



FULL REPORT FROM THE CARTER CENTER On the Current State of Sudan Referenda Preparations

October 29, 2010

As the referendum for the self-determination of Southern Sudan approaches, the Carter Center notes that the Southern Sudan Referendum Commission (SSRC) and Southern Sudan Referendum Bureau (SSRB) have recently made important progress in their preparations for the referendum. The establishment of referendum subcommittees, the release of a referendum calendar, and the arrival of registration materials are crucial and encouraging steps in the referendum implementation process.

Yet there are pressing issues to be resolved by the two partners, the governments, and the referendum authorities. Critically, the Government of Sudan (GoS), the Government of Southern Sudan (GoSS) should take steps to resolve negotiations over post-CPA issues, in particular determining how citizenship will be addressed, such that both sides uphold their obligations to the Interim National Constitution (INC) and Comprehensive Peace Agreement (CPA). Both governments and the international community should ensure that funding for the referendum is expedited and disbursed efficiently by referendum authorities in Northern and Southern Sudan.

Referendum officials face many challenges in preparing for the upcoming voter registration – set to begin in 17 days – and the January 9, 2011 referendum. Many critical tasks remain ahead. The SSRC should urgently publish rules and regulations for the voter registration process, broadly disseminate information as to how eligibility to vote in the referendum will be determined, issue accreditation procedures for domestic and international observers, announce campaign regulations, and take all necessary steps to prepare for a credible, inclusive registration period. The urgent disbursement of funds to the SSRC and SSRB and down to the state and county level is essential to ensure that the process meets its very tight timeline. Voter education is also a critical component of the process and the GoS, GoSS, the SSRC, SSRB and civil society should urgently expand efforts to inform voters about the procedures for registering and voting.

In order to ensure security and the protection of human rights for all citizens of Sudan, the National Congress Party (NCP) and Sudan People's Liberation Movement (SPLM) should desist from making inflammatory statements threatening a return to war and reaffirm their commitment to a credible and genuine referendum. In addition, the two parties should make efforts to educate the population about the status of post-referendum arrangements, with a particular focus on citizenship and the rights of minorities.

The failure to establish an Abyei Referendum Commission and resolve the question of who is eligible to vote in Abyei is of great concern. The parties should urgently address these issues and move forward with planning for the referendum in Abyei.

Citizenship

As the two parties to the CPA continue to negotiate on key post-referendum arrangements, they

should quickly come to an agreement on the principles for citizenship rights of minorities living in Northern and Southern Sudan and publicize this agreement to better enable the affected populations to make informed decisions about their future.

Large numbers of Southern Sudanese populations live in Northern Sudan. As Sudanese citizens, irrespective of the outcome of the referendum, they deserve the protection of the state, assurances of their citizenship, and unequivocal commitments that they will not be expelled in the wake of the referendum.¹ Given the context of uncertainty, fear and misinformation, GoS leaders need to underline their commitment to protect the rights of Southern Sudanese and take clear action to suppress racist discourse and calls for the expulsion of Southerners that violate the Interim Constitution.² Southern Sudanese interlocutors in several Northern states have reported to Carter Center observers that they fear reprisals following the referendum vote. Some community leaders have reportedly urged eligible Southern voters not to participate in the referendum rather than risk a backlash. The September 26 statements made by NCP Media Minister Kamal Mohammed Obeid -- indicating that Southerners will lose the right to citizenship in the North if the region voted for independence in the referendum and that Southerners would not be permitted to use hospitals or schools -- should be denounced by members of the ruling party.³ The Carter Center welcomes subsequent statements made by President Bashir indicating that the rights of Southerners in the North will be respected regardless of the outcome of the referendum.

Similarly GoSS leaders should assure Northern Sudanese living in Southern Sudan that the interests of Northerners in the South will be protected and respected, regardless of the outcome of the referendum results. The Carter Center welcomes recent assurances made by President Salva Kiir regarding the protections that will be granted to Northern Sudanese in the South.

