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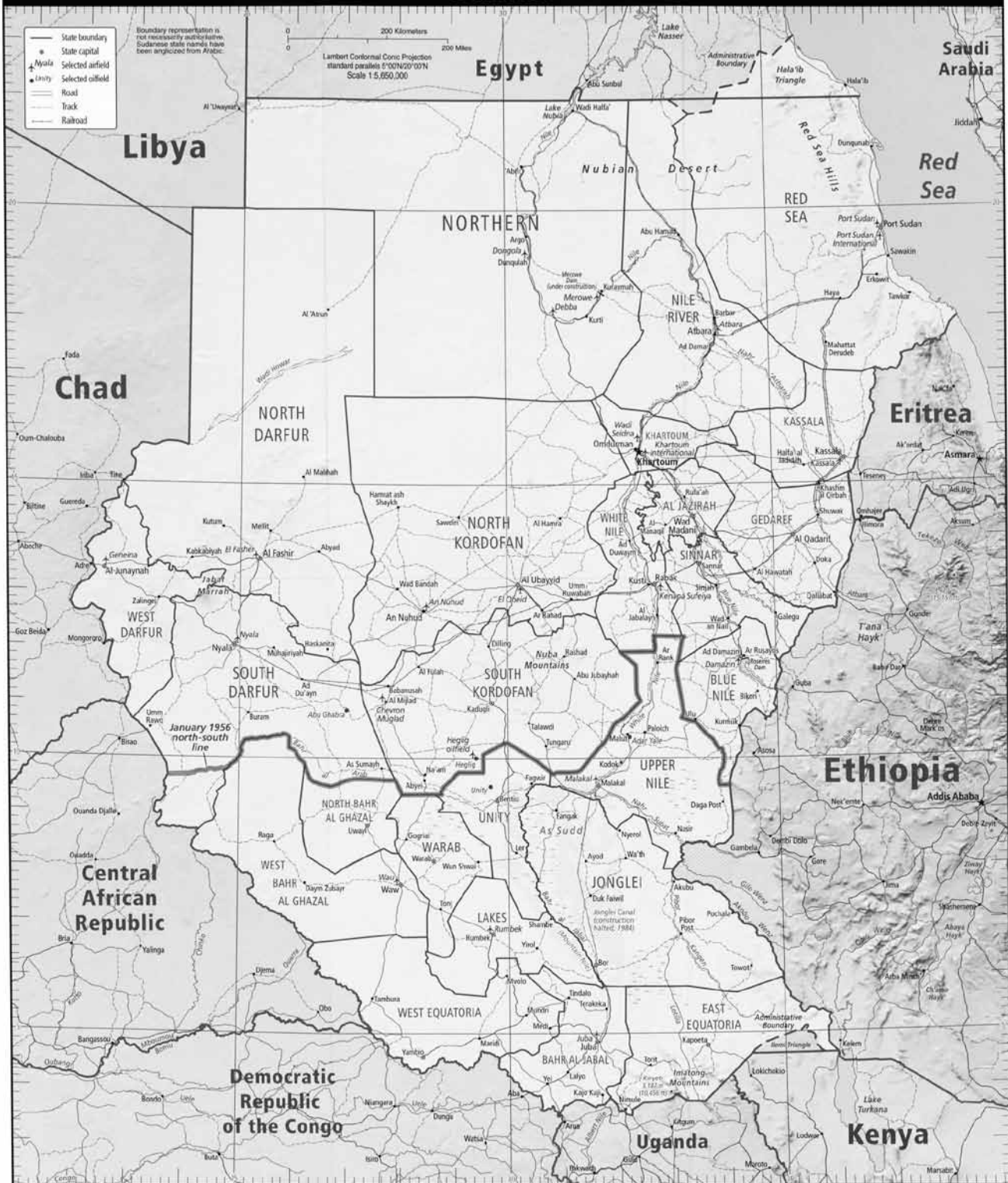


OBSERVING THE
2011 REFERENDUM ON THE
SELF-DETERMINATION OF
SOUTHERN SUDAN

FINAL REPORT

Waging Peace. Fighting Disease. Building Hope.

Sudan



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Map of Sudan

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FOREWORD

By Jimmy Carter
Former U.S. President and Carter Center Founder

On July 9, 2011, the state of South Sudan was formed following a decisive and peaceful vote for secession from Sudan in January 2011. Several million Southern Sudanese, casting ballots in all 25 states of Sudan and eight other countries, voted nearly unanimously for separation in the referendum for the self-determination of Southern Sudan mandated by the 2005 Comprehensive Peace Agreement (CPA). The Sudanese as a whole delivered another powerful message at the same time, one that was unexpected for many, that the South and North could work together to organize a vote across the huge country that defied tight deadlines, limited resources, and daunting logistical challenges to hold a credible referendum that respected the genuine will of the people. As South Sudan embarks on its first steps as an independent country, it is worth recalling the lessons learned from the referendum, the promise that it demonstrated for the soon-to-be new country, and the challenges that must still be overcome.

As the largest country in Africa, Sudan included a rich cultural, linguistic, and ethnic diversity. The country was viewed as a bridge between religions and cultures, and a link between the peoples of sub-Saharan Africa and those of North Africa and the Middle East. The referendum posed the question of whether these linkages could be maintained despite deep divisions. Expectations weighed heavily on the country—since independence in 1956, peace in Sudan was the exception rather than the rule. Although the referendum for Southern secession was peaceful,

it represented the culmination of a longer struggle in Southern Sudan, one that frequently spilled over into armed conflict. That struggle stemmed from grievances of economic and political marginalization, with power concentrated in Khartoum at the expense of other areas of Sudan, and economic development centered in the capital. Marginalization was particularly acute in the South and, when coupled

with periodic campaigns of Islamization by Northern governments, led to political and armed resistance.

The South's call for self-determination began as early as 1947 and persisted through the next 64 years, through two civil wars between the Government of Sudan and rebels in the South. Though the stated goal of the Sudan People's Liberation Movement

(SPLM) was a united Sudan, many of its members supported secession. During the CPA negotiation process in Naivasha, Kenya, the right for the South to hold a referendum on self-determination was a key demand of the SPLM. Following the agreement's signing, the referendum remained the driving logic behind close cooperation between the National Congress Party (NCP) and the SPLM, even as conflict ignited in other areas of Sudan, particularly in Darfur and Eastern Sudan. While remaining a key goal for the South and a concern for the North in terms of its impact on stability, preparations for the referendum vote were continuously delayed.

Although the referendum was ultimately credible for Southern Sudan and showed the great potential of the future country, it is important to recall that even six months before January 2011, its success was far from assured. At the beginning of August

Several million Southern Sudanese, casting ballots in all 25 states of Sudan and eight other countries, voted nearly unanimously for separation in the referendum for the self-determination of Southern Sudan mandated by the 2005 Comprehensive Peace Agreement (CPA).



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President Carter observes the submission of a voter's ballot.

2010, preparations stood at a standstill: the State High Referendum Committees (SHRCs) had not yet been formed, preparations for a voter registry had scarcely begun, and the offices of the Southern Sudan Referendum Commission (SSRC) and Southern Sudan Referendum Bureau (SSRB) were not yet operational. Forecasts for the referendum's success were dire, and it appeared doubtful the vote would be held under credible conditions that both North and South could accept—whatever the vote's outcome.

And yet the Government of Sudan and Government of Southern Sudan worked together with the assistance of international partners to implement the steps needed to plan the referendum. Some corners were cut—most notably during the voter registration process, when the three-month period between the publication of the voter rolls and the start of polling (as stipulated by the Referendum

Act) was significantly shortened to meet the tight time line.

The referendum showed that Southern Sudanese could utilize the resources at hand and achieve tangible results even in the face of hardships. The vast majority of voter registration and polling staff worked tirelessly and selflessly to administer the process, despite not receiving salaries for extended periods. Referendum staff worked together to implement a credible process. Most importantly, the Government of Sudan acknowledged the outcome of the referendum and recognized the statehood of South Sudan on July 9, 2011.

While the January 2011 referendum was a credible representation of the will of Southern Sudanese, it is important that the institutions and citizens in both South Sudan and Sudan apply lessons learned from the vote to future electoral processes. Despite the



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successes achieved, there were a number of worrying practices that should not be repeated in future elections or referenda. Chief amongst these was the data center procedure of quarantining and reviewing only polling station results that reported more than 105 percent of cast ballots. Future electoral officials in Sudan and in South Sudan must avoid the practice of reviewing just the most egregious results, or they risk leaving the door open to electoral manipulation.

The referendum that led to Southern secession is only the first step of a long and difficult journey for the South that will hopefully lead to an inclusive and genuine democracy. The SPLM, as the Southern party that delivered a peaceful referendum and independence to the South, may remain the dominant political party for several years to come. However, the government of South Sudan and President Salva Kiir should be vigilant to avoid the mistakes of other liberation movements in Africa that took new office with promises of reform, only to personalize power and slowly restrict civil and political liberties.

Sudan is facing its own challenges following the secession of the South. The ruling NCP should use this opportunity to widen the political space in Sudan. Further repression risks exacerbating grievances in Darfur, South Kordofan, Blue Nile, and other areas of the marginalized periphery.

As both nations transition to a new reality, they should be measured against their own publicly stated goals—justice, freedom, and development for all. The international community, and The Carter Center in particular, will remain steadfast partners and friends during this transition. Like any true friend, beyond giving assistance

when requested, this will also include providing frank advice and criticism of both the Government of Sudan and the Government of South Sudan should circumstances warrant. I hope that the two states will accept this honesty as intended—no state meets all its obligations all of the time, but every state, even the world's newest one, must strive to represent and protect the rights of all of its citizens and to live peacefully and responsibly with its neighbors.

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EXECUTIVE SUMMARY

The referendum for Southern self-determination was the foundation and the culmination of the Comprehensive Peace Agreement signed in Naivasha, Kenya, in 2005 between the Government of Sudan and the Sudanese People's Liberation Movement. Its purpose was to provide a democratic avenue for Southerners to express their right to self-determination and was framed as a tool that could help resolve a conflict that had defined Sudan since before formal independence in 1956. As such, the international community was committed to supporting a peaceful, transparent, and credible referendum process that met Sudan's legal commitments

and international obligations and represented the genuine expression of the will of Southern Sudanese. Building on its observation of the April 2010 national elections in Sudan, as well as long-standing relationships in the country, The Carter Center was invited by the Southern Sudan Referendum Commission, the Government of Sudan (GOS), and the Government of Southern Sudan (GoSS) to observe the referendum process.

The referendum for Southern self-determination was the foundation and the culmination of the Comprehensive Peace Agreement signed in Naivasha, Kenya, in 2005 between the Government of Sudan and the Sudanese People's Liberation Movement.

The Carter Center observed the entirety of the referendum process, beginning in August 2010 and continuing through the conclusion of polling, counting, and tabulation of votes. In its Jan. 17, 2011, preliminary statement on the referendum, The Carter Center found that the process was broadly consistent with international standards for democratic elections and represented the genuine expression of the will of the electorate. Despite many obstacles and challenges with administration of the referendum, both the SSRC and SSRB helped to ensure that almost all registered Southern Sudanese were able to exercise their right to self-determination.

According to the SSRC and based on reports from Carter Center observers, the 60 percent turnout threshold

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A woman casts her ballot in the referendum for self-determination. Nearly 4 million people participated in the historic vote.



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required for a valid vote, as required by the Southern Sudan Referendum Act 2009, was reached several days before the end of the six-day polling period. The final results released on Feb. 7, 2011, indicated that 97.58 percent of registered voters cast a ballot, with 98.83 percent choosing separation. The Carter Center welcomed the Government of Sudan's acceptance of the results of the referendum.

The Carter Center commends the SSRC and the SSRB for implementing a successful referendum despite very short time lines and logistical challenges.

The Center recognizes the critical roles played by the United Nations Integrated Referendum and Elections Division (UNIRED), the International Foundation of Electoral Systems (IFES), and other international partners to assist Sudanese referendum authorities. The GOS and the GoSS also should be acknowledged for taking steps to ensure that the process could be conducted successfully.

The sections below provide a detailed summary of the Carter Center's assessment of key issues and aspects of the entirety of the referendum process.



OVERVIEW OF THE CARTER CENTER OBSERVATION MISSION

The Carter Center observed Sudan's presidential, gubernatorial, and legislative elections in April 2010 and found that they fell short of international standards and Sudan's obligations for genuine elections in many respects. Despite their observed weaknesses, the elections were a key benchmark in the CPA, and their conduct allowed the remaining provisions of the agreement to be implemented.

In response to an invitation from the SSRC, The Carter Center initiated its referendum observation activities in Sudan in August 2010, subsequently deploying 16 long-term observers in September 2010. During the voter registration process, the Center deployed a total of 72 observers across Sudan and to the eight nations where out-of-country voting (OCV) took place.¹ Carter Center observers made

OVERVIEW OF SUDAN AT THE REFERENDUM

Population

- Estimated at 41,980,182
- Controversial 2008 census recorded 39.15 million inhabitants:
 - 30.89 million in Northern Sudan with 7.5 million in Darfur
 - 8.26 million in Southern Sudan
- An estimated 4.9 million internally displaced persons in Sudan (Internal Displacement Monitoring Center, Feb. 22, 2010)

Languages

Arabic, English, Nubian, various Nilotic and Semitic languages

Literacy Rate

- 61.1 percent overall
- 24 percent in Southern Sudan (United Nations Population Fund)

Legal Rights in Sudan

- Legal system is based on combination of Islamic Shari'a law and English common law.
- Southern Sudan legal system continually evolving following the Comprehensive Peace Agreement (CPA); Shari'a law does not apply.
- The Interim National Constitution guarantees men and women equal rights.
- The Emergency and Public Safety Protection Act of 1997 allows for restrictions on freedom of movement, association, and expression throughout Darfur.

Referendum Legal Framework

- Sudan's Interim National Constitution incorporated the CPA as the cornerstone of Sudan's interim government and called for the Southern Sudan Referendum to be held in accordance with the provisions of the CPA.
- In 2009, pursuant to the CPA, the National Assembly passed the Southern Sudan Referendum Act, which set out the guidelines for the administration of the referendum.

¹ SSRA, Art. 2; 27(2) (The eight out-of-country locations are: Australia, Canada, Egypt, Ethiopia, Kenya, Uganda, the United Kingdom, and the United States.)



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approximately 1,300 visits to referendum centers in 24 out of 25 states.²

For the January 2011 polling period, over 100 observers were deployed to assess the polling and tabulation process, both in Sudan and OCV locations, covering 24 of 25 states in Sudan and all eight of the OCV countries. Throughout Sudan, observers made over 1,000 visits to 762 referendum centers, or 27 percent of the total referendum centers in Sudan. In total, Carter Center core staff and long-term, short-term, and out-of-country observers formed a diverse group from 34 countries.³

The objectives of the Carter Center’s observation mission in Sudan were to provide an impartial assessment of the overall quality of the referendum process, promote an inclusive process for all Southern Sudanese, and demonstrate international interest in Sudan’s referendum process.

