-rich Heglieg area in Southern Kordofan State. On 27<sup>th</sup> April 2008, 3 Misseriya militiamen and 26 SPLA soldiers were killed in Kharasana. Military action and violence that followed these clashes caused the forced displacement of thousands of civilians in that area.

### **Darfur and the 5<sup>th</sup> Population and Housing Census**

The precarious security situation, violence and military operations in Darfur, lack of access to millions of internally displaced persons and war-affected communities as well as the status of alien nomads who occupy land in some parts of Darfur were the main difficulties that plagued the 5<sup>th</sup> Population and Housing Census operation in the Darfur region. Independent local civil society groups and many political parties in Sudan argued that it was unconceivable that a successful census could be organised in Darfur in the absence of a peace accord. It was also argued that it would be impossible that a viable census could take place in Darfur when there were clear signs of disapproval and non-cooperation manifested by the overwhelming majority of the people of the region in particular by the IDPs and war-affected populations. With the exception of the Arab camel-herders in North Darfur or Reziegat Al-Shamal, other groups including a major part of the Arab cattle-herders in South Darfur or Reziegat Al-Ganoub refused to take active part in the census. As a result there are doubts that the

population in some areas inhabited by the cattle-herder nomads were grossly undercounted both in cities and major towns like Nyala and El-Duein and also in the rural areas.

Because of insecurity and the continued military operations in Darfur, it became practically impossible for enumerators to conduct their work in the region, in particular in the area controlled by the insurgent movements in Jebel Marra and in many other parts of Northern and Western Darfur States. It should also be recalled that insecurity and violence were the main reasons why Darfur was not fully covered during the pilot census that was organised all over Sudan during the period 15<sup>th</sup> – 30<sup>th</sup> April 2007.<sup>34</sup> In the few weeks preceding the 5<sup>th</sup> Population and Housing Census, it was observed that the Darfur insurgent movements had mobilized their forces in what appeared to be an attempt to sabotage the census operation. Some insurgent factions were suspected of carjacking some vehicles used by enumerators while they were on duty in the countryside in Darfur.

Military activities in Darfur – including aerial bombardment of civilian targets – continued while the population census operation was taking place in the region. For example, on 2<sup>nd</sup> May 2008, Gen Martin Luther Agwai, out-going commander of the African Union/United Nations Hybrid Operation in Darfur (UNAMID), condemned the continuing military activity in Darfur especially the government's bombardment of Um Sidir, Ein Sirro and Shegeg Karo villages, Northern Darfur State. The government attacks, he said, had compounded the extent of displacement, insecurity and the untold human suffering.<sup>35</sup> On 3<sup>rd</sup> and 4<sup>th</sup> May 2008, the government bombed Shegeg Karo village by Antonov military jets targeting the civilian population in gathering points such as the marketplace and the village's primary school. It was reported that the primary school was attacked while the pupils were in classes.<sup>36</sup> At least 13 people including school-age children were reportedly killed during the attacks against the primary school and the marketplace. Forced population movement continued unabated all over Darfur during the census period. According to conservative UN records, in 2008, the violence and insecurity in Darfur forcibly displaced at least 317,000 civilians often for the second or third time.<sup>37</sup>

A considerable number of the people of Darfur are now confined to IDP camps or forced to move to miserable makeshift settlements in the environs of major towns of Darfur or in other parts of Sudan, away from their areas of origin. At least 300,000 civilians live as refugees in neighbouring countries such as Chad and the Central African Republic. Available estimates

place the IDP population in Darfur at 2.6 million and together with the similarly vulnerable host communities that live in proximity of IDP dwellings, the war-affected civilians in Darfur count for some 4.8 million. According to the 5<sup>th</sup> Population and Housing Census, the total population of Darfur is about 7.5 million persons, which indicates that 64% of the population of Darfur is totally affected by the ongoing conflict and that 59% of these war-affected civilians are IDPs. Almost all the war-affected civilians refused to take part in the census and therefore they were not counted by the enumerators or reflected in the census data.

IDPs in Darfur, without exception, insisted that their presence in IDP camps was exceptional, involuntary and that their displacement was in fact purposely imposed on them by the government-sponsored military action. They expressed fears that taking part in a *de facto* population census exercise while alien nomads from across Darfur's borders have settled in some of their land will lead to an irreversible situation at least as far as issues of land use, control and ownership are concerned. Under the circumstances, the IDPs collectively decided not to be counted during the 5<sup>th</sup> Population and Housing Census or to take part in any other national events including the forthcoming general elections before the security situation in Darfur permits their voluntary return to their areas of origin or usual residence.

In a number of IDP camps in Darfur, enumerators were confronted by protestors in rejection of the census operation. On some occasions the confrontation was violent, resulting in the death of two persons in Kalma IDP camp on 22<sup>nd</sup> April 2008. Early on 22<sup>nd</sup> April 2008, residents of the major IDP camps in Darfur declared boycott of the census and threatened to execute any enumerator who comes to the IDP camps. In the following days similar protests followed in Hamidiya, Hasa Hessa and Khamsa Dagyag IDP camps in Zalingei in Western Darfur State. IDPs in these camps submitted a memorandum to the UN Representative in which they declared a boycott of the census. On 4<sup>th</sup> and 5<sup>th</sup> May 2008 police surrounded all the major IDP camps in the outskirts of Nyala in Southern Darfur State, as well as in Zalingei and Wadi Salih areas, in a bid to prevent the IDPs from leaving the camps and demonstrating against the census operation. As a direct result of this besiege, some residents inside Nyala refused to cooperate with enumerators in solidarity with the besieged IDPs. In Northern Darfur State protest was reported in Haskineta and Muhajerja areas and in Kornoy and Um Baru where some angry IDPs abducted and detained enumerators while in Kabkabiya the IDPs have boycotted the census.

DRDC's survey following the outcomes of the 5<sup>th</sup> Population and Housing Census in the three States that compose the Greater Darfur Region further revealed the following findings:

## **1. Southern Darfur State**

The population of Nyala, capital of Southern Darfur States, is estimated at 2.96 million. At present there are about 667,000 internally displaced persons living in IDP camps in the environs of the city.<sup>38</sup> The largest of these camps is Kalma Camp, south-east Nyala, with an estimated population of nearly 100,000 inhabitants and the Beleil camp houses about 21,000 people. The Otash camp in the north of Nyala is home to about 60,000 people and Dreige camp houses about 25,000 inhabitants. In south Nyala there are Mossei and Al-Serif IDP camps and together they house more than 20,000 IDPs. It is also observed that inside Nyala and its surroundings a number of informal IDP settlements exist and that at least 150,000 often unrecognized IDPs are languishing in makeshift dwellings in this way or share rooms with their relatives in the city.

No population assessment was carried out in any of the major IDP camps in Southern Darfur State. These major IDP camps include Kalma, Otash, As-Salaam, Mershing, Al-Serif, Beleil, Al-Sheref, Um Lubassa, Mossei, Sekele. Furthermore, no population assessment took place in other major human settlements in Southern Darfur State such as Gereida, Yassin, Manawashi, Gougana, Feera, Khazan Gadid, Shieria, Sony, Deribat, Kidindir, Jawa, Daulo, Martega, Sousou and El-Keleik.

In addition, incidents of misrepresentation of population numbers were reported in Nyala and El-Duein which are main cities in Southern Darfur State as well as in rural areas. For example, the 1993 population census estimated the population of Katila and Intakina in Al-Salam Locality (Local Area Council) in north-east Nyala, at about 144,546 while the 2008 population census indicated that their number decreased to 130,861. Interestingly the area of Katila and Intakina is among few areas of Darfur that were spared by fighting during the ongoing armed conflict in the region and consequently they have seen the arrival of thousands of IDPs. In the 1993 census the population of Dambso area in Tullus Locality was estimated at 50,000 while the 2008 population census indicated that the population of Dambso has increased to 175,205.