Structure of the SSRC and Subsidiaries

A clear and consistent division of labor between the SSRC and its subsidiary bodies is critical to ensure the smooth functioning of the referendum administration. In the April 2010 elections, the Carter Center found that very little authority was devolved to the Southern Sudan High Elections Committee. Therefore, the Southern State High Committees had to communicate problems in the operations of the elections to Khartoum rather than Juba, and then wait for relevant responses. This flow of communication often delayed response time and contributed to inadequacies in the process. Given the predominance of activities in the South during the referendum, the SSRC should empower the SSRB in Juba by devolving substantial authority to the body, as outlined in the SSRA, and providing it with the

All technical responsibilities related to the referendum process in Southern Sudan should be delegated to the SSRB by the SSRC including: designing the operational plan, budgeting for activities in Southern Sudan, recruiting staff and committees, planning the number and distribution of referendum centers, coordinating with security forces, contracting services, disbursing funds to state committees, delivering materials and data processing. Devolution of these responsibilities will allow for the most expedient and appropriate solutions to be implemented.

As the Referendum Act provides Southern Sudanese with the right to participate in the referendum, the SSRC should ensure that all SSRC bodies have significant participation of Southern Sudanese, including the SSRC Secretariat, and referendum administration personnel in Northern states.

Resources

Although some funds have been contributed to the referendum administration by the GoS and GoSS, the majority of their commitments remain unmet. The Carter Center welcomes reports that the GoSS will soon release its remaining share of funding for the referendum administration. The SSRB should provide GoSS with the necessary documentation to ensure quick disbursement of these funds. The GoS should urgently follow suit and provide its share of funding to the referendum administration. With less than three months until the start of the Southern Sudan referendum, any further delays in funding will severely impact the hiring, training, and deployment of key staff and equipment. Any such setbacks could jeopardize a timely, credible referendum. In particular, funds are needed urgently for the recruiting and training of referendum center staff working on the registration process. Add tproceu , rsn06rts that

It would be preferable to have a significant period of time between the publication of the final voter register and the polling period so that referendum staff have adequate time to prepare for polling once the register has been completed. However, given that the timeline recently released

and third categories are eligible to vote only in Southern Sudan, the Referendum Act allows for objections if the voter has “left his or her place of residence to another location for good.”¹³ This adds a residency requirement that is in conflict with other provisions of the Referendum Act and there are no clear criteria for how to determine if a voter has left “for good”.¹⁴ Without a clear standard, the process is vulnerable to inconsistent application and potential manipulation, which could result in large numbers of voters disenfranchised.¹⁵ It is critically important for the SSRC to issue clear guidelines as to how potential voters can prove their eligibility to register and vote in order to avoid confusion and problems at the referendum centers.¹⁶

Identification

In the event that a potential voter does not hold official identification documentation issued by a state authority or UNHCR, the Referendum Act allows for a local Chief to act as an “identifier” and either affirm or deny the identity of the person seeking registration.¹⁷ Registration officials may seek the assistance of other local authorities to verify either the identification document or the Chief’s testimony.¹⁸ Due to the fact that many Southern Sudanese do not have UNHCR or state-issued identification, these identifiers are likely to play an extremely significant role in the registration process. For this reason, the SSRC should make efforts to build transparency into the process of how the identifiers will be chosen by clearly explaining the criteria used to select the individuals and ensuring there is agreement amongst SSRC commission members on the guidelines. Once the identifiers are chosen, the SSRC should conduct careful and thorough trainings to ensure that the identifiers understand the eligibility criteria in the law and will apply them consistently and fairly.

During the 2009 registration process in Sudan, residency documents were issued to persons needing to prove their residency in order to register in a specific area. In some instances, Popular Committees issued proof of residency documents to voters directly outside of the registration centers. Carter Center observers reported that the checks on this system of residency document distribution were weak and that the distribution was not systematized.¹⁹ If new identity documents are issued ahead of the registration, this should be done in a consistent and systematic manner by appropriate authorities. The NCP and the SPLM should refrain from getting involved in the process of issuing identity documentation.