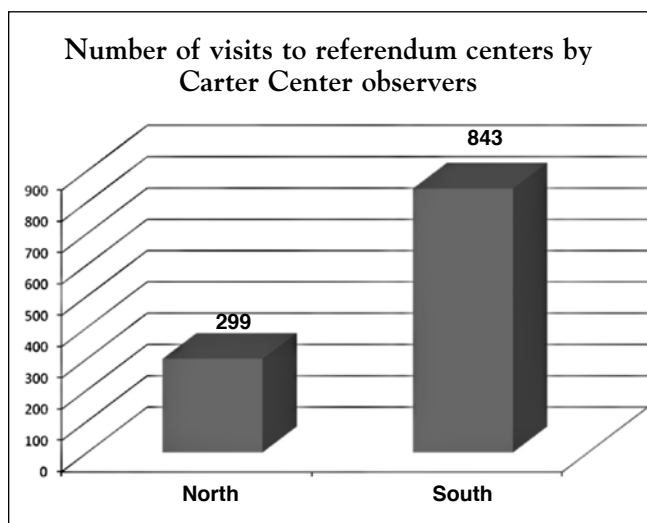
This final report documents the extent of the Government of Sudan’s and Government of Southern Sudan’s compliance with their national and international obligations for democratic elections in the conduct of the referendum. The Center’s findings are based on direct observations by Carter Center observers and staff.

The Southern Sudan referendum was assessed against the 2005 CPA, the Interim National Constitution (INC), the Interim Constitution of Southern Sudan, the Southern Sudan Referendum Act (SSRA or Referendum Act) of 2010, and other national laws, as well as Sudan’s international treaty obligations, including the African Charter on Human and People’s

Rights and the International Covenant on Civil and Political Rights (ICCPR). Further details on the domestic and international laws to which Sudan has committed are provided below in the analysis of the legal framework.

The Center’s observation mission was conducted in accordance with the Declaration of Principles for International Election Observation and the Code of Conduct adopted at the United Nations in 2005 that has been endorsed by 35 election observation groups. The declaration lays out guiding principles for the conduct of credible and professional election observation. The Carter Center also is a member of the tripartite secretariat responsible for furthering the declaration’s ideals.

For the January 2011 polling period, over 100 observers were deployed to assess the polling and tabulation process, both in Sudan and OCV locations, covering 24 of 25 states in Sudan and all eight of the OCV countries.



² Carter Center observers did not visit referendum centers in West Darfur.

³ These countries include: Australia, Belgium, Benin, Cameroon, Canada, China, Democratic Republic of the Congo, Denmark, Egypt, Ethiopia, France, Georgia, Germany, Ghana, Ireland, Italy, Jordan, Kenya, Lebanon, Liberia, Mozambique, Namibia, Netherlands, Nigeria, Norway, Sierra Leone, Slovakia, Tanzania, Togo, Uganda, United Kingdom, United States, Zambia, and Zimbabwe.



HISTORY AND POLITICAL BACKGROUND

Shortly after the signing of the 1972 Addis Ababa Agreement, which ended the country's first civil war and provided for autonomy for the South, rebels along the Ethiopian border launched an insurgency calling for the independence of Southern Sudan. With the support of the Ethiopian government, the SPLM under Dr. John Garang followed suit in 1983 in the same area, but based on a commitment to a reformed and inclusive "New Sudan." With the support of Ethiopia, the Sudan People's Liberation Army (SPLA) forces defeated the secessionist-focused rebel group and subsequently went on to capture territory in the border states of Blue Nile and South Kordofan and in Eastern Sudan.

In 1991, SPLM leaders Dr. Riek Machar and Dr. Lam Akol split from the SPLA and called for democratic decision-making in the party, the end of Dinka hegemony, and a commitment to Southern self-determination. Contrastingly, many supporters of Garang felt that the two leaders were primarily making a play for power. The consequence of the split within the SPLA was extensive bloodshed between the two factions with a high level of collateral civilian casualties in affected areas of Southern Sudan. The demand for self-determination was to figure in many subsequent rounds of peace negotiations, but it was not until 1997 that the Government of Sudan formally accepted it in the Khartoum Peace Agreement, which was signed with a number of Southern military and political groups led by Dr. Riek Machar but did not specifically include the SPLA. The Khartoum

Peace Agreement also provided for a referendum to determine whether Southerners favored unity with the North or secession. However, the provisions of the agreement were never implemented, and Dr. Riek Machar returned to the SPLM in 2002.

After many failed peace processes, the Intergovernmental Authority on Development (IGAD) oversaw a peace process that led to the GOS and the SPLM signing the Machakos Protocol—a component of the CPA—in 2002. With the agreement on the Machakos Protocol, the GOS accepted Southern Sudanese self-determination to decide whether Southerners wanted to remain in a united Sudan or to secede.

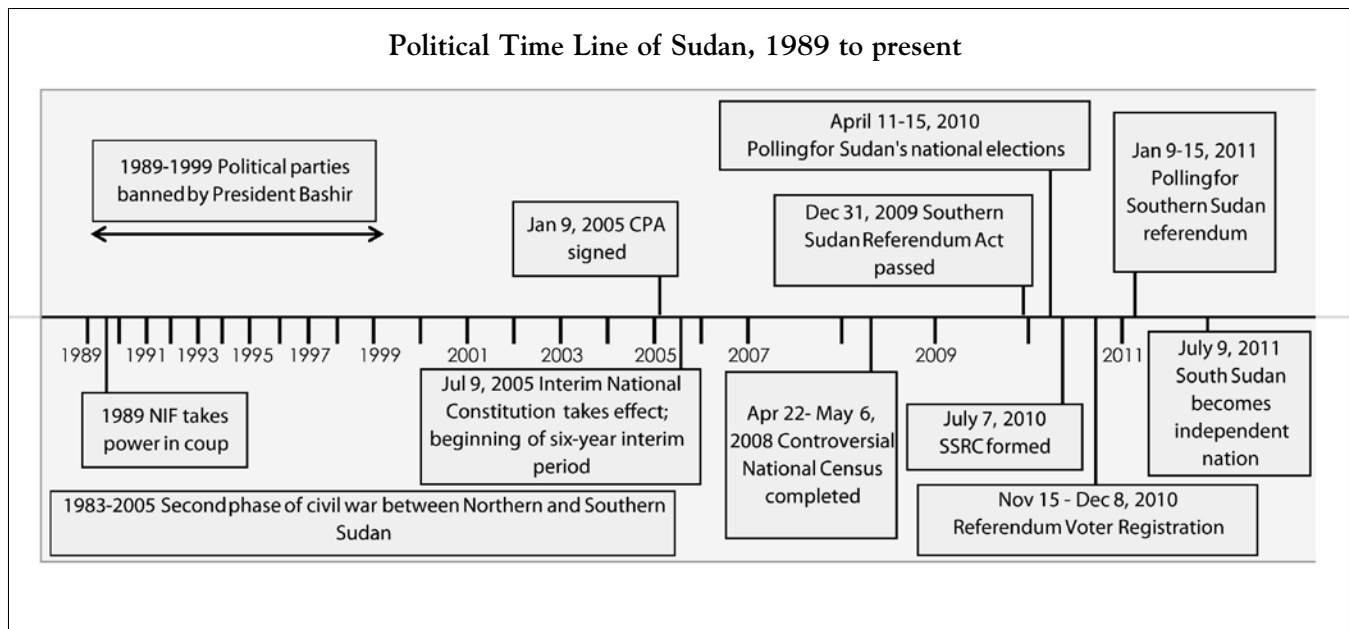
The CPA itself was signed on Jan. 9, 2005, by the Government of Sudan

and the SPLM and mandated the referendum on self-determination in Southern Sudan. The CPA marked the official end of the 22-year civil war between the North and SPLM/A in Sudan. The CPA established a six-year interim period during which the Government of National Unity (GNU), composed of the NCP (holding 52 percent of National Assembly seats), SPLM (28 percent), and other parties (20 percent), governed nationally until the conduct of elections midway through the interim period. The CPA also provided for the establishment of the autonomous Government of Southern Sudan led by the SPLM, with 70 percent of the seats in the Southern Sudan Liberation Army (SSLA), 15 percent in NCP, and 15 percent in other Southern parties, until elections were held. A key provision in the CPA was the holding

The demand for self-determination was to figure in many subsequent rounds of peace negotiations, but it was not until 1997 that the Government of Sudan formally accepted it in the Khartoum Peace Agreement.



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of a referendum on whether the people of Southern Sudan wanted to retain an autonomous status within a united Sudan or to secede six months before the end of the interim period.

The CPA included a separate protocol for Abyei, which was to hold a referendum simultaneously with Southern Sudan on whether to retain its special status in the North or become part of South Sudan. However, the CPA partners could not agree on the membership of the Abyei Referendum Commission as well as the eligibility criteria for being able to vote as a resident of Abyei, making it impossible to hold the Abyei referendum simultaneously. In addition, the agreement provided for popular consultations in South Kordofan and Blue Nile to be conducted by commissions appointed by elected state assemblies.

Prior to the holding of referenda in Southern Sudan and Abyei, the CPA called for national elections at six different levels of government, in part to ensure that the vote for the referenda was presided

over by democratically elected representatives. It was also presented as a way to involve other representatives of Sudanese society in the political process, since the CPA was a strictly bilateral agreement between the NCP and SPLM.

After a number of delays, the GNU held presidential, gubernatorial, and legislative elections in April 2010. The Carter Center observed the elections and found that they fell short of international standards and Sudan's obligations for genuine elections in many respects.⁴ Although the intention of the elections as a component of the CPA was to provide an opportunity for greater inclusion of political parties aside from the SPLM and the NCP and a "democratic transformation" in Sudan, the elections consolidated the dominance of the NCP at the national level and the SPLM in the South. Nonetheless, the elections were considered a key benchmark in the CPA and allowed for the remaining provisions of the agreement to be implemented.

⁴ Final Report: Observing Sudan's 2010 National Elections, April 11-18, 2010 (2010). The report can be found on the Carter Center's website at: http://cartercenter.org/news/publications/election_reports.html#sudan.



LEGAL FRAMEWORK OF THE SOUTHERN SUDAN REFERENDUM

The Carter Center's assessment of the referendum was based on Sudan's domestic legislation and political commitments relating to the referendum process as well as its international obligations for democratic elections.⁵ Sudan's interim constitution incorporates the CPA as the cornerstone of Sudan's interim government and calls for the refer-

endum to be held in accordance with the provisions of the CPA.⁶ This legal framework is supplemented by Sudan's international law commitments under the provisions of the International Covenant on Civil and Political Rights (ICCPR), the Banjul Charter, and the Arab Charter on Human Rights, among others, as detailed in Table 1.

Table 1
Sudan's International Legal Obligations: Status of Signatures and Ratifications

| Treaty/Declaration | Status | Date |
|---|----------|-------------------|
| International Covenant on Civil and Political Rights (ICCPR) | Acceded | March 18, 1986 |
| International Convention on the Elimination of Racial Discrimination | Acceded | March 21, 1977 |
| Convention on the Rights of Persons with Disabilities | Ratified | April 24, 2009 |
| Convention on the Rights of the Child | Ratified | August 3, 1990 |
| U.N. Convention Against Corruption | Ratified | January 14, 2005 |
| African Charter on Human and People's Rights (ACHPR) | Ratified | February 18, 1986 |
| African Charter on Democracy, Elections, and Governance | Signed | June 30, 2008 |
| African Charter Against Corruption | Signed | June 30, 2008 |
| First Protocol to the African Charter on Human and People's Rights on the Rights of Women | Signed | June 30, 2008 |
| Arab Charter on Human Rights | Acceded | May 22, 2004 |

⁵ See Table 1 for a list of Sudan's legal commitments.

⁶ Interim National Constitution for the Republic of the Sudan, Art. 224-226(2) (2005).



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The CPA establishes the overarching legal framework of Sudan. In 2009, pursuant to the CPA, the National Assembly passed the Southern Sudan Referendum Act (Referendum Act), which established the guidelines for the administration of the referendum. In addition, Sudan acceded to and ratified international treaties and incorporated internationally recognized obligations into its constitutional bill of rights. In doing so, the GOS committed itself to the protection of political and human rights essential to the conduct of a democratic referendum, including freedoms of expression, assembly, and association, and universal suffrage, among others.⁷

According to the Referendum Act, the referendum would be considered legal and valid if at least 60 percent of registered voters cast their votes in the referendum.⁸ If turnout did not reach the required threshold, the referendum was to be repeated within 60 days of the final vote declaration.⁹ A simple majority of 50 percent plus one of the total votes was necessary for either unity or secession to be certified as the expression of the will of the Southern Sudanese.¹⁰

The CPA and INC called for the referendum to be “internationally monitored,” and the Referendum Act further asserted the need for “international observation” of the process.¹¹ The Referendum Act granted accredited observers the right to observe all referendum processes, including: voter registration, polling, and aggregation and declaration of the results.¹²

In recognition of the widespread displacement that accompanied the conflict in Southern Sudan, the Referendum Act provided for voting in Southern Sudan, Northern Sudan, and eight out-of-country (OCV) locations. The enfranchisement of voters outside of the territory of Southern Sudan was intended to ensure the broadest possible pool of voters. This

was consistent with Sudan’s commitments to ensure universal suffrage.¹³ By facilitating the participation of Southern Sudanese in Northern Sudan, the GOS affirmed the right of internally displaced persons (IDPs) to vote.¹⁴ In addition to centers in Southern

Sudan, the Referendum Act allowed for referendum centers to be established in all locations where over 20,000 Southerners resided and state capitals in Northern Sudan.¹⁵ In the areas where there were not at least 20,000 registered voters, voters were expected to travel to the capital of the Northern state or an out-of-country location.¹⁶

The Referendum Act established eligibility to vote in the Southern Sudan referendum for three categories of people: those born to at least one parent from a Southern Sudanese indigenous community who was residing in Southern

A simple majority of 50 percent plus one of the total votes was necessary for either unity or secession to be certified as the expression of the will of the Southern Sudanese.

7 The International Covenant on Civil and Political Rights (ICCPR), Article 25, requires in part that “Every citizen shall have the right and the opportunity... (a) To take part in the conduct of public affairs, directly or through freely chosen representatives; (b) To vote and to be elected at genuine periodic elections, which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors.” Further, the United Nations Human Rights Committee, General Comment 25, paragraph 12 has established that, “Freedom of expression, assembly and association are essential conditions for the effective exercise of the right to vote and must be fully protected.”