## **2. Northern Darfur State**

No census was carried out in at least 4 Localities in Northern Darfur State namely Dar As-Salam, Tina, Um Baru and Kalamando. No census took place in Tawila and Korma, administrative units in El Fashir Locality and in Fata Borno administrative unit in Kutum Locality. No census took place in major Village Councils like Kafout and Abusekin, Dobo, Tarnare. No population census took place in the IDP camps such as Abu Shouk, Zam Zam, As Salam, Shangil Tobayi and Kassab in Kutum. No census was conducted in the area under the control of the insurgent movements. Partial census was conducted in parts of Kutum, Melleit, Al-Siah, Al-Malha and El Fashir which is the seat of Northern Darfur State government. The population in whole areas in El Fashir, especially in the southern suburbs of the city, such as Al-Wihda and Um Shidaira residential area, were not counted.

Violence was reported in Kafout and Abusekin area where the local residents attacked enumerators and also in Melleit area where residents threw stones at the enumerators and expelled them from the town.

Northern Darfur State is the bastion of the Mahameed, Maharia and Um Galool Arab nomads who represent the core of the Janjaweed militia groups. Unlike other nomad groups in Darfur, the nomads of Northern Darfur State have inseparably allied themselves with the government. DRDC field research in Northern Darfur revealed an unusual movement among these nomads and their concentration on certain rural areas throughout March, April and May 2008. It appears that such a strategy was used to increase the number of nomads in Northern Darfur. For example, in Al-Kuma area the number of nomads was estimated in the 1993 census at about 12,000 individuals. A considerable number of these nomads have left the area since then or have changed their lifestyle in recent years yet the 5<sup>th</sup> Population and Housing Census indicated that the number of nomads in Al-Kuma is 69,000 individuals. In Al-Waha Locality the number of nomads has been inflated from about 60,000 in 1993 to about 200,000 in 2008. Unusual increase in the number of nomads was also observed in Kabkabiya, Saraf Omra, Al-Siref and Kalamendo areas.

### **3. Western Darfur State**

In El Geneina Cité (City), capital of Western Darfur State, whole residential areas were not covered during the 5<sup>th</sup> Population and Housing Census. These areas are Al-Zohour, Al-Thawra Shamal, Al-Thawra Junoub, Bahereldin, Al-Tadamon and Al-Bouhira. No meaningful census took place in other major residential areas of El Geneina such as Al-Jamhouria, Al-Amittad and Al-Madaris. All the area of Jebal Marra Massive and Jebal Moon including Ro-Kirro Locality and Jebal Marra Locality were not covered in the census. Partial population assessment was conducted in Habila Locality, Zalingei Locality, Mestarei Locality as well as in Serba and Kulbus Localities. No census was conducted in any of the IDP camps including Madinat Al-Hujaj, Abuzar, Jamat Zalingei, Ardamata, El-Riad and Kirinding 1 and 2, Dourti, Sesei, Mornei, Nertiti, Hamidiya and Hassa Hissa, and Bindisi in Wadi Salih.

DRDC survey in Western Darfur State revealed that in fact the 5<sup>th</sup> Population and Housing Census in the form of a special population assessment in that part of the country was conducted in some remote areas occupied by nomads as early as January 2008 or more than three months before the official start-off date. Early population assessment and registration was also practiced in the area around Habila Locality (about 26 villages), Mestarei Locality (about 8 villages), Krenek Locality (about 36 villages especially around Wadi Bari), Zalingei Locality (about 18 villages), Foro Baranga and Mornei Administrative Unit (about 6 Villages). This operation was selectively conducted by the security forces with the assistance of some local Janjaweed elements.

In an interview with the Governor of Western Darfur State Mr. Abulgasim Imam (SLM) he dismissed the outcomes of the population census in Western Darfur and indicated that such results do not reflect the demographic reality in the State. As to Ms Wafa'a Hassan, Head of the Census Bureau in Western Darfur State she indicated that the sharp decrease in the population of Western Darfur State is largely due to the fact that enumerators were not able to visit populated areas in the countryside and focused on secure zones in urban areas and major towns.

## **Unusual Increase in Darfur's Nomadic Population**

One of the questionable results of the 2008 population census was the apparently inflated number of the Arab nomads in Darfur. The 2008 population and housing census showed that the Arab nomad populations in Darfur were 2.95 million while the 1993 population census indicated that they were barely 695,518. The number of the nomad population in Darfur has thus registered an increase of about 324% during the last 15 years. This phenomenal population growth rate among the nomads in Darfur was unmatched by any other segment of Sudan's population. Inflation of the number of the Arab nomads is clearly unusual to nomadic communities especially within the context of the armed conflict in Darfur which limited their movement and profoundly altered their living conditions. Such sharp increase contradicts the accelerated urbanization trend taking hold among nomadic communities all over Sudan including Darfur<sup>39</sup> in particular after the eruption of the current armed conflict in the region.

The sharp increase in the nomads in Darfur also contradicts the low population growth rate observed among nomads during previous population censuses in Sudan. It is to be noted that the census in Darfur was organised during the period between end April and early May 2008, a period that usually witness the migration of nomads from areas of their traditional gatherings – which makes it almost impossible for enumerators to trace them. It is also observed that in the past, nomads usually avoid the headcount and often they choose to remain off the voting rolls for their own social reasons or cultural beliefs. The phenomenon of a greater number of nomads counted in the 2008 population census needs to be carefully assessed and verified. Indeed the increase in the nomad population in Darfur was considered one of the main reasons why SSLA rejected the results of the 5<sup>th</sup> Population and Housing Census. In contrast with the *de facto* nature of the population censuses, the 5<sup>th</sup> Population and Housing Census did not make reference to the refugees and alien nomads from Chad and Niger and possibly other countries currently in a process of migration to Darfur.

In July 2007 a consolidated report prepared by the Sudanese Commission of Refugees and the Office of the UN High Commissioner for Refugees (UNHCR) showed that more than 4,500 households of Arab nomads and semi-nomads from Chad have crossed the border of Darfur during the period February – May 2007.<sup>40</sup> The report further indicated that the Chadian Arabs mentioned the security situation in Eastern Chad as the reason for leaving their country and that they have arrived in Darfur with all their belongings and were greeted by Sudanese

nomads who guided them to selected fertile areas cleared from their indigenous inhabitants by the government army and the Janjaweed militiamen. The report added that interviews among the Chadian refugees revealed that most of them plan to resettle permanently in Darfur and did not intend to return to Chad under any circumstances.<sup>41</sup> It was reported that the new arrivals have been issued with official "...Sudanese identity cards and awarded citizenship."<sup>42</sup> Repopulation is also taking place in Southern Darfur State where Arabs from elsewhere in Sudan have been moving into Darfur often presented as "returning IDPs."<sup>43</sup>

DRDC received reports that alien nomads in Western Darfur State are taking advantage of the conflict situation and illegally acquiring farmland and residential plots. Registration of the appropriated land to secure private ownership titles from the State government has been observed in Local Municipalities such as El Geneina which frequently issues land ownership titles to illegally acquired land. It is to be noted that registration of private land ownership by aliens in Darfur is a new phenomenon. It contravenes the collective land ownership regime historically practiced in the region and violates the traditional customary law which regulates land ownership and use that was widely practiced in many rural areas of Sudan.

In a Press Conference held in Berlin on 13<sup>th</sup> September 2007, former US Special Envoy to Sudan Mr. Andrew Natsios said that: "There is evidence the Sudanese are doing a population resettlement programme where they are bringing Arabs from Niger and Chad into western Darfur, giving them land and citizenship papers so they can vote in the election."<sup>44</sup> DRDC estimates put the numbers of such illegal migrants or "silent refugees" in Darfur at more than 200,000 individuals. Indeed Sudan is host to one of the largest foreign refugee populations on the continent of Africa including about 300,000 recognized refugees from Eritrea, Ethiopia, Uganda, DRC and Somalia. Refuge movement into Sudan has not eased during the last 40 years which makes the Sudan refugee programme one of the longest-running refugee programme supervised by UNHCR in Africa and the world.

It appears that the inflation of the numbers of the nomads in Darfur and the government policy to accord them Sudanese citizenship in retrospective is a well-calculated government strategy. The ultimate outcome of such strategy is to strip the victims of the armed conflict in Darfur of their land and material wealth and to further consolidate their marginalisation and exclusion from effective participation in the political and economic life in the country.