Training of Staff

The comprehensive training of referendum support staff is a key step to help ensure that national authorities are able to conduct a consistent and credible referendum for the people of Southern Sudan. The SSRC and SSRB should coordinate closely to ensure that staff receives uniform

¹³ *Id.* at Art. 30(1)b.

¹⁴ *Id.*

¹⁵ *Id.* at. 30(2), 31 (The Referendum Act provides that the Chief of the Referendum Center Committee in each referendum center shall appoint a committee who will hear objections to the preliminary register and that any person aggrieved by the committee’s decision may lodge an appeal to the competent court of law).

¹⁶ The United Nations General Comment 25, para 11 states that “States must take effective measures to ensure that all persons entitled to vote are able to exercise that right. Where registration of voters is required, it should be facilitated and obstacles to such registration should not be imposed. If residence requirements apply to registration, they must be reasonable...”

¹⁷ *Id.* at Art. 26.

¹⁸ *Id.*

¹⁹ TCC Statement, December 17, 2009, pg. 3, “Carter Center Commends Broad Participation in Sudan's Registration, Urges Additional Steps to Ensure Genuine Elections”

instructions in both the North and South and that training for identifiers is done in a transparent manner. International technical advisors project that there may be a need for over 11,000 staff to administer voter registration. The Carter Center welcomes reports that training has begun in Juba and urges relevant parties to continue to adhere to the referendum calendar and conduct cascade training as planned to ensure that registration staff are well prepared for their responsibilities.

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national security forces in the North. It is critical that the problems that occurred in the run-up to and during the April 2010 elections are not repeated during the referenda processes. The GoSS and international actors should continue their work to enhance the institutional strength and professionalism of the military, police and other security forces in Southern Sudan. Police and soldiers nationwide should be educated about their role and responsibilities to protect citizens' human rights. The presence of irregular security forces around the registration and polling centers should be strictly prohibited and no unauthorized

outside of the refugee camps is limited. The SSRC should provide additional information on how Southern Sudanese can be identified and whether they are required to reside in the countries in which they intend to vote. This is necessary so that the International Organization for Migration (IOM) can take appropriate steps to conduct the registration and inform eligible voters of the regulations. If identification documents are issued to Southern Sudanese for out-of-country voting they should be issued in a transparent and systematic manner.

Participation of Darfur and Pastoralists

Southern Sudanese in Darfur are eligible to participate in the referendum. Ongoing negotiations in Doha should seek to address continuing insecurity that could obstruct the free movement of voters, while easing restrictions on rights and freedoms to create an environment in which all eligible voters have the opportunity to participate in pre-polling activities. Authorities should

Sudan referendum. The SSRC and Abyei Referendum Commission, when it is formed, should clarify this issue and explain how the two referenda will be conducted in a manner that allows dual participation in the Abyei area.

Finally, the threatening language being used by the communities in and around Abyei and by the leadership of the NCP and the SPLM on the issue of participation in the Abyei referendum undermines the possibility of reaching an agreement on the issues obstructing the referendum. Relevant actors should uphold their commitments to the implementation of the peace agreement and refrain from threatening a return to war.²⁵

Media Environment

Domestic and international media have a critical role to play in providing balanced and accurate coverage of the referenda processes and the wider political environment.²⁶ There has been a worrying trend of recent newspaper pieces providing only negative, non-conciliatory reporting on current events. Newspapers in the Arabic and English press often fail to highlight positive developments but rather amplify hostile or combative statements made by the members of the NCP and SPLM. The Center has noted similar tendencies in the international media coverage of Sudan. Domestic and international media outlets should play a responsible role in reporting the facts as they occur and not distorting issues

in 2005 and endorsed by 35 election observation groups.