8 SSRA, Art. 41(2).

9 SSRA, Art. 41(2).

10 SSRA, Art. 41(3).

11 CPA, Machakos Protocol, 2.5; Interim National Constitution, Art. 222(1). SSRA, Art. 5, 7(d).

12 SSRA, Art. 42.

13 Art. 4 of the African Charter on Democracy, Elections, and Governance and Art. 25 of the ICCPR. Art. 21 (3) of the UN Universal Declaration of Human Rights.

14 Guiding Principles on Internal Displacement, Art. 22(1)d.

15 SSRA, Art. 27(2).

16 SSRA, Art. 27(2).



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President and Mrs. Carter review their checklist at a referendum center on polling day.

Sudan on or before Jan. 1, 1956; those whose ancestry was traceable to one of the ethnic communities in Southern Sudan but without at least one parent residing in Southern Sudan on or before Jan. 1, 1956; and permanent residents who (or whose parents or grandparents) had resided in Southern Sudan since Jan. 1, 1956.¹⁷ The first category of eligible voters could vote in Northern Sudan, Southern Sudan, or OCV locations. The second and third category of voter could only vote in Southern Sudan.

The CPA established a time line for different processes associated with the Southern Sudan referendum. According to the CPA, the National Assembly should have passed the Referendum Act by the beginning of the third year of the interim period in 2008. The referendum commission should have

been established immediately after the passage of the Referendum Act, and the voter roll should have been published three months before voting began.¹⁸ The INC and Referendum Act reflect these timelines.¹⁹ Although each of the benchmarks ultimately was reached, there were a number of delays, and certain CPA benchmarks were not implemented on schedule. The CPA partners and government representatives acknowledged the delays but chose not to modify the date of the Southern Sudan referendum.

¹⁷ Southern Sudan Referendum Act (2009), Art. 25.

¹⁸ CPA, The Implementation Modalities of the Machakos and Power Sharing Protocols, 1(a), (b), and (c).

¹⁹ Interim National Constitution, Art. 220; SSRA, Art. 32.



REFERENDUM MANAGEMENT

STRUCTURE OF REFERENDUM BODIES

An independent and impartial authority that functions transparently and professionally is internationally recognized as an effective means of ensuring that citizens are able to participate in a genuine democratic process and that other international obligations related to the democratic process can be met.²⁰

The Referendum Act called for the establishment of the Southern Sudan Referendum Commission (SSRC), an independent government body based in Khartoum, to oversee the Southern Sudan referendum.²¹ This body was responsible for the overall administration of the referendum, including the promulgation of referendum regulations, organization of voter registration and polling, and the final declaration of results.²²

The Southern Sudan Referendum Bureau (SSRB), a subsidiary body to the SSRC, was based in Juba and managed referendum operations in Southern Sudan.²³ The SSRB was responsible for overseeing the work of the referendum authorities in Southern Sudan and arranging all logistical requirements necessary to carry out the referendum in Southern Sudan. The Referendum Act called for state-level high committees, county-level subcommittees, and referendum centers (RCs)²⁴ in Southern Sudan; in Northern Sudan, the SSRC created state referendum committees that directly oversaw referendum centers (with no intermediary subcommittees). In total, the referendum administration comprised the SSRC, SSRB, 15 state referendum committees in Northern Sudan, 10 SHRCs in Southern Sudan, 79 county subcommittees in Southern Sudan, 2,813 referendum centers

in Sudan (2,638 in the South and 175 in the North), and 80 OCV referendum centers in total in all of the eight countries.²⁵

REFERENDUM ADMINISTRATION

The failure to adopt regulations on registration, campaigning, and polling in a timely manner led to confusion among referendum center staff and other stakeholders. In future elections, relevant regulations should be adopted well before the start of the electoral processes, particularly to ensure proper training of election staff. By ensuring the timely adoption of regulations, Sudan would be in line with best practice in election administration, which requires that each step in the election process be described in the election laws and regulations and the provisions be published well before the elections.²⁶

In future elections, relevant regulations should be adopted well before the start of the electoral processes, particularly to ensure proper training of election staff.

20 United Nations Human Rights Committee (UNHRC), General Comment No. 25, Para. 20.

21 The SSRC comprises nine members, including a chairperson, deputy chairperson, and seven commissioners. The president, with consent of the first vice-president and the approval of a simple majority of the national legislature, appoints the commissioners. Five of the nine SSRC members are Southern Sudanese, including the deputy chairperson.

22 SSRA, Art. 14.

23 The SSRB comprises five members. The SSRC's deputy chairperson also chairs the SSRB. The SSRC, on the recommendation of the SSRB chairperson, appoints the SSRB's other members.

24 "Referendum center" is the term used during the referendum process to refer to polling centers.

25 SSRA, Art. 8(3); SSRC and SSRB members must be Sudanese by birth; at least 40 years of age; and well-known for independence, nonpartisanship, and impartiality, among other criteria. Five of the nine SSRC members are Southern Sudanese, including the deputy chairperson. All members of the SSRB are Southern Sudanese.

26 Norwegian Helsinki Committee, "Election Observation: An Introduction to the Methodology and Organization." E. 1.



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While both the SSRC and SSRB made strong efforts to operate transparently, the SSRC could have improved transparency by sharing information on the referendum administration process with the public and other stakeholders more regularly. This could have included additional attention to sharing key information about accreditation and access procedures at the data center with domestic and international observers and members of political parties.

Despite inadequate resources, referendum administration officials remained committed to the successful implementation of the referendum. Limited funds were made available to the SSRC and SSRB from the national government. The GoSS allocated significant funds to the functioning of the SSRB and its subsidiaries, but due to delays in cash transfers from the national government, the disbursement of these funds was often late. The SSRB was unable to make timely payments to referendum center staff during registration; this shortcoming was partially linked to the late disbursement of funds by the GOS and GoSS. Although the SSRB managed to carry out its functions with limited funds, the vast majority of which came from the GoSS and international donors, timely disbursement of adequate resources likely would have contributed to a more efficient referendum management process and lessened the impact on referendum staff, who were forced in some cases to go months without compensation.

Even with delays in funding, the SSRC and SSRB effectively distributed thousands of voter registration books and polling materials with the support of critical technical assistance from international partners. At the start of voter registration and polling, the large

majority of referendum centers opened on time, a significant improvement over the 2009 voter registration and 2010 polling processes.

PUBLIC INFORMATION AND COMMUNICATIONS

Both the SSRC and the SSRB made efforts to increase the transparency of the referendum process via press conferences. During voter registration, the SSRB held biweekly press conferences; the SSRC organized comparatively fewer media events. However, all levels of referendum administration endeavored to make themselves accessible to international observers, and Carter Center observers encountered

few difficulties in observing the processes. The one important exception was the inability to adequately observe the data center in Juba following the voter registration process.

CONSIDERATION COMMITTEES AND APPEALS

Many referendum centers failed to establish Consideration Committees in a timely manner, which undermined voters' rights to legal redress and effective protection.²⁷ With a few exceptions, Consideration Committee members received no training, leading to committees with different understandings of their role in the process. Although it appears not to have affected many people, the failure to establish Consideration Committees or the delay in their establishment denied some people their right to appeal their exclusion from the process.

Despite inadequate resources, referendum administration officials remained committed to the successful implementation of the referendum.

²⁷ ICCPR Art. 2 (3); UN, International Convention on the Elimination of All Forms of Racial Discrimination, Art. 6.



VOTER REGISTRATION AND THE PRE-REFERENDUM PERIOD

VOTER REGISTRATION

Voter registration is recognized as an important means to ensure the right to vote and should be made available to the broadest pool of citizens possible to ensure universal and equal suffrage are protected as required by Sudan's international commitments.²⁸ Voter registration includes all aspects of the electoral process related to the registration of voters.

The voter registration process for the Southern Sudan referendum on self-determination was generally credible and established a strong foundation for the conduct of a successful referendum. The process, which took place between Nov. 15 and Dec. 8, 2010, faced some procedural challenges—particularly in the implementation of the identification, eligibility, and appeals regulations—as well as security incidents in Akobo and Kiir Adem. The Carter Center also observed some isolated cases of intimidation by representatives of the Government of Sudan and the Government of Southern Sudan, but found that these incidents did not fundamentally undermine the success of voter registration.

Officials from the SSRC, SSRB, and their subsidiaries worked long hours and actively responded to new challenges as they arose. The Carter Center observed SSRB training officials monitoring the registration procedures and providing advice and assistance to the registration staff to help them accurately follow the procedures. This assistance seemed to help registration staff properly follow procedures and was in line with Sudan's commitment to take necessary steps

to ensure the enjoyment of citizens' rights, including the right to universal and equal suffrage.²⁹

Carter Center observers reported shortages of registration materials in the first few weeks of voter registration in certain states in Southern Sudan, including Unity and Central Equatoria. For this reason, registration was temporarily disrupted in some referendum centers in Western Equatoria, Western Bahr el Ghazal, Lakes, Upper Nile, Jonglei, and Central

Equatoria. In most cases, the SSRB responded to the shortage in a timely manner, supplying centers with additional materials. The initial disorganization may have been caused by a very short time line established after the voter registration dates were finalized.

The SSRC adopted regulations on voter registration just before the start of registration

but after the training of referendum center staff. Carter Center observers noted that the regulations were not well-communicated to referendum center staff. However, since the regulations did not change the registration procedures substantially from what was outlined in the registration training manual, the lack of information did not significantly affect the performance of the registration procedures.

The voter registration process for the Southern Sudan referendum on self-determination was generally credible and established a strong foundation for the conduct of a successful referendum.

²⁸ United Nations Human Rights Committee (UNHRC), General Comment No. 25 on "The Right to Participate in Public Affairs, Voting Rights and the Right to Equal Access to Public Service," Para. 11; UN, International Covenant on Civil and Political Rights (ICCPR), Art. 25(b).

²⁹ ICCPR, Art. 25(b); UNHRC, General Comment No. 25 on "The Right to Participate in Public Affairs, Voting Rights and the Right to Equal Access to Public Service," Para. 11.



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President and Mrs. Carter meet with voters in Juba.

Eligibility

Eligibility and voter registration directly affect the universal right to participate in the democratic processes of one's country.³⁰ The eligibility criteria for the Southern Sudan referendum reflected the intention of including ethnic Southerners and long-term Southern residents but did not provide a list or criteria of what constitutes an ethnic or an indigenous community nor the proof necessary to demonstrate fulfillment of these criteria. The criteria governing eligibility to participate in the referendum should have been more clearly defined and communicated.

In response to questions by technical advisers about which indigenous or ethnic communities are Southern Sudanese, how to prove residency, and other implementation concerns, the SSRC released a document titled, "Critical Legal and Procedural Questions: Answers."³¹ However, it did not fully clarify the above issues.³² Although the SSRC later provided a clarification of the eligibility criteria, this clarification did not answer several eligibility questions, including eligibility for those with only one Southern parent and the Ngok Dinka. During registration, Carter Center observers noted

confusion in Kassala, Khartoum, South Kordofan, and Upper Nile about the eligibility of people with one parent from the South. Referendum center staff in Gezira, Khartoum, River Nile, and South Kordofan appeared confused as to the eligibility of Ngok Dinka from Abyei. The Carter Center welcomed the SSRC's subsequent action on Nov. 23 to inform all SSRCs in Northern Sudan that any Sudanese with one parent from the South (regardless of whether it was the mother or father) was eligible to register for the referendum.

The Carter Center expressed concern that some of the population of Abyei area were excluded from participating in the Southern Sudan referendum, even though they may have met the eligibility criteria by proving their links to indigenous communities of Southern Sudan. The SSRC decided against placing any referendum centers in Abyei, seemingly to avoid confusion related to the anticipated simultaneous referendum on the Abyei area.

Notably, referendum center staff in Gezira, Khartoum, River Nile, and South Kordofan seemed confused as to the eligibility of Ngok Dinka from Abyei living outside of Abyei. The inconsistent application of the eligibility requirements to the Ngok Dinka and other people deemed by referendum center staff to originate from Abyei may have unfairly excluded some eligible people from the process, which stands in opposition to Sudan's commitments to

30 AU, African Charter on Democracy, Elections and Governance, Art. 4(2).

31 Southern Sudan Referendum Commission's "Critical Legal and Procedural Questions: Answers" of Oct. 6, 2010.

32 In response to an inquiry as to whether the SSRC intended to provide a comprehensive list of Southern Sudanese ethnic groups, the SSRC responded that it did not, without providing further explanation.



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ensure that all Southern Sudanese can exercise their fundamental political rights.³³

In Jonglei, Unity, and Upper Nile states, observers reported some cases of underage registration, but the numbers of such incidences were fairly low. In a small handful of cases in South Kordofan and Northern Bahr al Ghazal, applicants perceived to be underage were turned away. In Unity state, in most referendum centers all applicants were asked if they would be in the same location on Jan. 9 before they were allowed to register. The possible exclusion of even a small number of potential applicants on this basis constituted a violation of the Referendum Act.³⁴

Identification

Carter Center observers noted inconsistencies in the application of identification procedures during voter registration. The regulations required that an applicant provide either official identification documents or verification of the applicant's identity by a designated identifier. This process was intended to ensure that minority groups such as permanent residents, who may not have the physical and linguistic characteristics presumed of Southern Sudanese, are able to participate fully in the process in keeping with Sudan's international obligations to allow citizens the right to participate in the public affairs of their country.³⁵

Carter Center observers reported that potential registrants did not have their identity confirmed either by documents or by an identifier in over one-third of the visits to referendum centers in Northern and Southern Sudan. This occurred despite the SSRA and SSRC regulations requiring official documentation to confirm identity or otherwise oral or written testimony from a chief, sultan, other dignitary, or concerned member of the community.³⁶

Although the majority of centers visited by Carter Center observers had identifiers present,

there were none in some centers observers visited in Gezira, Khartoum, Lakes, Jonglei, Upper Nile, South Kordofan, Unity, and Western Bahr al Ghazal. In these centers, observers reported a few cases in which applicants without identification documents were prevented from registering as no identifier was present to verify their identities, despite the SSRA provisions allowing for community leaders to fill the role of identifier when none was readily available.³⁷

These individuals—though not a significant number—may have been unfairly excluded from participating in the process, in contravention of domestic and international obligations requiring that Sudan take necessary steps to ensure the realization of rights, including the right to self-determination.³⁸

Appeals

Although the number of people denied participation in the registration process constituted a relatively low percentage of the people who tried to register, the appeals process for such individuals presented a widespread and consistent set of procedural errors witnessed by Carter Center observ-

Carter Center observers reported that potential registrants did not have their identity confirmed either by documents or by an identifier in over one-third of the visits to referendum centers in Northern and Southern Sudan.