Chart II: Percentage of Sudan's Nomad Population (1956 - 1993)

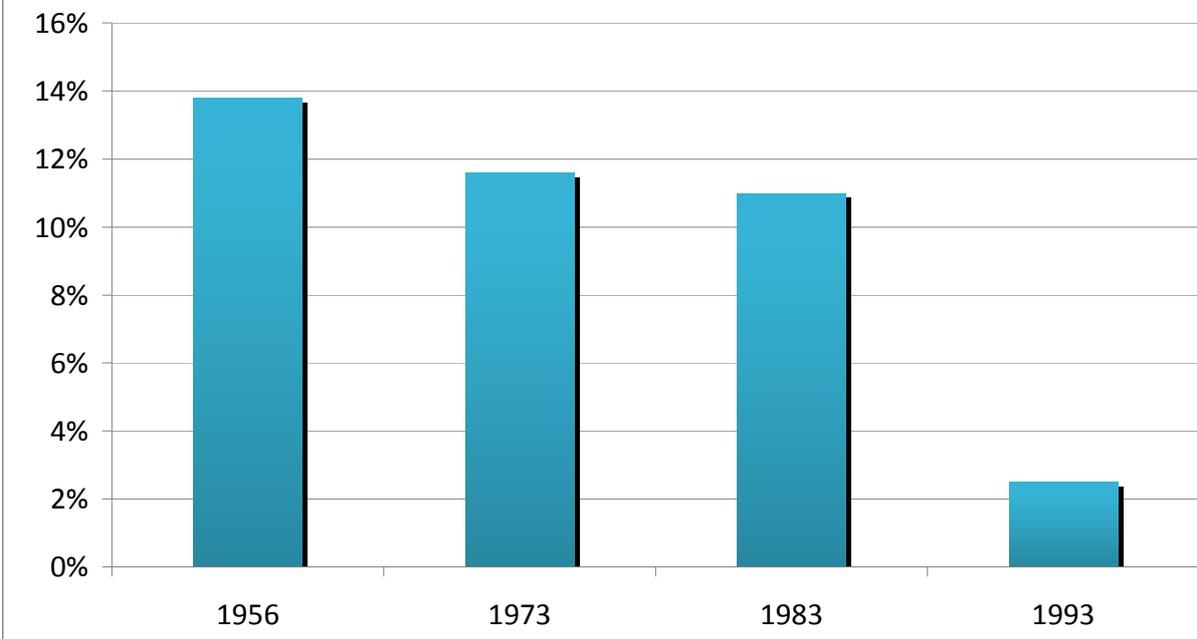
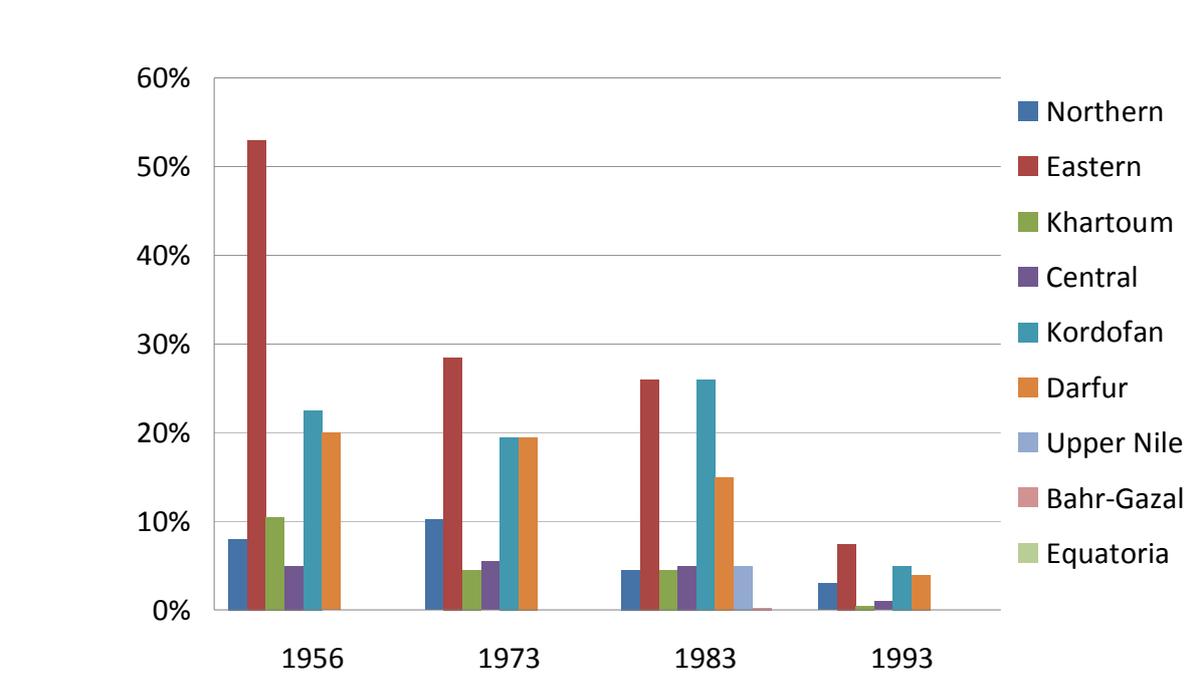


Chart III: Percentage of Sudan's Nomad Population by Region (1956 - 1993)



## **Impact of the 5<sup>th</sup> Population and Housing Census on Darfur**

The outcomes of the 5<sup>th</sup> Population and Housing Census in Darfur are especially problematic. They appear to be the most distorted, erroneous and manipulated census outcomes in the history of the region. This is because unlike in other violence-ravaged regions of the country such as Southern Sudan – where the SPLM was equally responsible for the census conduct – the 5<sup>th</sup> Population and Housing Census in Darfur was left under the supervision of the NCP-controlled CBS alone and without second party scrutiny. The Minni Minawi faction of the SLM was not allowed to play any role in the census operation. Involvement of a trustworthy second party in organising the population census in Darfur could have had an impact in mobilizing and encouraging the people, especially the war-affected populations in some parts of the region, to participate in it. According to the July 2008 report of the UN Secretary-General to the Security Council on the situation in Darfur, the 5<sup>th</sup> Population and Housing Census in Darfur was carried out “ ... despite the opposition of all non-signatories to the Darfur Peace Agreement and the Minni Minawi faction of the SLM/A. Internally displaced persons resisted enumeration in a number of camps despite attempts by the United Nations and the international community to break the impasse, and areas in Western Darfur bordering Chad and Southern Darfur remained inaccessible to enumerators owing to the prevailing insecurity.”<sup>45</sup>

Darfur insurgent movements rejected the census operation forthright on the ground that fighting and insecurity as well as incomplete preparations in major parts of Darfur would make it impossible to organise the census.<sup>46</sup> Both the Justice and Equality Movement (JEM) and the SLM/A–led by Abdel Wahid M. A. Nour had opposed the 5<sup>th</sup> Population and Housing Census on the ground that the census results would be illegitimate in the absence of a genuine peace accord and other confidence-building measures to help regain peace, trust and stability in Darfur. They have repeatedly accused the NCP government of planning to manipulate the census outcomes in order to ensure that the re-demarcation of electoral constituencies and the general legislative elections would create new demographic and political realities in Darfur. Understandably, the insurgent movements were suspicious that the NCP would use, manipulate and design the population census data and the re-demarcation of electoral constituencies in a way to ensure political victory of its candidates at the forthcoming general legislative and executive elections. Census data could also be used as a tool to ensure

uneven distribution of wealth and socio-economic service under the control of government allies especially with the widespread reports about the presence of alien nomads in Darfur, and that the government is naturalizing these alien nomads at a large scale. It was argued that the new occupants will gain rights to illegally acquired land and enjoy other civil and political rights were they to be counted in the census as full-fledged Sudanese citizens.

The outcomes of the 5<sup>th</sup> Population and Housing Census on the demographic and ethnic compositions of Darfur largely substantiated the fears expressed by the Darfur insurgent movements, IDP population, national political parties, civil society groups and other stakeholders that opposed the conduct of the population census in the region while the armed conflict has not yet come to an end. Undercounting or non-participation of the populations in the census has direct bearing on the 2010 general elections because the population size determines the demarcation of local election constituencies and their numbers.