³³ Southern Sudan Referendum Act (SSRA), Art. 25; International Covenant on Civil and Political Rights (ICCPR), Art. 1, 25; Convention on the Elimination of All Forms of Racial Discrimination, Art. 5.

³⁴ SSRA, Art. 28.

³⁵ African Charter on Human and People's Rights, Art. 2, 13; United Nations Human Rights Committee, General Comment No. 25, Para. 11 on "The Right to Participate in Public Affairs, Voting Rights and the Right to Equal Access to Public Service" (providing that "[w]here registration of voters is required, it should be facilitated and obstacles to such registration should not be imposed.").

³⁶ SSRA, Art. 26; Southern Sudan Referendum Commission (SSRC) Voter Registration Regulations.

³⁷ Article 26 of the Referendum Act and Article 11 of the SSRC Voter Registration Regulations provide that in the event of absence of identification document or the oral or written testimony of an identifier, "[r]eferendum Centre Committee shall seek the assistance of the Sultan or concerned Chief of the village as the case may be."

³⁸ SSRA, Art. 27; ICCPR, Art. 2(2); International Convention on the Elimination of All Forms of Racial Discrimination, Art. 1.



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ers during the voter registration process. The appeals process established by the SSRA was critical to the integrity of the larger process in ensuring that eligible Southern Sudanese had a right to an effective remedy when barred from participation.³⁹ Referendum center chairs did not provide rejection forms to the majority of ineligible voters. These forms were supposed to be the first step toward submitting an appeal.⁴⁰ Observers also encountered confusion about what constituted rejection. In some centers, officials told individuals that if they returned with further proof of their identity or eligibility they would be permitted to register, and many referendum center officials did not consider this a rejection. Officials frequently did not record the names of rejected applicants in the registration journal, nor did they keep a running tally of the numbers of people rejected at each center.

Consideration Committees were established as bodies mandated by the Referendum Act to consider the validity of rejected registrations. They consisted of three former civil service officials known for their competence and independence. Consideration Committees were designed to be important venues for appeals and checks to ensure that all eligible citizens could register and to hear complaints from registered voters during the appeals process. However, at the start of voter registration, the Consideration Committees were not operating in both Northern and Southern Sudan. In Northern Sudan, the Khartoum State Referendum Committee initially told Carter Center observers that the law had been changed and that there would be no Consideration Committees in Northern Sudan. Carter Center observers reported a lack of Consideration Committees in Northern Sudan for the majority of the voter registration process, as only South Kordofan had established Consideration Committees by the third week of registration.

Officials started to establish Consideration Committees in the second week of registration

in Southern Sudan, namely in Eastern Equatoria, Northern Bahr al Ghazal, and Western Bahr al Ghazal. However, officials appeared confused about the role of the committees and how they were constituted and managed. In Central Equatoria and Upper Nile, officials told Carter Center observers that the Consideration Committees would be set up at the county level rather than for each referendum center. Officials in Eastern Equatoria told observers that Consideration Committees would be established after

registration. In some areas of Southern Sudan, Consideration Committees were never established.

Exhibition, Corrections, and Objections

Referendum administration bodies and civil society provided limited voter education on the purpose of the exhibition and appeals period or details regarding the time line

and processes. Referendum staff and Consideration Committees in the South continued to exhibit varying degrees of understanding of the exhibition and objections period. As a result, adherence to the regulations for exhibition and objections at referendum centers varied significantly. In addition, the altered time line for exhibition, corrections, and objections was not well-communicated to referendum center staff in the South, leading to confusion and delays in the exhibition process in some areas.

During 74 percent of Carter Center visits to referendum centers during voter registration, no notice of exhibition was posted as required by the Referendum Act.⁴¹ However, observers reported many officials

Referendum center chairs did not provide rejection forms to the majority of ineligible voters. These forms were supposed to be the first step toward submitting an appeal.

³⁹ SSRC Voter Registration Regulations, Art. 16, 17; ICCPR, Art. 2(3).

⁴⁰ SSRC Voter Registration Regulations, Art. 17 (stating "In case of denied registration the Chief of the Referendum Center shall immediately issue a written notice stating the cause for such denial and inform the applicant about his right to petition to the Consideration Committee").

⁴¹ SSRA, Art. 29.



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verbally informing voters of the exhibition period, which was beneficial due to the high rate of illiteracy in Southern Sudan.

Carter Center observers reported that the exhibition and objection period went smoothly in the North, while in the South the operation of referendum centers and Consideration Committees varied substantially. In Khartoum, Kassala, North Darfur, South Darfur, Red Sea, and Unity state, referendum staff went beyond mandated procedures by transcribing all of the names from the voter registration books either by hand or electronically to display during the exhibition period in lieu of displaying the carbon copies from the books themselves. Although this practice was intended to make it easier for the public to review the lists, it raised concerns because errors are more likely to occur when names are transferred onto a separate document. The transcription generally occurred when registrants were not present; thus, voters could not ensure that their names and information were recorded correctly in the same way that had occurred when they registered.

Voter lists were not posted in many referendum centers, making it difficult for voters to look at the preliminary register for the purpose of correction or objection. Carter Center observers noted that some referendum officials in the South stated that voters were permitted to review the preliminary register for their names only, but not the names of others. Observers encountered some centers with no lists exhibited and no staff or Consideration Committees present to hear objections or corrections.

Location of Referendum Centers

Many participants in the registration process complained to Carter Center observers about the location of referendum centers throughout Northern and Southern Sudan. In Khartoum, Omdurman, Gezira,

Gedaref, South Kordofan, and White Nile, registrants told observers that the centers were located far from the major concentrations of Southerners. In Gezira, Khartoum, and White Nile, centers were moved during registration to make them more accessible to Southerners. While this was a positive attempt to ensure greater inclusion, the state referendum committees should have ensured that prior to polling, notices were posted in the previous locations to clearly inform voters of their relocation. In several cases, this was observed not to be in place.

In Southern Sudan, registrants complained that there were too few centers as compared to the number put in place for the April 2010 elections and that the existing centers were far away from rural populations. This sentiment seems to have led some referendum teams to operate as “mobile centers” to improve

access to registration for rural populations. Carter Center observers saw several mobile referendum center staff in Eastern Equatoria, Lakes, Northern Bahr al Ghazal, Jonglei, and Central Equatoria. In Sennar state in Northern Sudan, all referendum centers were mobile in order to reach as many Southerners as possible. The members of the referendum administration that made the decision to have mobile referendum centers seem to have been driven by good intentions to include rural populations. However, this may have led to confusion for voters as to where to cast their ballots during polling and should be avoided in future elections.

TURNOUT IN NORTHERN SUDAN

Very few registrants turned out to register in Northern Sudan in the first week of the registration period. As the Eid-al-Adha holiday came to an end and information about registration spread, the turnout increased, though it remained far below the number of estimated

Carter Center observers reported that the exhibition and objection period went smoothly in the North, while in the South the operation of referendum centers and Consideration Committees varied substantially.



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eligible voters in Northern Sudan. While there may be a variety of issues involved, a number of factors appear to have contributed to the low turnout, including poor voter education, anxieties of Southerners in the Northern states regarding their future status, and an increasing focus of Southerners in the North on repatriation to the South ahead of the referendum. Although not observed, The Carter Center received some credible reports indicating that the SPLM encouraged Southerners in the North not to register. If these reports are accurate, then these activities also could partially account for the low turnout.

Role of Security Forces

Forces that provided security during voter registration played a generally positive role in the process and refrained from interfering in the registration. These members of the security forces should be acknowledged for respecting the integrity of the referendum process. However, Carter Center observers witnessed a few incidents in Northern Sudan where security forces played an inappropriate role in the opening and closing of referendum centers by recording the serial numbers of seals used to secure registration kits.⁴²

Data Retrieval and Aggregation

Despite delays in the retrieval of information from centers in particularly remote areas of Southern Sudan, the data aggregation process for voter registration was successfully completed in Northern and Southern Sudan in a timely manner. The Carter Center observed the compilation process in the data centers in Northern and Southern Sudan. Although both processes appeared to function smoothly, The Carter Center was disappointed that there was a limited ability to observe the data compilation process in the Juba data center due to the restrictions placed on observers by the SSRB and data center management.⁴³ It came to light during polling that the



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Empty referendum centers were common in the North in stark contrast to the overwhelming crowds throughout the South.

compression of the envisioned three-month period between the publication of the final voter list and voting had a deleterious effect on the accuracy of the voter registry and the communication between the SSRB and its subsidiaries about which list to use as the final voter list.

CONCLUSION

Despite instances of insecurity and some technical setbacks, the voter registration process proved to be credible and paved the way for a successful polling process. Overall, Carter Center observers reported

⁴² In the Kajo Keji area of Central Equatoria in Southern Sudan, The Carter Center observed instances of national intelligence officials looking through registration books and writing down the numbers of people registered each day. In the Akobo area of Jonglei, Carter Center observers noted several incidents of SPLA and Southern Sudan Police Service involvement in the registration process. These included instances of security personnel opening the box of registration material, checking and recording the seals, accessing the materials, checking applicants' fingers for ink residue, and verifying applicants' eligibility. In Khartoum state, security officers on several occasions entered referendum centers without justification.

⁴³ By Article 3 of the African Union Convention on Preventing and Combating Corruption, "[t]he State Parties to this Convention undertake to abide by the following principles: 3. Transparency and accountability in the management of public affairs."



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that the vast majority of Southern Sudanese participated in the voter registration process without fear for their personal security. The Center commends referendum officials for their commitment and tireless efforts to ensure a positive registration process, one that met Sudan’s commitment to take necessary steps to ensure the enjoyment of citizens’ rights, including the right to universal and equal suffrage.⁴⁴

POLITICAL PARTY AND DOMESTIC OBSERVERS

The SSRC decision not to issue specific regulations to political party members or to State High Referendum Committees (SHRC) guiding the role of political parties in the voter registration process and to instead accredit political party representatives as domestic observers under their party’s name contributed to significant confusion regarding the affiliation of different types of domestic observers in the referendum centers. During voter registration, Carter Center observers reported that it was difficult to clarify whether observers were members of political parties or domestic observer groups. This issue became more problematic when some of these observers seemed to cross lines by interfering in the registration process or participating in parallel registration. The lack of clear affiliation made it difficult to assign responsibility for these actions. Further, the absence of specific accreditation procedures for political parties also led to an unclear, delayed, and sometimes failed accreditation process for political party agents seeking accreditation as domestic observers.⁴⁵

PARTICIPATION OF WOMEN

The Carter Center welcomed the participation of women in the referendum process, upholding Sudan’s commitment to conduct elections and referenda by universal suffrage that did not discriminate on the basis of gender.⁴⁶ During voter registration, Carter

Center observers reported minimal numbers of women turning out to register during the first few days. However these numbers steadily increased throughout the exercise. In many areas, the participation of women was equal to or exceeded that of men. The final voter registry for the referendum indicated that women constituted 51 percent of the registered voters for the referendum, a positive step toward meeting Sudan’s national and international obligations to ensure universal suffrage and protection from discrimination.⁴⁷ Although there are some women

in high-level positions at the SSRC and SSRB, Carter Center observers noted comparatively low numbers of women serving as referendum center officials.⁴⁸

VOTER EDUCATION

Voter education efforts are necessary to ensure an informed electorate is able effectively to exercise their right to vote.⁴⁹ It is an obligation of the government, referendum administration, and civil society to make efforts to clarify to the voters key issues relating to the referendum. Such clarifications should be consistent with Sudan’s international

In many areas, the participation of women was equal to or exceeded that of men.

44 UN, International Covenant on Civil and Political Rights, Art. 25(b); United Nations Human Rights Committee, General Comment 25 on “The Right to Participate in Public Affairs, Voting Rights and the Right to Equal Access to Public Service,” Para. 11.

45 Members of the SPLM-DC were denied accreditation in Jonglei because they were deemed by the SHRC to not be a legitimate political party.

46 UN, ICCPR, Arts. 2 and 25.

47 AU, African Charter on Democracy, Elections and Governance, Art. 29(3); ICCPR, Art. 3.

48 In Kassala, the Raja area of Western Bahr el Ghazal, and South and North Darfur, there were few female referendum center staff during voter registration, particularly in senior positions. Involving women in public life will help ensure Sudan fulfills its domestic and international commitments to ensure the equal participation of women in public affairs.

49 ICCPR, Art. 25; United Nations Human Rights Committee, General Comment No. 25, Para. 11.



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Female voters wait in line to cast their ballots. Women turned out to vote in large numbers for the referendum.

obligations to take necessary steps to ensure sufficient civic and voter education for all citizens.⁵⁰

Overall, voter education was insufficient, as the SSRC, SSRB, and government did not adequately engage in efforts to inform voters about the referendum process, which runs against the state obligation “to take legislative, administrative, or other appropriate measures to promote the understanding by all persons under its jurisdiction of their civil, political, economic, social and cultural rights.”⁵¹ The conduct of outreach to the public on the details of the referendum process and the provision of civic education are key components of the SSRC mandate as outlined in the Referendum Act.⁵² While the state bears an obligation to promote public understanding of the democratic process, it is essential that election administration provide for objective, nonpartisan voter education and information campaigns.⁵³

The large majority of voter education activities observed in Southern Sudan were led by civil society groups and often mixed voter education efforts with advocacy in favor of secession. Political parties in Southern Sudan—aside from the SPLM—informed Carter Center observers that they wanted to conduct voter education but lacked the resources to do

so. Carter Center observers reported very few voter education activities in Northern Sudan. This may partially explain the inadequate understanding by Southerners in Northern Sudan as to whether they were eligible to participate in the referendum. Voter education in both regions increased in the latter part of the voter registration process. In the North, there was intensified engagement by civil society groups, the SSRC, and the NCP. In the South, local chiefs, churches, women’s groups, the SPLM, and members of the state or county referendum taskforces conducted voter education.

In addition to voter education and information, Sudanese officials were obligated to provide widespread civic education throughout the different phases of the process.

Given the significant impact of the decision to vote for unity or secession and the need to ensure that voters understand the options and implications of the vote before casting their ballots, special efforts should have been made to inform voters of post-referendum arrangements. The failure to engage the population in a meaningful discussion about unity or secession and the failure to come to an agreement on the future citizenship status of Southerners in the North and Northerners in the South before the referendum meant that participants in the referendum were unable to make an entirely informed choice about the impact of their vote. International norms and best

50 The African Charter on Democracy, Elections, and Governance (Signed June 30, 2007) Art. 12(4) (requiring signatories to “implement programmes and carry out activities designed to promote democratic principles and practices and consolidate a culture of democracy... integrate civic education in their education curricula and develop appropriate programmes and activities”); United Nations Human Rights and Elections, Para. 87; ICCPR, Art. 2.