For example, according to the 1993 population census the inhabitants of Western Darfur State were about 1.5 million while the 2008 census indicated that their number has decreased to about 1.3 million. Western Darfur State is the heartland of the Masaleet and Fur people and together these two groups represent the overwhelming majority of IDPs and war-affected people in Darfur. According to the records of the last multi-party elections held in 1986, the population of Dar Masaleet Area Council (Masaleet Sultanate) alone was estimated at 1.5 million individuals. In fact, the Masaleet Sultanate was the most densely populated area in Darfur at that time. In the 1980s there were 12 Rural Area Councils in the Greater Darfur Region including the four Rural Area Councils that currently constitute the Western Darfur State – El Geneina Area Council, Zalingei Area Council, Jebal Mara and Wadi Salih.

The projected average population growth rate in Western Darfur State is about 3%. This high population growth rate is largely sustained by the practice of polygamy which is commonplace in Darfur. Natural population growth and the influx of IDPs, refugees and migrant nomads from inside Sudan and abroad into the fertile wetland of in the Greater Darfur Region during the last 15 years lead us to the conclusion that the population of Western Darfur State in 2008 should have been about 3 million inhabitants by the most conservative population estimates. However, population decrease in Western Darfur has been reported at a time when other States in Northern Sudan registered a population increase of up to 100% in the last 15 years.

With the exception of El Geneina (2 geographic constituencies) and Wadi Salih (1 geographic constituency), the population of each of the 15 Districts in Western Darfur State is shown to be less than the national average of 145,000 inhabitants per Locality which is the necessary dividend for the demarcation of a geographic electoral constituency in Sudan. The population of Zalingei town is shown to be 101,000 inhabitants only. The implication of such a situation is that the National Elections Commission (NEC) is allowed an upper hand in determining electoral boundaries as well as the repartition and/or groupings of populations to form the 9 geographic constituencies allocated to Western Darfur State by its population size. Authority to use its own discretion to draw the boundaries of geographic constituencies or to maximize or minimize representation was conferred on the Commission by law i.e. the National Elections Act.<sup>47</sup> In contrast to the gross under estimation of the population in Western Darfur State, the population in each one of the 15 Districts in Southern Darfur State entitles such Districts to two, three or even four electoral constituencies per District. The only exception in Southern Darfur State was the East Jebal Marra District which is inhabited by the Fur tribe – and which is shown to be home to about 35,000 inhabitants – thus it can not be represented in the general legislative elections with a geographic electoral constituency of its own.<sup>48</sup>

The Jebal Marra massive is one of the most densely populated areas of Darfur with a population currently estimated at nearly one million inhabitants. In addition there is a large IDP community that was forced to move to Jebal Marra and seek refuge in areas controlled by the Darfur insurgent movements. The 1993 population census indicated that the inhabitants of Jebal Marra were 450,000 individuals while the 2008 census showed that the population of this massive area is only about 35,000 i.e. (12,000 in Eastern Jebal Marra and about 23,000 in Nirtiti in Western Jebal Marra). It is to be remembered that during the last multi-party elections in Sudan, organised in April 1986, Jebal Marra District was represented by four geographic constituencies in Sudan's National Assembly.

However, the 2008 census outcomes claimed that the population of Southern Darfur State is about 4.1 million while the 1993 population census had shown that the inhabitants of this State were about 2.2 million. Southern Darfur has thus registered a population increase of more than 90%. It is ironic that this sharp increase in Southern Darfur population was registered at a time when hundreds of thousands of war-affected civilians including those in the environs of Nyala, El-Duein and in major IDP camps of the region such as Kalma camp

were not counted because they refused to take part in the census. Interestingly the 5<sup>th</sup> Population and Housing Census indicated that the population of El-Duein Locality is 400,000 and the population of El-Duein town is about 60,000 inhabitants while the 1993 population census found that the number El-Duein residents was about 73,000.<sup>49</sup> El-Duein town is the capital of Reziegat Al-Ganoub Arab cattle herders and currently it is host a large community of IDPs from Southern Sudan and other parts of Darfur.

At the popular vote organised by the NCP government during the period 13<sup>th</sup> – 23<sup>rd</sup> December 2000 for election of members of the country's unicameral National Assembly of that time, the Arab nomads of Northern Darfur State were estimated at about 12% of the total population. Out of 12 geographic constituencies in Northern Darfur State in the 2000 elections the nomads were represented with only one geographic constituency named Al-Sereif and Nomads Constituency. However, in the 2010 general elections the nomads in Northern Darfur State will be represented by at least three geographic constituencies (Al-Waha, Al-Kuma, and Al-Sereif). They are also expected to compete in other electoral constituencies in the three States of Darfur.

On the far reaching effects of the 5<sup>th</sup> Population and Housing Census on the victims of the armed conflict in Darfur especially IDPs, the UN Under-Secretary-General for Peacekeeping Operations rightly observed that: "The contested census, large-scale displacement and volatility, particularly in the area bordering Chad, create enormous risks that the people of Darfur will not be in a position to participate in the electoral process."<sup>50</sup> He added that the election results will have an "enormous impact" on the distribution of political power in Sudan and Darfur in particular where millions of IDPs live uncounted in camps and that holding national elections under the circumstances would further disenfranchise millions already disempowered by the armed conflict.<sup>51</sup>

In anticipation of such negative developments to be generated by the outcomes of the 5<sup>th</sup> Population and Housing Census, some leading civil society representatives, groups and community leaders from Darfur met on 30<sup>th</sup> July 2008 in Dar es Salaam, Tanzania, and declared that: "The overwhelming majority of the people of Darfur do not recognize the 2008 population census because large parts of the region were not covered during this exercise. Demarcation of all electoral districts and constituencies in the region should, therefore, be based on the 1993 census and its projected growth rates."<sup>52</sup>

## **UNFPA and Sudan's 5<sup>th</sup> Population and Housing Census**

Some UN organs and donor agencies provided considerable technical support, logistics, transport and financial backing to the GoS in order to organize the 5<sup>th</sup> Population and Housing Census. UNFPA was the lead UN agency that coordinated donors' support and assisted Sudan in finalizing the 5<sup>th</sup> Population and Housing Census. In this respect UNFPA was expected to provide not only technical support, but also to play a leading role in sharing the logistical experiences from census undertaking.<sup>53</sup> UNFPA has "... identified five major roles: technical backstopping, coordination, training, advocacy and analysis, and publication."<sup>54</sup>

A key result expected by donors from UNFPA involvement in Sudan's 5<sup>th</sup> Population and Housing Census was the establishment of a "... fully functioning mechanism for coordination, monitoring and planning a nationally and internationally acceptable and credible census."<sup>55</sup> To achieve this result, UNFPA committed itself to conduct situation analysis of the conditions prevailing in the 3 States of Darfur and to establish and operate a monitoring and observation team composed of international and national members.<sup>56</sup> For this purpose UNFPA has established a Monitoring and Observers Committee (MOC) which organized its first formal meeting as early as 3<sup>rd</sup> – 4<sup>th</sup> December 2006 with the participation of members from inside and outside Sudan including representatives of the United Nations Economic Commission for Africa (UNECA) and the Central Agency for Public Mobilisation and Statistics (APMAS), which is an official Egyptian government apparatus.

In UNFPA's own words "... the census must be credible, objective and acceptable to all stakeholders in the country."<sup>57</sup> UNFPA has also declared that it "... would do its best to ensure such an outcome."<sup>58</sup> However, there are no indications that UNFPA respected this binding commitment or observed the UN *Standards of Conduct for the International Civil Service*. DRDC's attempts to get information about UNFPA's "analysis" or "monitoring" of the 5<sup>th</sup> Population and Housing Census in Sudan or its opinion on the "credibility" or "objectivity" of the results were unsuccessful. This leaves us with the conclusion that the outcomes of the 5<sup>th</sup> Population and Housing Census and the rejection to the use of these outcomes by major political parties and groups, IDPs and civil society groups in Darfur indicate that UNFPA has been little short of total failure in its mission. UNFPA's inability to monitor the 5<sup>th</sup> Population and Housing Census in Sudan and its silence on the contested results and their potential future complications should be thoroughly investigated and corrective action taken.

## General Executive and Legislative Elections

One of the milestone events in Sudan's modern history which is directly linked to the 2008 population census will be the 2010 general executive and legislative elections. The forthcoming elections are expected to be the first multi-party elections in Sudan since the military *coup d'état* led by Marshal Omar Al-Bashir in June 1989. Sudan's Interim National Constitution stipulated that "General Elections at all levels of government shall be held not later than the end of the fourth year of the Interim Period."<sup>59</sup> This constitutional provision meant that the general elections should have been organised before 9<sup>th</sup> July 2009. However, this provision was not respected by the Government coalition partners.

Despite calls by opposition political parties and pro-democracy groups and activists on the coalition government to respect Sudan's Interim National Constitution and cease violations of its provisions, in particular that the general elections were not held within the constitutionally-stipulated date of 9<sup>th</sup> July 2009, but these calls were not heeded. Neither the NCP nor the SPLM considered it necessary to amend the Interim National Constitution or even revert to the Constitutional Court in order to extend the government lifetime until the general elections in April 2010. Ignoring such an important constitutional provision in this manner undervalues the sanctity of Sudan's Constitution and puts into question the government's commitment to the political transformation that was spelled out in the CPA.

Following the release of the results of the 5<sup>th</sup> Population and Housing Census, NEC adopted a resolution on 8<sup>th</sup> June 2009 and immediately commenced the apportionment of seats in the National Assembly based on the population census results at a time when rejection of these results by major political forces including the SPLM reached their peak. NEC's disregard of the concerns raised by political forces about the validity of the census outcomes and that such outcomes should not be used as the basis for the forthcoming national elections was counter productive. It has increased and deepened objections to the re-demarcation of the geographic constituencies in many parts of the country and increased the existing suspicions about government plan to manipulate the general elections manifold. The holding of general executive and legislative elections is a crucial step in Sudan's political transformation yet elections alone, under the prevailing circumstances, will be of little help to bring about the desired political stability and peace in the country. It is therefore necessary to consider that: "... elections in the Sudan cannot be the end goal in and of themselves. Rather, they must be

a means to an end, and that end objective must be effective and sustainable mutual accommodation of oft-competing political interests and perspectives.”<sup>60</sup>

The forthcoming general elections in Sudan would be a complicated exercise especially to the majority of Sudan’s voters with little formal education. This is because the process involves the election, at one time, of the occupants of at least 6 levels of government institutions. Sudan’s National Elections Act of 2008 determined that the general executive and legislative elections are to be organised in order to elect: (1) President of the Republic; (2) President of the Government of Southern Sudan; (3) Governors of each of Sudan’s 25 States; (4) members of the National Legislature; (5) members of Southern Sudan Legislative Assembly; and (6) members of the Legislative Assemblies of Sudan’s 25 States.<sup>61</sup> Sudan’s National Legislature which is composed of the National Assembly and the Council of States requires separate elections based on both majoritarian geographic constituencies and proportional group representation. For example the National Assembly shall be composed of four hundred and fifty elected members according to the following formula: (a) 60% of the elected members to represent geographical constituencies; (b) 25% would be women members to be elected on the basis of proportional representation at the State level from separate and closed party lists; and (c) 15% of the members to be elected on the basis of proportional representation at the State level from separate and closed party lists.<sup>62</sup> In total, voters at the forthcoming general executive and legislative elections in Sudan are expected to cast – at one time – 8 ballot papers in Northern Sudan and 12 ballot papers in Southern Sudan.<sup>63</sup>

Sudan’s complex new electoral system, relatively high illiteracy rate and the inadequate civic education are additional sources of concern to external observers as well as to national civil society groups and to pro-democracy political parties. Some of these groups expressed fears that the NCP’s tactic to win the forthcoming general executive and legislative elections is to bank on the little knowledge of the people about the vote casting process and on how to fill the ballot papers correctly. Under the circumstances it is expected that the main problem with the forthcoming national executive and legislative elections in Sudan will be the invalid ballot forms that would be filled incorrectly.<sup>64</sup>

Another potential cause of confusion to the voters in Darfur and elsewhere in the country during the forthcoming general legislative and executive elections would be the large number of political parties competing at the general elections in April 2010. By 1<sup>st</sup> July 2009 there

were 71 political parties officially registered with the government-controlled Political Parties Affairs Council.<sup>65</sup> The number of such political parties is expected to increase until the close of the lists of nominations of elections candidates. Majority of the registered political parties are, in reality, insignificant break-away factions and most of them carry similar names or profess very close if not identical political agendas. Some of these parties are allied with the ruling NCP and their leaders are portfolio holders within the current government. Such groups and their leaders would regard their participation in the general elections as a means to position themselves better in order to bargain for a share of political power after the elections. Their participation in the general elections therefore seems to be more concerned about their fate in the aftermath of the elections rather than about proposing solutions to the country's acute political crisis. The proliferation and permutations of political parties – especially those break-away factions and the emergence of groups driven by regional and ethnic politics such as the Just Peace Forum Party – would be the major weaknesses of the forthcoming general elections and eventually of Sudan's political transformation. Such a large number of political contesters would ultimately enable the ruling NCP to use its privileged position in control of the State machinery and resources to further divide and weaken the political opposition.

Another area of concern is that the GoS decided that national elections – both legislative and executive elections – will be held in April 2010 despite the fact that a number of unresolved issues still dominate the political scene in the country. The unresolved issues include the demarcation of borderlines between Northern and Southern Sudan, legal reform and the serious differences about the validity and use of the results of the 2008 population census. The results of the population census are especially important because several facets of Sudan's demographic construct, especially the population's ethnic origins and geographic distribution, play a particularly important role in the electoral process. In addition some parts of Sudan like Darfur and Eastern Sudan are ruled under a state of emergency regulations which allow the government and the security forces exceptional powers to violate human rights and fundamental freedoms and curtail liberties and political activities with impunity.

According to the UN Secretary General, the Sudanese are lagging behind in preparation for the general elections and that they did not demonstrate commitments to "... guarantee basic political freedoms, including the freedom of assembly, speech and the press."<sup>66</sup> Long awaited reform of some key legislation incompatible with the CPA, especially those laws which violate

the provisions of the Bill of Rights as enshrined in Sudan's Interim National Constitution is yet to be done. The limited legal reform introduced in Sudan recently,<sup>67</sup> in particular the adoption of the Press and Publications Act, the Criminal Procedures Act and the National Intelligence and Security Act, does not represent a genuine change on the general political situation in the country. This is because the adopted texts were in fact amended versions of old laws and have maintained most of the repressive provisions.<sup>68</sup> Some of the amended laws, such as the National Intelligence and Security Act were believed to be adopted by the National Assembly as a result of political compromise between the SPLM and the NCP. Section 25, 50 and 51 of the Security Act clearly contravene the provisions of Sudan's Interim National Constitution. The Act allows the arrest and detention of political opponents without charge or trial and together with the Criminal Procedures Act they empower the state to curtail the freedom of association and assembly in a massive and systematic manner. The existence of these two laws represents a serious threat to the basic pillars for any meaningful electoral process. The general situation is hardly conducive towards a health environment where political contesters could compete freely without fears or intervention of the State. In particular there is a need to "... promote greater respect for the freedoms of expression, association, and belief, and adequate conditions of physical and humanitarian security for all Sudanese, especially in Darfur and other areas with security challenges."<sup>69</sup>

Freedom of expression was seriously challenged with the ruling of the Constitutional Court on 10<sup>th</sup> September 2009 which authorized the Security Forces to continue pre-publication censorship of dailies and other publications claiming that press censorship is constitutional in order to preserve national security and public morality.<sup>70</sup> This ruling is yet to be annulled. However, on 27<sup>th</sup> September 2009 the President instructed the National Intelligence and Security Services (NISS) to cease pre-publication censorship on newspapers with immediate effect. This decision was issued about two weeks after the ruling of the Constitutional Court. As an alternative all journalists in Sudan are required to adhere to the "Journalism Honour Accord" according to which journalists commit themselves to exercise "self-censorship" and to avoid addressing certain topics that could have been censored under NISS direct supervision.