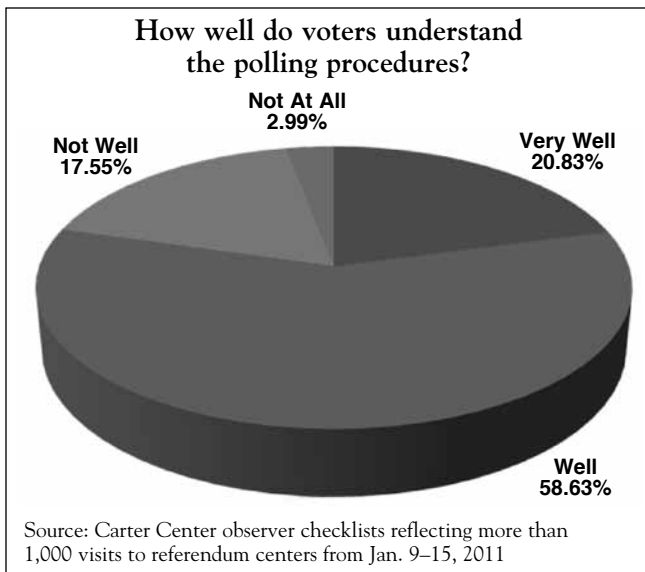
51 UN, Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, Art. 14.

52 SSRA, Art. 7.

53 UN, Human Rights and Elections: A Handbook on the Legal, Technical, and Human Rights Aspects of Elections, Para. 124.



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practice suggest that Sudan and referendum authorities could have done more to fully explain how their rights and freedoms were affected by the two different government and administrative systems resulting from either unity or secession.⁵⁴

CAMPAIGN AND POLITICAL PARTIES

The right of individuals to participate in public affairs, including the establishment of and participation in political parties, and through them, involvement in campaign activities, is protected by international principles.⁵⁵

The referendum campaign started on Nov. 7 and ended on Jan. 7. The campaign period began without regulations governing its conduct as the SSRC did not adopt campaign regulations until early December.

Neither the NCP nor the SPLM communicated fully their party positions to the public on the options presented in the referendum. SPLM leaders took conflicting positions: while the party's program called for a united new Sudan, many party officials actively campaigned for secession. The SPLM leadership also

repeatedly canceled scheduled meetings of its ruling National Leadership Council and did not make clear to its followers and the people of Southern Sudan that a vote for unity would mean the continuation of the South's autonomous status in Sudan. Meanwhile, the NCP failed to launch a full-fledged campaign for unity, party leaders rarely visited the South, and the NCP did not propose changes that might have made unity attractive, thus leading many to conclude that it was not fully committed to the unity option.

The Southern opposition parties played only minor roles in the referendum campaign, furthering the sense that the campaign was an SPLM-NCP affair. Southern civil society was largely devoted to campaigning for secession, observation of the vote, and voter education, which often was hard to distinguish from its campaign for secession.

Northern opposition parties supported a united Sudan, but they largely failed to participate in the referendum process for a number of reasons. First, they found it difficult to cooperate with the ruling NCP because of their ongoing conflict and feared that participating in a unity campaign would appear as if they

were endorsing the government. Second, after years of repression, their support base and capacity to carry out a campaign were limited. Third, some of the opposition parties reported that a campaign in support of unity would not be accepted in the political and social environment in Southern Sudan. Apart from the NCP, the Sudan

Communist Party was the only party to hold pro-unity rallies in the South. Northern civil society was

All of the campaigning observed by The Carter Center in Northern Sudan was in support of unity, and almost all of the campaigning observed in Southern Sudan was in support of secession.

⁵⁴ UN, Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, Art. 6(a).

⁵⁵ ICCPR, Art. 25(a); International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), Art. 5(c); Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW), Art. 7(b); UNHRC General Comment No. 25, Para. 26.



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Prominently located billboards in Juba count down the number of days to the referendum, encouraging Southerners to vote for separation.

weakened by the GOS and, as a result, played only a minimal role in the referendum campaign.

All of the campaigning observed by The Carter Center in Northern Sudan was in support of unity, and almost all of the campaigning observed in Southern Sudan was in support of secession. Although The Carter Center did not observe systematic restrictions on expressing support for unity in Southern Sudan, it is clear that a range of pressures made it difficult for people to speak in favor of unity.

THE MEDIA

International obligations related to the media and elections include freedom of expression and opinion and the right to seek, receive, and impart information through a range of media.⁵⁶ The media environment in Sudan for domestic news sources has long been characterized by self-censorship and intimidation, while the international news sources often are hampered from conducting their work with full freedom of movement. The Carter Center was concerned that most of the domestic and international media narrative on Sudan ahead of the referendum highlighted the potential for a return to war, at times making it sound inevitable.

Media coverage of the referendum in Northern

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The referendum attracted significant international attention; diplomats and celebrities, such as actor George Clooney (pictured), came to Sudan to witness the vote.

Sudan was generally pro-unity, although there were several examples of censorship of newspapers that included pro-separation views. In November 2010, two newspapers—Al Ayam and the Khartoum Monitor—were briefly suspended by the Government of Sudan on the basis that their reporting constituted a threat to Sudan’s stability and security. Both newspapers contained extensive coverage of the referendum process.

Carter Center observers in Southern Sudan noted that media houses often represented the views of the SPLM and during the referendum period generally were strongly pro-secession. National and local radio programs broadcast in the South generally could find few supporters willing to speak in support of unity.

The Carter Center did not conduct a formal media-monitoring program of the referendum. The European Union’s Election Observation Mission to Sudan supported a media-monitoring program, and their findings are included in their final report.⁵⁷

⁵⁶ Art. 19, Id. In addition, states have committed to “safeguard the human and civil liberties of all citizens including the freedom of expression, as well as access to the media on the part of all stakeholders, during electoral processes.”

⁵⁷ European Union, Election Observation Mission, Southern Sudan Referendum, 9-15 January 2011 “Final Report on the Southern Sudan Referendum, 2011,” p. 44.



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CIVIL SOCIETY AND DOMESTIC OBSERVATION

Sudan is obligated by an international commitment to ensure that every citizen has the right to participate in the public affairs of Sudan and the right to participate freely within civil society and domestic observation organizations.⁵⁸ The Carter Center welcomed the significant participation of a variety of domestic organizations in observing the voter registration and polling processes in Northern and Southern Sudan.

In Southern Sudan, two domestic observation networks—Sudanese Network for Democratic Elections (SUNDE) and the Sudan Domestic Election Monitoring and Observation Programme (SUDEMOP)—played especially important roles during voter registration and polling. In Northern Sudan, domestic observation was led by the Sudanese Group for Democratic Elections (SUGDE) and a loose partnership formed between the National Civic Forum (NCF), al Khatim Adlan Center for Enlightenment and Human Development (KACE), and Al Massar Organization for Nomads Development and Environmental Conservation.

The Carter Center was concerned by delays in accreditation for Southern domestic observers during voter registration. To facilitate domestic observation of these processes, the SSRB issued a letter that provided access to centers. In the North, accreditation for some observation groups prior to voter registration was received in Khartoum only the evening before registration began. For the polling period, the SSRC and SSRB expedited the process to ensure that the majority of observers received their accreditation before the start of the polls. Timely accreditation of domestic observers is needed to guarantee their right to observe the process as noted in the Referendum Act.⁵⁹

The rights and responsibilities of observers and accreditation requirements and procedures were not



The Carter Center provided support to Sudanese civil society organizations in the North and South. Pictured here are domestic observation support staff in Juba with the Carters.

communicated or applied consistently. Although the polling regulations did not require applicants to submit photo identification for domestic observation accreditation, the official SSRC forms indicated a space to attach a passport photograph, which led officials in subsidiary bodies to believe that a photograph was required. This caused an undue burden and unnecessary costs for Sudanese observer groups, particularly for observers living in remote areas of Southern Sudan. The SSRC and SSRB waived this requirement in the first few days of registration.

INTIMIDATION

Although The Carter Center did not observe a systematic pattern of intimidation, such behavior undermined full participation in the referendum process and was contrary to Sudanese and international legal obligations, which require that everyone be allowed freedom of expression without fear of interference and that other rights necessary to freedom of expression

⁵⁸ ICCPR, Art. 25.

⁵⁹ Southern Sudan Referendum Act, Art. 61.



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be respected.⁶⁰ The Carter Center noted instances of intimidation by the SPLA of different groups along the North-South border region in the run-up to the referendum, which contravened international legal obligations to ensure individuals personal security.^{61 62}

The Carter Center was aware of reports of intimidating behavior practiced by agents of the SPLM, NCP, and security forces in Northern and Southern Sudan during voter registration; however, observers were able to confirm only a few of these cases. Carter Center observers confirmed arrests of five NCP members in Eastern and Western Equatoria and Jonglei, which appeared to be politically motivated. Carter Center observers also reported incidents of government-sponsored intimidation in Shendi, River Nile state, and Omdurman, Khartoum state, in which soldiers and other government workers were told that they would not receive their salaries if they did not register.

Interviews carried out by The Carter Center in Renk and Hadaib concluded that there was not systematic discrimination against Arabs because of their ethnic or religious identities and hence concern that they would vote for unity, but instead their treatment was due to general ill discipline and misbehavior of the SPLA. Although a number of the displaced Arabs told the Center of their intention to register and vote in the referendum, and they in turn were assured that despite their move to the North they were still eligible to vote because of their long residency in the South, it would appear that none did. The reasons given were that they could not vote in their home area, and they felt the referendum was orchestrated by the SPLM, and therefore, their participation would not matter.

The Carter Center also voiced concern about intimidating rhetoric used in Western Equatoria during and after voter registration aimed at the Jehovah's

Witnesses congregation for their decision to refrain from referendum registration for religious reasons. The decision of Yambio County to suspend all church activities of the congregation, including church services, meetings on the church compound, and any other activities of Jehovah's Witnesses, undermined the freedom of expression and association of populations with opinions divergent from the mainstream.⁶³ The Carter Center called upon all stakeholders in

Western Equatoria to respect the right of all individuals to participate in or refrain from the referendum process.

ARMED ATTACKS

The GOS is required by the INC and Sudan's international commitments to guarantee security of the person.⁶⁴ However, The Carter Center was concerned by the attacks of the Sudan Armed Forces

(SAF) around the border of Northern Bahr el Ghazal, including the documented air bombardment on Nov. 24 in the Kiir Adem area by aircraft of the SAF, which resulted in several casualties and the destruction of houses and one referendum center. Such attacks are deplorable, degraded the environment for the referendum, and could have led to wider conflict.⁶⁵

The Carter Center noted instances of intimidation by the SPLA of different groups along the North-South border region in the run-up to the referendum, which contravened international legal obligations to ensure individuals personal security.

60 The Interim National Constitution of the Republic of the Sudan, Art. 29, 40, 41 (2005); Southern Sudan Referendum Act, Art. 7(a) (2009); International Covenant on Civil and Political Rights, Art. 19, 22, 25; African Charter on Human and People's Rights, Art. 6, 10, 13.

61 An estimated 250 Shukriya Arab families from the Nazi, Sabaha, and Kibeishab tribes who traditionally lived in Fokhar in the Joda border area of Upper Nile were forced to relocate some 20 kilometers north of their homes as a result of harassment.

62 African Charter on Human and People's Rights, Art. 6; UN Universal Declaration of Human Rights, Art. 3.

63 CPA, Machakos Protocol, 6.2; Interim National Constitution, Art. 38; ICCPR, Art. 18; African Charter, Art. 8.

64 Interim National Constitution, Art. 23(2)b; ICCPR, Art. 9.

65 Continued sightings of Antonov planes near Kiir Adem and over the Gok Machar area during the voter registration period considerably contributed to fear of renewed warfare in the area.



THE REFERENDUM PERIOD

Polling is a critical element of the democratic process. Measures should be taken to allow all categories of voters, including prisoners and voters abroad, to exercise their voting right.⁶⁶ In addition, there should be independent scrutiny of the voting and counting process, and access to judicial review or other equivalent process so that electors have confidence in the security of the ballot and the counting of the votes.⁶⁷

PREPARATIONS

The preparations for polling began in earnest toward the end of the voter registration period, facing a very tight time line ahead of the first day of polling on Jan. 9. International technical advisers, especially United Nations Integrated Referendum and Elections Division (UNIRED)/United Nations Development Program (UNDP) and IFES, provided critical assistance to the SSRC to expeditiously procure the ballots and polling kits respectively.

Plans to print the ballots encountered challenges with the award of the tender for the printing of ballots. The head of the SSRC called for the reopening of the closed tender, changing the printing criteria in order to ensure that Sudanese companies could compete for the award. The reopening of the tender delayed some referendum preparations by one week. The printing and delivery of the ballots was expedited in order to prevent this additional week from delaying polling. Materials arrived in the country beginning in mid-December, and UNIRED assisted the SSRC and SSRB to start the process of delivering them to the states, counties, and referendum centers.

Training of referendum authorities for polling began in mid-December in Juba and Khartoum.



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A ballot box stands empty before the opening of a polling station in Juba.

Although the SSRC rules and regulations for polling were not yet developed at the start of training, the trainers used a polling manual developed on the basis of the Referendum Act in order to allow training to begin in a timely manner. On Dec. 22, the SSRC adopted rules and regulations for polling that differed slightly from the polling manual.⁶⁸ Most significantly, it provided for appeals in the referendum center to be heard by Consideration Committees, as opposed to the relevant court as stipulated in the polling manual. The SSRC amended the rules and regulations on

⁶⁶ SSRA, Arts. 25 and 27.

⁶⁷ Para. 20, International Covenant on Civil and Political Rights (CCPR)/C/21/Rev.1/Add.7, General Comment No. 25. In this respect, “[s]tates should take measures to guarantee the requirement of the secrecy of the vote during elections....This implies that voters should be protected from any form of coercion or compulsion to disclose how they intend to vote or how they voted, and from any unlawful or arbitrary interference with the voting process.” Para. 20, UN, United Nations Human Rights Committee, General Comment 25 on “The Right to Participate in Public Affairs, Voting Rights and the Right to Equal Access to Public Service.”

⁶⁸ SSRC Polling and Counting Manual for Referendum Officials, p. 11.



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Dec. 29, modifying the start and the end of voting from 8 a.m. to 5 p.m., thereby eliminating an earlier discrepancy between the regulations and the polling manual.

On Jan. 7 and 8, Carter Center observers reported that materials were still being delivered from the counties to the referendum centers, but that they were likely to be in place by the start of polling.