While the decision of the President to lift press censorship was a welcome gesture, it remains incomplete in the absence of sound legal and institutional protection of the right to freedom of expression as well as the freedoms of association and assembly. On 7<sup>th</sup> and 13<sup>th</sup> December

2009 the government refused to authorize peaceful political gatherings before Sudan's National Assembly in Omdurman which is Khartoum's twin city. These peaceful gatherings were called for by the major political parties in the country including the SPLM. The security forces refused to allow the demonstrators to assemble and disbursed the gatherings by force. They arrested Mr. Pagan Amum, SPLM Secretary General together with his Deputy and Chairman of the SPLM Parliamentary Group, Mr. Yasir Arman. The security forces also arrested other leading parliamentarians including Mr. Farouq Abu Eissa. A Sudanese scholar recently concluded that "... the holding of the general elections in Sudan under the prevailing circumstances is undesirable and dangerous for the future unity of the country."<sup>71</sup>

It has been observed that the 2010 general executive and legislative elections in Sudan could well witness political and religious violence. Early warning signals of possible political violence during the forthcoming general elections reared their head in Khartoum recently. On Thursday, 20<sup>th</sup> August 2009 a radical group known as *Al Rabita Al Shareiyah for Scholars and Call in Sudan* issued a *fatwa* "Islamic religious statement" in which they ruled that all members of the Sudanese Communist Party are "atheists" and "apostates."<sup>72</sup> They called on the people of Sudan not to cooperate with members of the Communist Party or allow them to operate in their neighbourhoods. A few hours after the issue of this *fatwa* a group of fanatic youngsters armed with knives and machetes stormed the newly inaugurated premises of the Communist Party in Al-Garief Gharab residential area in south-east Khartoum and started distributing the statement among members of the Communist Party in a provocative manner. It was reported that the youngsters threatened to use violence to disburse the crowd that gathered for the inaugural ceremony. On Saturday 29<sup>th</sup> August 2009 leading members of *Al Rabita Al Shareiyah for Scholars and Call in Sudan* organised a Press Conference in the prestigious Sharga Conference Hall in Khartoum during which they reaffirmed their previous *fatwa* and asked the government to revoke the registration of the Communist Party and to prevent it from doing any political activity in the country. They also threatened to use all possible avenues to ban the Communist Party.<sup>73</sup> Despite the dangerous nature of such threat but no action was taken by the government against members of this radical religious group.

The general elections will be organised against the background that key political forces in Sudan, including the SPLM, SLM-led by Mr. Minawi, Umma National Party and other political forces either rejected the outcomes of the 5<sup>th</sup> Population and Housing Census or expressed

serious reservations about them. They have suggested that the census results should not be used as the basis for demarcation of electoral constituencies or for arrangements to share political power and economic wealth.<sup>74</sup> The SPLM was especially radical in its objection to the use of the 5<sup>th</sup> Population and Housing Census results for the demarcation of electoral constituencies. According to Mr. Deng Alor, Sudan's Minister of Foreign Affairs, and an SPLM top cadre, there are still serious problems with the 5<sup>th</sup> Population and Housing Census and "... the demarcation of electoral constituencies is a waste of time."<sup>75</sup> This is why on 3<sup>rd</sup> August 2009 the SPLM boycotted a ceremony held by the National Elections Commission to disclose the final demarcation of geographic constituencies. By doing so the SPLM reaffirmed its rejection of the 5<sup>th</sup> Population and Housing Census results and denounced the National Elections Commission which relied in creating the geographical constituencies on the basis of what the SPLM described as "rigged census results." The SPLM further clarified its position by saying that: "[It] does not want to be part of an institutionalized forgery program."<sup>76</sup> This position was translated on 11 February 2010 when the SPLM declared boycott of the executive (State Governor level) and legislative elections in Southern Kordofan State, citing unfair distribution of geographic constituencies and registration irregularity<sup>77</sup> and complaining that the State capital, Kadugli, used to have six constituencies but in 2010 it has only one constituency and that the registered voters were less than one-fourth of the eligible voters.

### **Exclusion of Darfur from Political Transformation in Sudan**

Darfur is particularly excluded from the shaky political transformation in Sudan. It has been under a state of emergency regulations virtually since June 1989. A state of emergency carries with it countless derogation of human rights and fundamental freedoms and imposes serious restrictions on political and civil liberties. Under the state of emergency the security forces were allowed carte blanche to commit all sorts of atrocities against civilians with total impunity. Government heavy handedness was demonstrated in its handling of the armed insurgency in Darfur and the scorched-earth military policy employed in the region since 2003. Because of the armed conflict in the region the state authority in Darfur is mainly confined to the major cities with little presence in the countryside which is plagued with insecurity and banditry for political parties to campaign. Areas under the Darfur insurgent control are out of reach to candidates. Millions of the people of Darfur are directly concerned with the future developments linked to the 5<sup>th</sup> Population and Housing Census and the

general elections of April 2010. Exclusion of major parts of Darfur during the population census and consequently the general elections would deepen the feeling of injustice and marginalisation of its people. It is therefore natural that the prevalent security situation in Darfur shall not provide a normal political atmosphere in which contesting political parties campaign and organize without hindrances and fear. As the Carter Center recently observed, the situation of the armed conflict in Darfur and the lack of a political agreement to end this conflict means that: “Genuine and freely contested elections may be a partial answer to addressing the causes of marginalization and conflict in Darfur, but little progress will be made if severe and inhibiting regulations remain in force.”<sup>78</sup>

At the civil society hearing organised by the African Union High-Level Panel on Darfur (AUPD) in Nyala on 21<sup>st</sup> June 2009 and chaired by former South African President Mr. Thabo Mbeki,<sup>79</sup> most political parties and civil society representatives from Darfur insisted that peace was needed before elections. They argued that large areas of Darfur – many Localities in Northern Darfur State and IDP camps – had not been enumerated in the census and people would be left off the voters’ roll. An IDP representative from Abu Shouk camp said, “We won’t participate in elections while our places are occupied.” At the AUPD’s hearing with civil society in Khartoum, delegates argued that: “Elections will be a problem for the camps. How can the camps be constituencies? Will those who occupied the land form new constituencies? Having elections under these conditions will create an even more complicated problem.” These views were repeated almost verbatim across Darfur by IDPs and other inhabitants.<sup>80</sup>

In its report to the AU Peace and Security Council held in Abuja on 29<sup>th</sup> October 2009, AUPD concluded that: “Darfur is an integral part of Sudan and Darfurians must be able to participate in national democratic decision-making. National decisions taken without the full participation of Darfurians will suffer from a deficit of democratic legitimacy.”<sup>81</sup> Indeed, no elections can take place in Darfur while there is no viable peace and security in the region. In the word of a Sudanese politician “... it is not wise or in the interest of Sudan that general elections be held in Sudan while excluding Darfur.”<sup>82</sup> The AUPD report further asserted that: “To enable the people of Sudan to approach the next important phase of their history as one nation, without other distractions, there is an urgent need to secure a definitive peace settlement for Darfur before the 2010 General Elections and to ensure nationwide legal and security conditions to allow political activity to be freely conducted.”<sup>83</sup>

## Conclusion

1. Population census is a technical operation based on scientific practice. Census operation should respect universal standards and recommendations as set out in UNFPA guidelines. Censuses should be conducted by a fully autonomous body capable of carrying out its work in an independent and transparent manner. It is also crucial that census outcomes be based on their own merits in order to produce accurate data without prejudice to future use of such data. These preconditions ensure that outcomes are credible, objective and acceptable to all stakeholders in the concerned country.
2. There is evidence of gross misconduct, technical crevices and inconsistency in the census data break-up and basic population characteristics in the 5<sup>th</sup> Population and Housing Census in Sudan. Widespread inconsistency in the census findings questions the accuracy of the operation and undermines the use of the census outcomes as the basis for the process of political transformation in the country. Yet there were no plans to conduct a post-enumeration survey in order to adjust the contested census results.
3. The 5<sup>th</sup> Population and Housing Census in Sudan fell short of meeting universal standards. Disproportionate decrease of the numbers of Southern Sudanese in northern Sudan and the population in Western Darfur State on the one hand and the sharp increase in the number of nomads in Darfur on the other negates the census of accuracy and credibility. As such, the 5<sup>th</sup> Population and Housing Census should be considered as a partial population assessment at best.
4. The outcomes of the 5<sup>th</sup> Population and Housing Census and all measures based on these outcomes would establish new demographic, administrative and political dynamic in Sudan. Demarcation of electoral constituencies based on the census data despite objections has consolidated distrust of GoS especially in Southern Sudan and in Darfur. Legislative and executive elections based on the results of the 5<sup>th</sup> Population and Housing Census would be a misrepresentation of the demographic and political reality in Darfur in particular.
5. The outcomes of the 5<sup>th</sup> Population and Housing Census indicate that neither the national government nor the local authorities would be able to adopt informed policy priorities or undertake accurate and evidence-based strategic planning in areas such as socio-

economic development, etc. The impact would be profound on groups and individuals uprooted by war such as IDPs in Darfur. Furthermore, arrangements for power sharing and wealth sharing based on the census results would be compromised and superficial.

6 The ongoing objections to the use of the census outcomes as the basis for the re-demarcation of geographic constituencies and complains about irregularities during voter registration process fostered the fears that the forthcoming general executive and legislative elections in Sudan would witness the largest electoral fraud in the country's history. As such the elections would consolidate the foundation of unrest, violence and conflict in Sudan.

### **Recommendations**

1. The outcomes of the 5<sup>th</sup> Population and Housing Census in Sudan are a potential cause of future disputes and unrest. Important political measures in the area of political power sharing and wealth sharing in Sudan are organically linked to the outcomes of the population census. It is therefore prudent that future arrangements for power and wealth sharing in Sudan should not be based on the outcomes of the 5<sup>th</sup> Population and Housing Census. Such arrangements should rather be based on the outcomes of the 1993 population census and its projected population growth rates.

2. As large parts of Darfur were excluded from the 5<sup>th</sup> Population and Housing Census it is, therefore, necessary that a special population census be organized in Darfur following the conclusion of a political agreement on peace in the region. Such a population census should be conducted with the full involvement and supervision of political forces in Darfur and specialized UN agencies.

3. General elections that consolidate *de facto* exclusion of some parts of Sudan from participation in the political life violate the country's Interim National Constitution and the CPA. Because of the constitutional requirement of holding the general legislative and executive elections throughout Sudan, efforts should be redoubled to conclude a comprehensive peace agreement in Darfur before the general elections take place. In case it became impossible that a peace accord be reached in Darfur there will be no alternative but to defer the dates of the general executive and legislative elections beyond April 2010.

4. General legislative and executive elections in Sudan should be organised only after a comprehensive peace accord in Darfur is reached and that additional efforts have been made to ensure an environment conducive to the holding of inclusive, comprehensive, participatory, and credible elections in Darfur and all over Sudan.
  
5. Profound and meaningful legal reform to harmonize Sudan's legislations with the Bill of Rights enshrined in the Interim National Constitution and compatible with Sudan's obligations under regional and international human rights treaties should be accorded priority by the government and the political forces in the country.
  
6. Legal reform in Sudan should incriminate attempts of any group or individuals to use religion against political opponents or to provoke political violence, religious hatred and intolerance including by declaring members of opposing political ideologies as infidels, atheists or apostates.
  
7. Sound political and legal measures need to be taken to protect the multi-facet nature of Sudan which is a multi-ethnic, multi-cultural, multi-linguistic and multi-religious country and to protect the achievements so far realized by the CPA.

## Endnotes

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- <sup>1</sup> The Interim National Constitution of the Republic of the Sudan, 2005, Part Fifteen, Census and Elections, Chapter I, Census, Population Census, paragraph 215(1), page 94, [http://www.sudan-embassy.de/c\\_Sudan.pdf](http://www.sudan-embassy.de/c_Sudan.pdf).
- <sup>2</sup> UNFPA, Sudan, Fifth Population Census of Sudan, Background Information, <http://sudan.unfpa.org/census/background.htm>.
- <sup>3</sup> Southern Sudan Releases Official Census Results, United Nations Mission in Sudan (UNAMIS), News at <http://www.unmis.org/english/09ITN23-Southern%20Sudan%20releases%20official%20census%20results.html>.
- <sup>4</sup> Central Bureau of Statistics, Government of Sudan, 5<sup>th</sup> Sudan Population and Housing Census, Population Distribution by State of Enumeration, State of Birth and State of Usual Residence <http://www.cbs.gov.sd/RESULT/Priority%20English.xls>.
- <sup>5</sup> City Population, States, at <http://www.citypopulation.de/Sudan.html#LAnd>
- <sup>6</sup> Population Reference Bureau, [http://www.prb.org/Datafinder/Geography/Summary.aspx?region=13&region\\_type=2](http://www.prb.org/Datafinder/Geography/Summary.aspx?region=13&region_type=2).
- <sup>7</sup> US Department of State, Bureau of African Affairs, Background Note: Sudan, March 2009, <http://www.state.gov/r/pa/ei/bgn/5424.htm>.
- <sup>8</sup> *Institute de la Statistique, Québec, Canada, Profil économique – Soudan, Population*, [http://www.stat.gouv.qc.ca/donstat/econm/finnc/conjn\\_econm/compr\\_inter/pdf\\_portrait/soudan.pdf](http://www.stat.gouv.qc.ca/donstat/econm/finnc/conjn_econm/compr_inter/pdf_portrait/soudan.pdf).
- <sup>9</sup> The 1983 population census put the total population of Sudan at 21.6 million with a growth rate between 1956 and 1983 of 2.8 percent per year. In 1990, the National Population Committee and the Department of Statistics put Sudan's birth rate at 50 births per 1,000 and the death rate at 19 per 1,000, for an increase rate of 31 per 1,000 or 3.1 percent per year. The 1983 population estimate was thought to be too low, but even accepting it and the pre-1983 growth rate of 2.8 percent, Sudan's population in 1990 would have been well over 25 million. At the estimated 1990 growth rate of 3.1 percent, the population would double in twenty-two years. Even if the lower estimated rate were sustained, the population would reach 38.6 million in 2003 and 50.9 million by 2013. See <http://country-studies.com/sudan/population.html>.
- <sup>10</sup> Central Bureau of Statistics, Government of Sudan, Age-specific Population Distribution Table No 4, at [http://www.cbs.gov.sd/Priority\\_Tables07\\_Arabic\\_ff\\_last\\_22.xls](http://www.cbs.gov.sd/Priority_Tables07_Arabic_ff_last_22.xls)
- <sup>11</sup> Ibid.
- <sup>12</sup> Sudan Interim National Constitution, Part Fifteen, Census and Elections, Chapter I, Census, paragraph 215 (1) Population Census, page 94.
- <sup>13</sup> Doha Declaration, Darfur Civil Society Inaugural Conference, 16<sup>th</sup> – 19<sup>th</sup> November 2009, Paragraph 2.2.1.
- <sup>14</sup> Darfur Peace Agreement, Chapter One: Power Sharing: Fundamental Principles, Article 2, Criteria and Guidelines for Power Sharing, paragraph 17, page 4, [http://www.unmis.org/English/2006Docs/DPA\\_ABUJA-5-05-06-withSignatures.pdf](http://www.unmis.org/English/2006Docs/DPA_ABUJA-5-05-06-withSignatures.pdf).
- <sup>15</sup> Darfur Peace Agreement, Chapter One: Power Sharing: Effective Participation in All Institutions at the Federal Level and at All Other Levels of Governance: The National Civil Service (NCS), paragraph 76, Sub-paragraph b(i), page 15 [http://www.unmis.org/English/2006Docs/DPA\\_ABUJA-5-05-06-withSignatures.pdf](http://www.unmis.org/English/2006Docs/DPA_ABUJA-5-05-06-withSignatures.pdf).
- <sup>16</sup> On 8<sup>th</sup> June 2009 the National Elections Commission adopted Resolution No. 30 which demarcates and distributes geographical constituencies based on the disputed results of the 5<sup>th</sup> Population and Housing Census.
- <sup>17</sup> The Population Census Council is a Constitutional institution established by Presidential Decree No (2) dated 7<sup>th</sup> January 2006. It consists of representatives of the Government of National Unity, Government of Southern Sudan, the National Assembly, the Council of States "Senate" and Academics. It is responsible for the following: (a) plan for the population census, (b) set standards and criteria for the Central Bureau of Statistics, (c) follow-up on the preparations leading to the population census and oversee the actual census operation, (d) report to the Presidency regarding the Population Census. See Interim National Constitution of the Republic of the Sudan, 2005, Part Fifteen, Census and Elections, Chapter I, Census, Population Census, paragraph 214(1), page 94 [http://www.sudan-embassy.de/c\\_Sudan.pdf](http://www.sudan-embassy.de/c_Sudan.pdf).
- <sup>18</sup> Dr. Haj Ali Ahmed, Awad, (former Director of Sudan's Central Bureau of Statistics); The Fifth population census in Sudan: A census with a full coverage and a high accuracy, September 2008, presented at the University of Minnesota Population Centre Seminar Series, 2008 Population Census of Sudan: Challenges and Prospects [http://www.pop.umn.edu/events/mpc\\_seminars\\_series/seminar-series-linked-files/The%20Fifth%20censu.pdf](http://www.pop.umn.edu/events/mpc_seminars_series/seminar-series-linked-files/The%20Fifth%20censu.pdf)
- <sup>19</sup> Ibid.
- <sup>20</sup> Press Release on 5<sup>th</sup> National Population and Housing Census issued by the Government of Southern Sudan (GOSS) on Wednesday, 16<sup>th</sup> April 2008 [http://www.gossmmission.org/goss/index.php?option=com\\_content&task=view&id=515&Itemid=193](http://www.gossmmission.org/goss/index.php?option=com_content&task=view&id=515&Itemid=193).
- <sup>21</sup> Radio interview with First Vice President and President of Southern Sudan, Salva Kiir Mayardit on 19<sup>th</sup> February 2009, in which he said: "... We should ask ourselves why the result [of the Fifth Population Census] has not been released. Maybe there are some people who are attempting to delay the announcement of the results of the southern Sudan population census. I have said before that if the result comes out in a way which doesn't satisfy us, we will reject it."
- <sup>22</sup> South Sudan President census results 'unacceptable' The New Sudan Vision (NSV), Tuesday, 28 April 2009 [http://www.newsudanvision.com/index.php?option=com\\_content&view=article&id=1655:south-sudan-president-census-results-unacceptable-&catid=1:sudan-news-stories&Itemid=6](http://www.newsudanvision.com/index.php?option=com_content&view=article&id=1655:south-sudan-president-census-results-unacceptable-&catid=1:sudan-news-stories&Itemid=6)
- <sup>23</sup> Statement by Mr. Salah Barkwin, Beja Congress Spokesperson and Commissioner of Northern Delta Locality, Kassala State. Interview with Radio Miraya FM <http://www.mirayafm.org/news/news/200905227202/>.
- <sup>24</sup> See "JEM-UMMA National Party Political Accord", a bilateral political agreement signed in Cairo on 1<sup>st</sup> July 2009 <http://www.sudanjem.com/2009/archives/14283/en/>, paragraph 4, and "Memorandum of Understanding between the Umma National Party and the United Revolutionary Forces Front", Cairo on 19<sup>th</sup> July 2009, paragraph 8, (Arabic text) [http://www.sudanile.com/arabic/index.php?option=com\\_content&view=article&id=4392:2009-07-19-16-30-39&catid=57:2008-12-01-11-34-43&Itemid=69](http://www.sudanile.com/arabic/index.php?option=com_content&view=article&id=4392:2009-07-19-16-30-39&catid=57:2008-12-01-11-34-43&Itemid=69).