POLLING

Polling started on Jan. 9 and was scheduled to run for seven days, through Jan. 15. Most referendum centers opened on time and were well-stocked with the appropriate materials.⁶⁹ In the South, voters started queuing as early as 2 a.m. for the 8 a.m. opening of the polls, with some voters sleeping overnight at the polling stations. The first two days saw very long and slow-moving queues, particularly



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Voter turnout in Southern Sudan was massive on the first days of polling as scores of Southerners waited in line overnight to cast their ballot.

in urban areas, but the majority of voters expressed excitement rather than frustration over the long wait. In Northern Sudan, the opening days of polling were

more subdued with a significantly lower percentage of the registered population turning out to vote. By the final day of voting, Carter Center observers reported turnout for Southern Sudan exceeding 90 percent of registered voters and in Northern Sudan more than 50 percent based on the referendum centers visited.

Overall, Carter Center observers reported that



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The Carter Center short-term observer delegation stands on the banks of the Nile following pre-deployment briefings in Juba.

⁶⁹ In very few cases (one in Blue Nile and one in Lakes), centers were missing screens to block the polling booth, but staff was able to improvise a solution. Referendum center staff reported problems with the hole-punchers across Sudan, although scissors were provided in the voting kits as a backup option.



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referendum center staff followed procedures, and the vast majority of eligible voters were able to exercise their right to express their self-determination as provided for in the CPA.⁷⁰ During the voting period, which lasted from Jan. 9–15, there was an overwhelming turnout of voters, who cast their ballots in an atmosphere of enthusiasm and solemn determination to participate in a historic referendum process. Although this enthusiasm led to long queues during the initial days of polling in Southern Sudan, voters displayed patience and commitment. The Carter Center mission reported that the Southern Sudanese people participated peacefully in the referendum, with the few exceptions of security incidents that occurred in Unity state, Abyei, and on the border of Northern Bahr al Ghazal–South Darfur. The SSRC and SSRB and their technical assistance providers should be commended for organizing the exercise in a logistically challenging environment within a short time period. Despite these many successes, there were some problems with the voting, which are highlighted in the following sections.

During the voting period, which lasted from Jan. 9–15, there was an overwhelming turnout of voters, who cast their ballots in an atmosphere of enthusiasm and solemn determination to participate in a historic referendum process.

TURNOUT IN NORTHERN SUDAN

The Carter Center observed that the turnout in Northern Sudan was relatively low throughout the polling period. Interlocutors told observers that this was partially due to the fact that transportation that had been provided to people during voter registration was not provided during voting. Other reasons given for the low turnout were that many Southerners were in the process of returning to the South and that those who remained were confused and anxious about the post-referendum period. There were also reports that Southerners feared being the target of reprisals were they to vote in the North, although observers

did not have direct evidence of threats of reprisals.

UNAUTHORIZED ASSISTED VOTING/SECRECY OF THE VOTE

According to the SSRC rules and regulations on voting, only blind, elderly, and physically disabled people should receive assistance when voting. These regulations explicitly excluded assistance to illiterate voters, although this was not the case during the April 2010 elections when polling station staff was permitted to give assistance to this group of voters (a large portion of the voting population in Sudan).⁷¹

However, in all 10 states of Southern Sudan, Carter Center observers reported incidents of unauthorized assisted voting. Observers reported large numbers of voters who did not understand the voting process. Many of these voters received some assistance from referendum center staff in the polling booth. For the most part, the efforts of referendum center staff to assist were judged by the Carter Center observers to be well-intentioned and in response to voters' desire

for assistance to cast their ballots. The participating officials seemed to want to mitigate the problems of poorly educated voters and did not appear to be attempting to manipulate the vote.

Nonetheless, in seven Southern states, observers reported that referendum center officials in a small number of centers marked ballots for voters and

70 CPA, Machakos Protocol, Part A; Agreed Principles.

71 The principle of assistance to disabled or infirm voters is complemented and strengthened by UNHRC General Comment No. 25, which provides that assistance provided to the disabled, blind, or illiterate should be independent.



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physically assisted voters to cast ballots.⁷² Although observers believed the officials generally acted with good intentions (with a few important exceptions), the loss of agency for these voters is an issue of concern.⁷³

While voters did not seem disturbed by such assistance, it runs counter to Sudan’s commitments to ensure a secret ballot.⁷⁴ Observers noted other problems that could affect the secrecy of the vote, including the absence of voting screens in some centers as well as problematic placement of voting booths, which allowed either referendum center staff or observers to see how voters were voting.⁷⁵

SECURITY FORCES AND INTIMIDATION

Although most security personnel followed the SSRC rules requiring them to remain outside the perimeter of the center unless invited inside, Carter Center observers reported that security forces were present inside 20 percent of the referendum centers visited by observers in Southern Sudan.⁷⁶ In Jonglei and Upper Nile, representatives from National Intelligence and Security Services were present inside a large majority of referendum centers observed by Carter Center observers. One branch of the Southern Sudan Police Service, the Criminal Investigation Division, received accreditation from the Northern Bahr el Ghazal State Referendum Committee, which was subsequently revoked once the mistake was realized.

On occasion security officials interfered with the process. This was the case in a number of centers in Jonglei, particularly rural areas in Ayod and Akobo counties.⁷⁷ While this represented a small sample of the referendum centers visited, the breach of the secrecy of the ballot for the affected voters is of strong concern.

In both Northern and Southern Sudan, observers recorded large and seemingly disproportionate

numbers of security officials outside centers. In a few cases, these personnel were heavily armed, a phenomenon that may have led to intimidation of voters.

In Darfur, security presence was excessive; and while they did not directly intervene in the process, their presence was intimidating, and observers were unable to speak freely with voters, which contravened both the Referendum Act and the right to liberty and to the security of the person.⁷⁸ SPLA soldiers were observed outside a few

centers in Jonglei and Central Equatoria, despite the fact that the remit for referendum security lies solely with the police.

While the majority of voters were able to exercise their rights to self-determination and universal suffrage freely, there were several worrying cases of

While the majority of voters were able to exercise their rights to self-determination and universal suffrage freely, there were several worrying cases of intimidation.

72 Central Equatoria, Eastern Equatoria, Western Bahr el Ghazal, Northern Bahr el Ghazal, Jonglei, Unity, and Warrap.

73 In particular, in a few referendum centers in these states, observers saw the chairperson physically cover the unity option so it could not be marked, and/or the chairperson (and in one case a political party agent) physically put the voters’ thumbs on separation.

74 Interim National Constitution of the Republic of Sudan, Art. 41 (2); CPA Protocol on Power Sharing, 1.6.2.11.; This runs against the principle of secrecy of vote provided that states have agreed to “take measures to guarantee the requirement of the secrecy of the vote during elections. Voters, election officials, party agents, and party supporters need to be assured of the secrecy of their ballot to avoid suspicion, mistrust, political violence, intimidation, as well as political retribution and victimization.” The Carter Center also notes as problematic the large presence of plain clothes security agents inside and outside polling centers, potentially undermining the secrecy of the vote.

75 In a few centers, observers noted that insufficient voter education on the need to fold the ballot led voters to place their ballot into the ballot box in a way that revealed their choice.

76 This occurred in the states of Central Equatoria, Jonglei, Lakes, Northern Bahr al Ghazal, Upper Nile, Warrap, and Western Bahr el Ghazal.

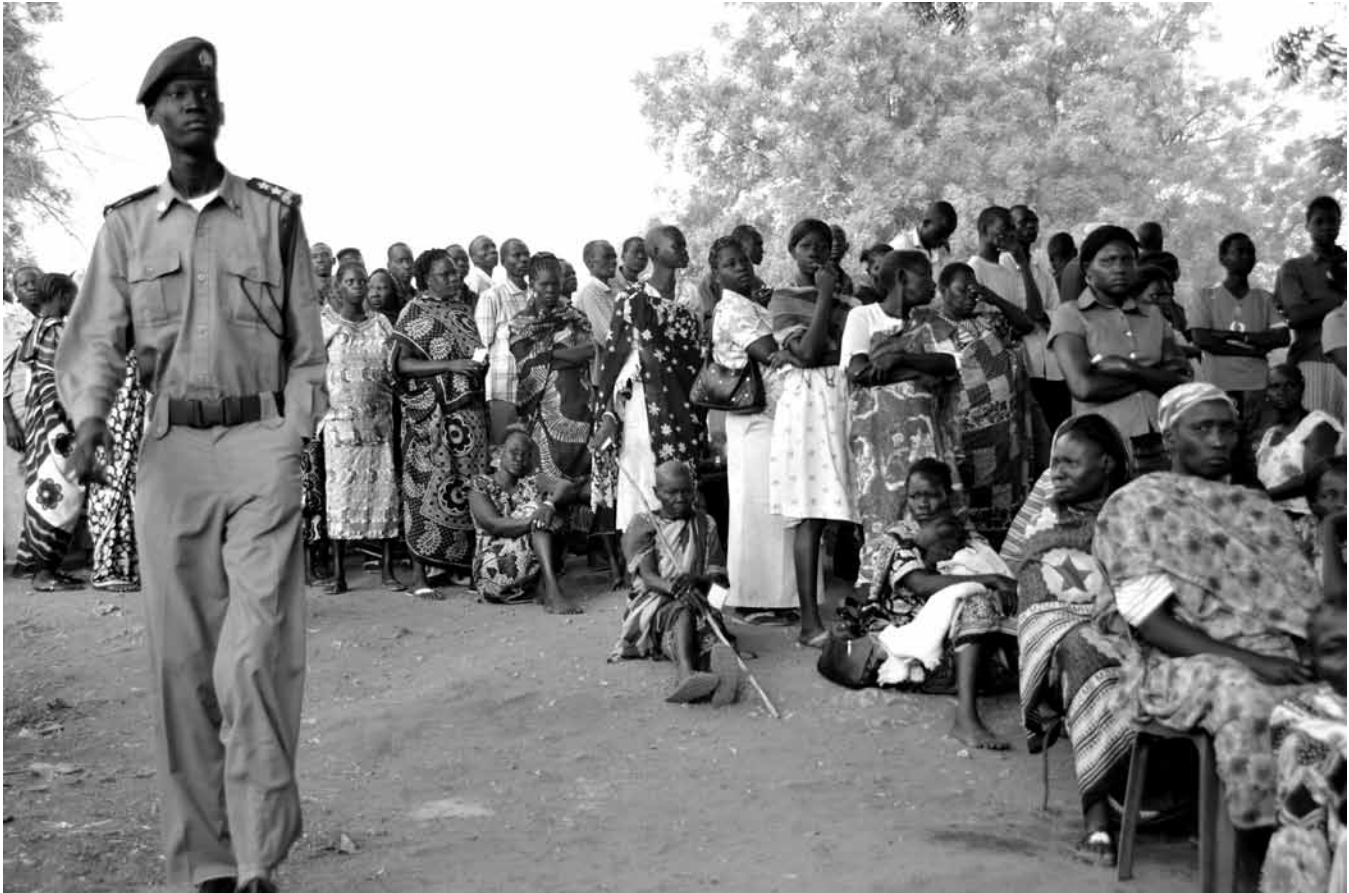
77 At one referendum center (RC), armed police were observed watching voters cast their ballots and unfolding ballot papers to check which way people voted before placing the ballot in the ballot box. At another RC in Jonglei, observers witnessed police assisting people to vote by telling them where to place their thumb and not allowing them privacy to make their choice. At other stations, there was a large armed police presence inside the referendum centers.

78 SSRA, Art. 57; African Charter on Human and People’s Rights, Art. 6.



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Police and military personnel were usually located near the polling stations. On occasion, observers noted that security personnel entered polling stations in violation of electoral law.

intimidation. In Western Equatoria and Central Equatoria, there were reports of intimidating radio messages from government officials and others warning of consequences for those who did not vote.⁷⁹ In Northern Bahr al Ghazal, police pressured businesses to close on the final day of polling so that people would go and vote.⁸⁰

CONSIDERATION COMMITTEES

As outlined previously, the SSRC regulations called for the establishment of Consideration Committees at referendum centers during polling to hear complaints about the process from registered voters. Carter Center observers reported there were Consideration Committees in only 6 percent of referendum centers

visited in the South during the polling period.⁸¹ In the North, observers noted that they were present in a majority of referendum centers (55 percent of those visited). The failure of the SSRC and SSRB to establish Consideration Committees in a timely man-

⁷⁹ In addition, in Yambio, Western Equatoria, the “Arrow Boys,” a local militia force, acting on their own initiative, set up a checkpoint and were checking people for ink to make sure they voted. Those without ink apparently would be put under temporary arrest. While observers were present, they had not found anyone without ink. The subcommittee drove by them several times and mentioned nothing of the unauthorized checkpoint.

⁸⁰ One woman who had not been informed and opened her shop was arrested.

⁸¹ Consideration Committees were to be established by the SSRC Rules and Regulations on Polling and Counting to adjudicate appeals at the referendum centers.



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ner potentially limited the right of redress and undermined the right to “effective protection and remedies” during polling.⁸²

INACCURACIES IN THE VOTER REGISTRY

The completion of a voter registry for nearly 4 million Southern Sudanese within the compressed referendum time line was an impressive achievement by the SSRC, SSRB, and the people of Sudan. The use of the registration booklets for the official registry and fixed voter registration sites helped reduce the enormous challenges experienced during the April 2010 elections where many registration sites were mobile.⁸³

Nonetheless, in some states in Southern Sudan, Carter Center observers reported that problems arose during polling due to differences among the voter lists used by the referendum centers, subcommittees, and SHRCs and the total registration figures compiled at the data center in Juba. The lack of clear communication between the SSRB and SHRCs regarding the final number of registrants led to confusion among some referendum center staff about which final registration numbers to use—the number from the registration books, the one they were given by the SHRC as a compilation of the daily tracking figures during voter registration, or the one from Juba. This resulted in some referendum centers excluding voters from the registry and potentially turning away legitimately registered voters, and others where additional ballots were cast beyond those in the SSRB list.

Most of these problems were due to the short window between the creation of the preliminary voter registry and the start of polling. Time constraints caused the SSRC to compress what should have been a much longer period for reviewing the final voter registry. As a result of the abbreviated referendum

calendar, there was only one day between the release of the final voter registry and the start of polling. There was insufficient time to ensure that the results forms from voter registration accurately reflected the voter registration books at the local level.