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- <sup>25</sup> Sudan: Census enumerators face challenges at <http://www.afrika.no/Detailed/16581.html>
- <sup>26</sup> Ibid.
- <sup>27</sup> Government of South Sudan, Ministry of Information and Broadcasting, Postponement of the 5<sup>th</sup> National Population Census by the Government of South Sudan Council of Ministers, Juba, Press Release dated 12<sup>th</sup> April 2008 [http://www.goss-brussels.com/uploaded\\_press/f06c23ad78dcb3767d4db590d1ce210d.PDF](http://www.goss-brussels.com/uploaded_press/f06c23ad78dcb3767d4db590d1ce210d.PDF)
- <sup>28</sup> Statement by Mr. Pagan Amum, SPLM Secretary General at a Press Conference held in Khartoum on Tuesday, 7<sup>th</sup> July, 2009.
- <sup>29</sup> South Sudan government rejects census results, <http://www.sudantribune.com/spip.php?article31710>.
- <sup>30</sup> South Sudan throws out census results, Wednesday, 8<sup>th</sup> July 2009 <http://www.sudantribune.com/spip.php?article31746>.
- <sup>31</sup> Ibid.
- <sup>32</sup> Report of the United Nations Secretary-General on Sudan to the UN Security Council, S/2008/485, 23<sup>rd</sup> July 2008, paragraph 30 at <http://daccessdds.un.org/doc/UNDOC/GEN/N08/430/60/PDF/N0843060.pdf?OpenElement>.
- <sup>33</sup> United Nations Security Council, Report of the Secretary-General on the Sudan, S/2008/267 dated 22<sup>nd</sup> April 2008, paragraph 11, <http://daccessdds.un.org/doc/UNDOC/GEN/N08/306/90/PDF/N0830690.pdf?OpenElement>.
- <sup>34</sup> CPA Monitor, Monthly Report on the Implementation of the CPA, issued by UNAMIS, May 2007, paragraph 64, page 13-14 [http://www.unmis.org/common/documents/cpa-monitor/cpaMonitor\\_may07.pdf](http://www.unmis.org/common/documents/cpa-monitor/cpaMonitor_may07.pdf).
- <sup>35</sup> Integrated Regional Information Networks (IRIN), Sudan: Bombings in Darfur cast doubt on resolving crisis, 6<sup>th</sup> May 2008 at: <http://www.unhcr.org/refworld/docid/4822b3ef14.html>
- <sup>36</sup> Ibid.
- <sup>37</sup> Darfur Humanitarian Profile No. 34, January 2009, issued by the Office of UN Deputy Special Representative of the UN Secretary-General for Sudan and UN Resident and Humanitarian Co-ordinator at <http://www.unsudanig.org/docs/090330%20DHP%2034%20narrative%201%20January%202009.pdf>.
- <sup>38</sup> UN OCHA Figures, 2009.
- <sup>39</sup> Op. cit. at Note 18
- <sup>40</sup> Consolidated Report, Population Influx from Eastern Chad to West Darfur, Sudan, dated 30<sup>th</sup> July 2007 [http://www.darfurcentre.ch/images/00\\_DRDC\\_documents/Other\\_Docs\\_Reports/Population\\_Influx\\_from\\_Tchad\\_to\\_West\\_Darfur.pdf](http://www.darfurcentre.ch/images/00_DRDC_documents/Other_Docs_Reports/Population_Influx_from_Tchad_to_West_Darfur.pdf)
- <sup>41</sup> Ibid.
- <sup>42</sup> News Article by Steve Bloomfield, Africa Correspondent, The Independent newspaper, Arabs pile into Darfur to take land 'cleansed' by Janjaweed, dated Saturday, 14<sup>th</sup> July 2007 <http://www.independent.co.uk/news/world/africa/arabs-pile-into-darfur-to-take-land-cleansed-by-janjaweed-457133.html>
- <sup>43</sup> Ibid
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- <sup>45</sup> Report of the UN Secretary-General on the Sudan to the Security Council, S/2008/485, 23<sup>rd</sup> July 2008, paragraph 29, <http://daccessdds.un.org/doc/UNDOC/GEN/N08/430/60/PDF/N0843060.pdf?OpenElement>.
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