In Unity and Northern Bahr al Ghazal, some referendum centers were incorrectly instructed to adhere to voter registration figures from daily tracking totals

compiled during registration or the SSRC’s final list, even if these totals did not reflect the actual number of names in the registration books. In Unity, the SHRC used the daily tracking form numbers instead of the final voter list from SSRB. The consequences of the discrepancies in registration numbers were severe in some instances. Referendum

center staff informed observers that they had been instructed to use the registration number from the daily tracking, even when the tracking form did not reflect the actual number of people registered in the books. The observers confirmed that it was the SSRB final voter list that was consistent with the number the referendum centers had registered in their books. Unfortunately, neither the SHRC nor the referendum center staff seemed aware of the existence of the SSRB list. If additional voters went to the referendum

The completion of a voter registry for nearly 4 million Southern Sudanese within the compressed referendum time line was an impressive achievement by the SSRC, SSRB, and the people of Sudan.

82 Article 2(3) of the ICCPR and Article 6 of the UN International Convention on the Elimination of All Forms of Racial Discrimination.

83 While the electoral authorities’ decision to deploy mobile voter registration teams for the national elections was intended to facilitate broad geographic coverage during registration (due to the relatively short period of time spent in each location), inclusive and successful registration required timely dissemination of information regarding the registration schedules. In many areas, such information was not easily available. Despite the mobility of registration centers, observers reported many citizens traveled great distances and endured significant hardship to participate in the registration process, sometimes to find out a mobile center had already left the area. Many registration teams experienced difficulties in securing adequate transport as they moved from place to place. See the Carter Center’s report on the 2010 National Elections, available at www.cartercenter.org.



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center to vote after the center had already reached 100 percent turnout, the referendum center would have two options—either turn the voters away or reach a turnout number exceeding 100 per cent.

Observers were shown typed registration lists at two centers in Leer and Pariang counties, which were treated as the final lists. In one of these cases, referendum center staff admitted that 97 people in the registration book had been omitted from the typed list in order to match the number of people on the daily tracking form. This is likely to have resulted in some eligible voters being turned away.

POLL CLOSING

Carter Center observers reported that counting procedures were generally followed and that referendum center staff seemed to understand and implement the regulations sufficiently, with a few minor deviations from procedure. Overall, observers noted some confusion caused by referendum staff not fully understanding the procedures for packing and delivery of sensitive materials to subcommittees and state referendum committees.

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A referendum staff member signs in voters on the first day of polling.



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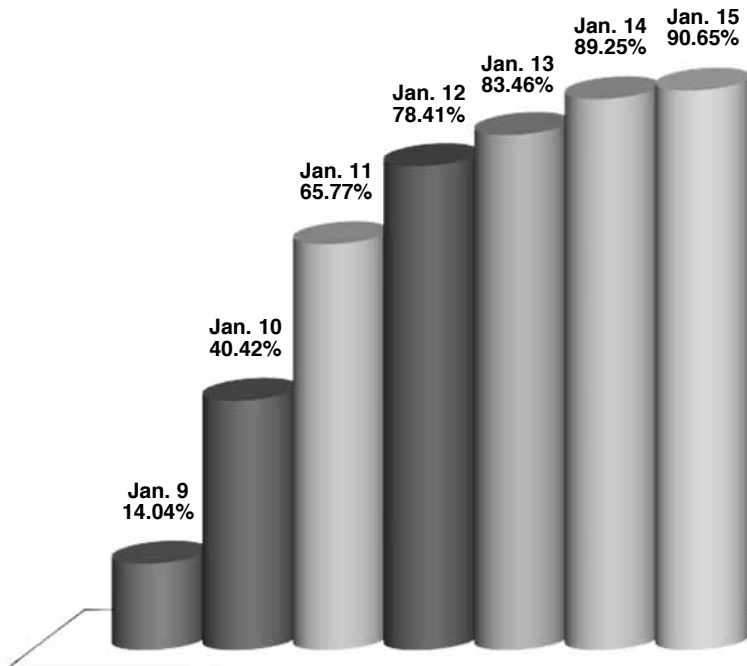
Although the SSRC regulations called for counting to begin after the close of Jan. 15, the final day of polling, some centers in remote areas started counting on Jan. 13, stating that all registered people already

had voted. In addition, a few referendum centers in Kapoeta South County started counting several hours early on Jan. 15 before closing had begun, at the direction of the subcommittee.

Turnout

Based on the number of registered voters in the referendum centers visited by Carter Center observers and the approximate number of voters (1,142 observations covering 790 referendum centers are included in this sample)

The bars represent the cumulative figures taken each day of the referendum.





POST-REFERENDUM DEVELOPMENTS

The SSRC and SSRB implemented the counting and tabulation processes in a manner broadly consistent with international standards and good practice. With 97.58 percent of registered voters turning out to vote, the final result of the referendum was 98.83 percent for separation,⁸⁴ overwhelmingly confirming the will of Southern Sudanese to form an independent state after the CPA's conclusion on July 9, 2011.

COUNTING AND RECONCILIATION

The accurate and fair counting of votes postelection or post-referendum plays an indispensable role in ensuring the electoral process is democratic. Vote counting and reconciliation includes the ballot-counting process and all aggregation and tabulation processes through to the final announcement of results, ensuring the transparency of the process. Sudan's international and regional agreements recommend that votes be counted by an independent and impartial electoral management body whose counting process is public, transparent, and free of corruption.⁸⁵

Following the end of polling, dozens of follow-up visits were made by Carter Center observers to subcommittees and state referendum bodies in the North and South to observe the transport of materials and the aggregation of votes. Observers reported that referendum center staff largely adhered to proper procedures for counting and that referendum center staff counted invalid, blank, secession, or unity votes according to the procedures.

However, the subsequent reconciliation and packing processes were not conducted as smoothly as the polling and counting processes, particularly in the South. As noted in the Center's Jan. 17 preliminary statement, Carter Center observers reported confusion at a small number of referendum centers where referendum staff did not correctly follow procedures for packing and delivery of sensitive materials to subcommittees and State High Referendum Committees.⁸⁶ In the North, counting and tabulation proceeded quickly, and tabulation was completed by Jan. 17 in all locations except South Kordofan and Darfur.

The retrieval of materials was completed in an efficient manner and was a major reason for the timely release of results by the SSRC and SSRB. The SSRC, SSRB, and international technical advisers executed the efficient return of materials from 2,812 referendum centers across the country as well as the 188 referendum centers in OCV locations.

The subsequent reconciliation and packing processes were not conducted as smoothly as the polling and counting processes, particularly in the South.

⁸⁴ This included 3,792,518 votes for separation out of 3,837,406 valid votes cast.

⁸⁵ African Charter, Art. 17(1); UNHCR General Comment No. 25, Para. 20; United Nations Convention Against Corruption, Art. 18.

⁸⁶ Observers across Southern Sudan reported challenges with the tamper evident bags (TEBs) at a number of referendum centers. This included failure to place materials in TEBs overnight after counting and completion of the results forms (most continued to seal the materials in boxes), misplacing materials in different bags, and the subcommittees incorrectly opening the TEBs before they had reached the data centers. Observers reported that these errors appeared to be due to lack of training and did not threaten the integrity of the counting and tabulation processes.



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TABULATION

Carter Center observers reported that both the Khartoum and Juba data centers functioned generally in a smooth and credible manner. In addition, access for observers to the Juba data center was adequate to conduct their work, as all accredited international and domestic observers were allowed to observe at the data centers after a simple registration procedure. This was an improvement compared to more limited access that was provided during the voter registration tabulation.⁸⁷

Very high turnout and the results, resoundingly in favor of one option, are highly unlikely in most genuinely competitive elections.

The SSRC data processing safeguards were designed in a context where an extremely high turnout was expected and where strong support for one option was widely anticipated. The Carter Center notes that in most other electoral contexts, these data processing

procedures would not be appropriate and recommends that future electoral bodies in Sudan and South Sudan do not use this threshold as a precedent. Further, it should be made clear to the Southern Sudanese and future election administrations that the very high turnout and the results, resoundingly in

favor of one option, are highly unlikely in most genuinely competitive elections.

Quarantine and Audit Triggers

According to the data processing procedures, only referendum center results forms that had turnout greater than 105 percent were quarantined and slotted for investigation.⁸⁸ Therefore, a number of referendum centers that reported total votes greater than the number of registered voters based on the tabulation of the final register (i.e., with turnout between 100–105 percent) were not automatically quarantined. This was the case in 267 out of 2,638 referendum centers in Southern Sudan and collectively amounted to a total of 3,011 additional votes. Most of these cases reflected differences between the SSRC’s registration data and the registration books used at the referendum center level, discussed in further detail above. Data center staff indicated that this high threshold for an audit was designed to accommodate inconsistencies in the voter registry, in light of the fact that voter registration results were received at the SSRB very late in the process and in some cases with incomplete registration information. However, the procedures on data processing and review were neither widely publicized nor well understood by referendum stakeholders.

In other electoral contexts, in most countries, a polling center with results exceeding 95 percent for one candidate would normally be subject to an audit.

During data processing, 36 referendum center forms were quarantined for having more than 105 percent turnout, all in Southern Sudan. The SSRB investigation of these results determined that in all 36 quarantined cases, there was no evidence of manipulation. Of these, nine cases were determined to be clerical errors and remedied by data entry staff in Juba. In the remaining 27 cases, the SSRB reported that 25 cases were due to incorrect completion of registration results forms. The other two quarantined RCs had problems because of inaccurate completion of the polling results forms. Based on these investigations, the SSRB amended the final voter registry.

⁸⁷ Initially, Carter Center observers were not guaranteed a permanent seat to observe in the Juba data center and were not allowed to bring into the data center observer checklists or pens. After raising this with the Bureau, these restrictions were lifted. During the polling tabulation, observer access was further improved by regular oral and written updates from the data center management.

⁸⁸ When RC’s results were quarantined, the SSRB excluded those results from the database and requested that the relevant State High Referendum Committee conduct an investigation to determine if the number of registered voters in the final voter registry matched the registration books at the RC, that the results forms were correctly completed, and that there was no evidence of other irregularities. In most areas of Sudan, support was overwhelmingly for separation.



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Voters' fingers are dipped in indelible ink as a safeguard to prevent one person from casting multiple votes.

At the Khartoum data center, no results forms triggered the quarantine threshold.⁸⁹ Forms from OCV were received online and went through similar procedures, except that data entry completed with electronic forms was verified with originals from the OCV countries once received.

While the tabulation process was generally conducted in a transparent and credible manner, for future elections the Center encourages electoral authorities to ensure that procedures on tabulation and data processing are publicly disseminated and explained and that they ensure adequate and transparent safeguards. This would promote good governance and contribute to transparency of the process.⁹⁰

REFERENDUM DISPUTE RESOLUTION

Effective dispute mechanisms are essential to ensure that remedies are available for the redress of violations of fundamental rights during the referendum process.⁹¹ According to the Referendum Act and the SSRC regulations, referendum disputes were to be adjudicated at the referendum centers by the

⁸⁹ Some forms were temporarily rejected before correction because RC officials failed to write the correct RC code, the RC names were different from those on data center records, or RC codes on TEBs were different from the results forms.

⁹⁰ Articles 3 and 12 of AU, African Charter on Democracy, Elections, and Governance.

⁹¹ International Covenant on Civil and Political Rights, Art. 2(3); UNHRC General Comment No. 32, Para. 18.



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referendum chairpersons and by Consideration Committees, three-member committees appointed by the referendum center chair.⁹² The Consideration Committees were mandated to consider appeals from people denied the ability to register during the voter registration and to hear complaints from registered voters during the appeals process. Competent courts, which are special courts established for the referendum, were to hear appeals from Consideration Committees and preside over trials for illegal and corrupt referendum practices. Finally, the National Supreme Court in Khartoum and the Supreme Court in Juba were to hear appeals to the preliminary referendum results at any referendum center.

Disputes at the Consideration Committees and Competent Court Levels

As noted above, though the number of people affected is relatively small, delays in establishing Consideration Committees may have rendered some individuals unable to appeal rejections based on eligibility as well as denied people their ability to submit complaints during polling. Even when Consideration Committees were established, confusion persisted over their functioning, role, and authority.

Pursuant to the SSRA, the National Supreme Court in Khartoum and the Supreme Court of Southern Sudan appointed judges to serve on competent courts. Like Consideration Committees, competent courts were, for the most part, not designated and accessible until the end of voter registration (or later, in the case of Southern Sudan), and very few cases were brought to the competent courts.

The right to an effective remedy when a voter was rejected was impacted by the delays in establishing Consideration Committees and competent courts, and

the lack of voter education about these mechanisms impeded the voters' right to an effective remedy.⁹³ The Sudanese domestic legal framework generally complies with Sudan's international obligations; however, its implementation in these areas falls short of international standards.

Legal Challenges to the Referendum

Legal challenges to the referendum process were filed with the Constitutional Court in Khartoum. No cases were filed in the Southern Supreme Court. In Northern Sudan, political parties and aggrieved individuals brought cases alleging violations of the CPA, INC, and SSRA. The court accepted five cases—with two dismissed and three left unresolved because of the absence

of two Southern judges—in late December 2010. Constitutional issues raised and under consideration during the cases included: the time frame for the conduct of the referendum; the composition of the SSRC, violations of the SSRA,⁹⁴ and the postponement of the Abyei referendum. The court declined to hear cases related to individual eligibility determinations and corrupt practices, as appellants had not exhausted the remedies provided for in the SSRA, claiming that voters failed to address their issues to the Consideration Committees and competent courts.

No appeals to the preliminary results were made to either the National Supreme Court in Khartoum or the Supreme Court of Southern Sudan in Juba during the applicable window, and on Feb. 7 in Khartoum, the final results were announced by the SSRC without appeals or challenges.

Legal challenges to the referendum process were filed with the Constitutional Court in Khartoum.

92 Referendum Act, Art. 30(2); Voter Registration Regulations, Reg. 15.
93 UN International Covenant on Civil and Political Rights, Art. 2(3) (a).

94 Southern Sudan Referendum Act, Arts. 25 and 28.



OUT-OF-COUNTRY VOTING

The SSRA extended the right of participation in the referendum process to eligible people living in locations other than Southern Sudan.⁹⁵ The SSRC determined that out-of-country voting (OCV) should be conducted in Australia, Canada, Egypt, Ethiopia, Kenya, Uganda, the United Kingdom, and the United States of America. Logistical and technical support was provided by the International Organization for Migration (IOM), as determined by law, and the memorandum of understanding signed by the IOM and SSRC.⁹⁶ There was no restriction placed on eligible Southern Sudanese crossing international borders to register and subsequently vote. By providing for out-of-country voting, the GOS took steps to ensure a wider pool of registrants, consistent with its obligations toward universal and equal suffrage.⁹⁷

The Carter Center deployed 26 observers in the eight OCV countries for the registration phase and 28 for voting (adding a second team in Australia for coverage in both Melbourne and Sydney). All Carter Center observers were formally accredited by the SSRC in a timely manner. The Center is grateful to the SSRC for the understanding and speed shown in the issuing of cards for OCV observers.

The final number of registered voters amounted to 60,219, which fell far short of the projected figure of 353,725.⁹⁸ Facilities and materials were prepared to accommodate up to 376,000 participants.⁹⁹ Referendum administration had difficulty assessing the potential number of eligible voters in each country since the data was collected from several official and unofficial sources. At the same time, a number of factors may have discouraged registration, including

reports heard by Carter Center observers that some Sudanese believed that polling results would be manipulated in Khartoum to favor a vote for unity.¹⁰⁰

Throughout the OCV countries, Carter Center observers found well-trained referendum center staff, with a few isolated exceptions in which some had poor knowledge of the post-counting packing process.

ADMINISTRATION

Throughout the OCV countries, Carter Center observers found well-trained referendum center staff, with a few isolated exceptions in which some had poor knowledge of the post-counting packing process. In spite of some periods of inactivity during the registration process, staff remained motivated and diligent in their work.

Carter Center observers reported that some referendum center chairpersons failed to take firm action to control campaigning—often regarded as shows of pro-secessionist support by voters—within referendum centers.¹⁰¹ On a number of occasions, referendum center staff openly purchased pro-secession merchandise from vendors in the vicinity or even

⁹⁵ SSRA, Art. 5.

⁹⁶ SSRC, Art. 27; A Memorandum of Understanding (MOU) was signed between SSRC and IOM on Oct. 4, 2010, which governed the cooperation in the organization of the Out-of-Country Registration and Voting (OCRV) programme for the conduct of the referendum.

⁹⁷ Universal Declaration of Human Rights (UDHR), Art. 21 (3) and ICCPR, Art. 25.

⁹⁸ SSRC undated document “OCV SS Population Estimates and Proposed Locations of Referendum Centers.”

⁹⁹ IOM Consolidated Polling Daily Turnout Tracking Spreadsheets.

¹⁰⁰ In Uganda, the SPLM supported boycotting OCV registration by providing buses to Southern Sudan. In the three East African countries, the cost of transportation to a center and harvesting obligations at home prohibited many Southern Sudanese from registering.

¹⁰¹ Observed, among others, in Addis Ababa, London, and Washington, D.C. Handing out propaganda observed inside RC in Melbourne.



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inside referendum centers.^{102 103} There were reported instances of voter booths that were not positioned in a way that would preserve the secrecy of the vote. GoSS and SPLM observers occasionally were seen to assume duties of referendum center staff. Despite these minor issues, voting in OCV countries was conducted in a secure and peaceful environment and in a manner consistent with international standards and Sudanese legislation.

The IOM staff behaved and performed professionally and effectively throughout the process. By the time voting took place, initial suspicion and rumors about linkages between the IOM and pro-unity actors in Khartoum and problems regarding location of centers, selection of staff, and education methodology were no longer prominent issues.

Consideration Committees were present at OCV referendum centers throughout the process, but some initially appeared to be unsure of their mandate and relationship to the chairpersons of referendum centers. Committees were not often invoked beyond making decisions on rejected eligibility or confirming that people without registration cards could not vote. In Northern Uganda, the Arua Consideration Committee played an active role in encouraging participation within the host country.

The Carter Center was disturbed by the documented threats leveled against referendum officials in Uganda. SPLM officials in that country advocated a boycott of out-of-country registration and voting based on fears that figures would be manipulated in favor of unity. A concerted effort in Uganda was made to close down registration, and subsequently voting, in favor of participants traveling to Southern Sudan to engage in the process. Death threats were made against staff in the Kyangwali referendum

center by the SPLM-inspired Referendum Pressure Group¹⁰⁴ and against referendum staff in Kiryandongo anonymously.¹⁰⁵ Both of these instances violated referendum staff's right to personal security as guaranteed by Sudan's national and international commitments.¹⁰⁶ Observers reported that staff at the Kiryandongo referendum center continued their work despite a climate of intimidation and insecurity. The Carter Center strongly condemns any such interference and intimidation in relation to the democratic process and, noting the clear involvement of SPLM, recalls

A concerted effort in Uganda was made to close down registration, and subsequently voting, in favor of participants traveling to Southern Sudan to engage in the process.

Sudan's obligations to ensure uninhibited participation in the process.¹⁰⁷

VOTER EDUCATION

Voter education started only one week before the commencement of voter registration, and a lack of information on the process led to misconceptions and misunderstandings. The most effective voter education was conducted within communities, through social networking sites, or by civil society groups, many of which were related to churches. But mechanisms took time to develop, and there were many gaps in awareness in the opening days of registration. In Canada, it became evident that increased awareness of the process in the more organized communities led to increased participation. The formal spread of

¹⁰² Observed in Melbourne during voting.

¹⁰³ In Addis Ababa on Jan. 11, one referendum center chairperson was seen wearing a shirt embroidered with a political slogan during voting.

¹⁰⁴ Letter signed by Hon. James Chol Maywen, dated Nov. 30, 2010.

¹⁰⁵ Anonymous hand-written letter dated Nov. 23, 2010, but delivered Jan. 14, 2011.

¹⁰⁶ Interim National Constitution, Art. 23(2)b; ICCPR, Art. 9; African Charter on Human and People's Rights, Art. 6.

¹⁰⁷ Southern Sudan Referendum Act, Art. 7.



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information by IOM-sponsored teams did not always use the most effective methodology in relation to the environment. More consultations with local communities earlier in the process may have improved voter education. It should be noted that the Community Task Force in New South Wales, Australia, was effective in encouraging and facilitating Sydney registrants to return to vote.

SECURITY

Security was provided at most sites. Carter Center observers saw no cases of intimidation or other improper activities by these forces. However, on opening day at some referendum centers, observers found that inadequate preparations had been made for crowd control, and additional forces were needed to restore order, in particular at two referendum centers in Australia (Sydney and Melbourne) and a referendum center in Kampala, Uganda.

The unhealthy environment in Uganda and the calls for boycott were fueled by the perception that the IOM was supported by the NCP. Carter Center observers were unable to ascertain the origins and patronage of the dissenting groups or any linkage between groups. Their efforts at disruption of the process were successful in as much as they led to multiple

resignations of referendum staff from the Dinka tribe in the Arua area and the movement of Dinka living in Uganda into Southern Sudan for registration and subsequently voting. The Carter Center received reports that buses were provided to facilitate movement to Southern Sudan for registration and voting and were funded by multiple sources including universities, SPLM, GoSS, and private businessmen.

According to Carter Center observers, attempts to orchestrate a boycott in Kenya by the NGO Countdown to Referendum ren-joyed only limited success.¹⁰⁸

CONCLUSION

Overall, the out-of-country vot-ing exercise should be considered a success, despite the lower-than-expected number of registrants and voters. This success is mea-

sured both in terms of technical integrity and the pro- vision of an opportunity for the Southern Sudanese diaspora to exercise their right to self-determination through the referendum in a largely calm and peaceful manner. Additionally, 96.65 percent of those who registered returned to cast a ballot, a testament to Southerners' determination to participate in the process.¹⁰⁹

Overall, the out-of-country voting exercise should be considered a success, despite the lower-than-expected number of registrants and voters.

108 Led by a former head of GoSS Liaison Office in Kenya.

109 SSRC, Southern Sudan Referendum Final Results Report, p. 6.



ABYEI AND OTHER SPECIAL TOPICS

ABYEI

The Abyei Protocol of the CPA and the Abyei Referendum Act outline the provisions for a referendum in the Abyei area in which its residents would choose either to retain its special status as a part of Northern Sudan or join Southern Sudan. According to the CPA and the Abyei Referendum Act, the Abyei area referendum was supposed to take place simultaneously with the Southern Sudan referendum. After beginning talks on the composition of the Abyei Referendum Commission in early 2010, the parties to the CPA quickly reached a standstill on the issue of who would chair the commission—a critical position given that the chair would cast the deciding vote as to the criteria for participation in the referendum.¹¹⁰

In late 2010, there were two attempts to broker a new agreement between the two parties clarifying the future of Abyei—first by the U.S. government and subsequently by former South African President Thabo Mbeki as chair of the AU High Level Panel on Sudan. President Mbeki put forward six options for the future status of Abyei, but the two parties could not come to an agreement, and the future of Abyei was left uncertain. The failure of the NCP and SPLM to resolve the Abyei issue is a matter of ongoing concern, especially as the uncertainty contributed to increased insecurity in the territory throughout 2011. Indeed, the failure of both sides to agree over who would qualify to participate in the Abyei referendum

contributed to the distrust and the stalemate over Abyei's status, a scenario that produced violent conflict in May 2011.

Following some small-level clashes, an intense spike in conflict initiated by the SAF in retaliation for attacks on Northern troop convoys resulted in the displacement of thousands of Ngok Dinka, the dissolution of the Abyei area administration, and the complete loss of confidence in the United Nations Missions in Sudan (UNMIS) peacekeeping contingent in Abyei. After negotiations in Addis Ababa, the North and South agreed to allow a new United Nations peacekeeping force comprising Ethiopian peacekeepers—

the United Nations Interim Security Force for Abyei (UNISFA)—to take over responsibility for security of civilians in the district.

The first few months of UNISFA's deployment have demonstrated the large obstacles that stand in the way of cooperation between Sudan and South Sudan in Abyei, let alone any resolution of the status of the district. Despite the arrival of an initial group of peacekeepers in August 2011, both sides still have not withdrawn their forces from greater Abyei. Although a deadline for troop withdrawal of Sept. 30, 2011, was agreed to by both sides, the SAF justified keeping troops in the district, in particular in

Given that migratory populations rely on freedom of movement to sustain their livelihoods, Sudan and South Sudan should ensure that their rights to move freely are guaranteed regardless of the decisions on citizenship and the border, which as of the time of writing have yet to occur.

¹¹⁰ The Abyei Area Referendum Act calls for the participation of the Ngok Dinka and "other Sudanese residing in the Abyei Area in accordance with the criteria of residency, as may be determined" by the Abyei Commission. This description does not explicitly provide for the participation of the Misseriya tribes in an eventual referendum.



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Abyei town, on the basis that full deployment of the UNISFA force had not occurred. In response, SPLA forces remain in Abyei (south of the River Kiir) until such a time that SAF pulls out. It is clear that until troops have withdrawn, the displaced Ngok Dinka residents will not return in full, and the distrust between the two parties over the district will continue.

MIGRATORY POPULATIONS

The Carter Center is concerned about the future of migratory populations in Sudan and South Sudan. Given that migratory populations rely on freedom of movement to sustain their livelihoods, Sudan and South Sudan should ensure that their rights to move freely are guaranteed regardless of the decisions on citizenship and the border, which as of the time of writing have yet to occur.

An agreement previously was reached between the SPLM and NCP that SAF would escort Misseriya herders to the Unity state border, after which the SPLA would assume responsibility for their security. Likewise, on their return, the SPLA would escort them to the Northern border, and then SAF would ensure they reached their homelands. This agreement was necessary because of the increased tension during the 2011 grazing season, which corresponded to the referendum vote for secession and the unresolved problems in Abyei.

Often, the issue of migratory populations has been focused on the tensions between Misseriya and Ngok Dinka in Abyei and Unity state, but other migratory groups, such as the Rizeigat and the Ambororo, also face uncertainty over which grazing grounds they will be able to access in the future as a result of the referendum.¹¹¹ Ambororo groups and their cattle have crossed the border from South Darfur into Western Bahr el-Ghazal for decades. Many Ambororo families opted to settle in the South in previous years,¹¹² but the status of those who have stayed in the South and

identify themselves as Southerners is unclear. This problem was illustrated when Ambororo were allowed to register in some areas but not in others.

CONFLICT AND INSECURITY

Conflict and insecurity are likely to continue to be challenges for both Sudan and South Sudan. Although an agreement was signed in Doha between the Government of Sudan and the Liberation and Justice Movement, the majority of armed rebel groups in Darfur continue to oppose the government, while the failure to conclusively resolve the impasse in Abyei and the continued fighting with SPLA-North forces in South Kordofan and Blue Nile threaten the security of the communities living near the North-South border and beyond. Moreover, problems at the local level are often intimately connected to broader political and developmental issues that remain unresolved.

The presence of other armed groups (OAGs) in both Sudan and South Sudan remains another major security challenge. Of particular concern is the threat of the Lord's Resistance Army (LRA) in Western Equatoria and former SAF-linked groups in the northern border areas of South Sudan.

While South Sudan has pledged to cease providing assistance to Darfur rebel groups, the links between

Conflict and insecurity are likely to continue to be challenges for both Sudan and South Sudan.

¹¹¹ The Northern Rizeigat, who regularly cross the border between Southern Darfur and Northern Bahr el-Ghazal in the dry season, and the Dinka Malual, who live in Northern Bahr el-Ghazal, have been engaged in a locally driven peace process for the last few years. On Dec. 28, 2010, Northern Bahr el-Ghazal's Governor Paul Malong oversaw the signing of a peace deal between Rizeigat, Dinka Malual, and Misseriya groups who move in the area to allow cross-border movement into Northern Bahr el-Ghazal after the referendum. While he stressed that this agreement will stand regardless of decisions made on the national level, it is unclear whether this is feasible if tension in Abyei further increases.

¹¹² After escalating tension between the population of Western Equatoria and the Ambororo, in 2010 the Ambororo leadership agreed to move all groups into Western Bahr el-Ghazal, where they have been assigned an area around Deim Zubeir. It is by no means clear, however, whether they will be welcome in this SPLM-controlled area. Also, given uncertainties about citizenship, it is not known if they will still be able to move into Southern Darfur to trade cattle as they have done in the past.



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OAGs in Northern Sudan and the SPLA are of note. There are long-running connections and support provided by the North to rebels operating in the South. Moreover, the transition to an independent state in South Sudan will impact the security of its citizens in ways that are not easily predicted. The international community, particularly South Sudan's neighbors, should stand ready to assist the country in establishing a peaceful, stable state.

BLUE NILE/SOUTH KORDOFAN PROTOCOL

Political developments in the Three Areas and the Blue Nile/South Kordofan Protocol, with security arrangements and a call for popular consultations in the two states, will also affect security and the well-being of peoples in bordering Northern and Southern states. At present time, there has been no progress on initiating one of the last stages of the process, elite hearings, to be held in Damazine. While the popular consultation in Blue Nile had completed a large and inclusive number of public hearings in early 2011, unfortunately, the efforts of the NCP and SPLM to reduce the public hearings to a contest over preferred

systems of government have meant that critical security concerns were not adequately addressed.

The shortcomings of this approach and the continued relevance over concerns about security are evident in the current state of war in Blue Nile. Mediation over the conflict must take precedence over finalizing the popular consultations process without the participation of the SPLM.

In South Kordofan, intense conflict that followed the contested May 2011 elections precluded any opportunity to begin the popular consultation process in the state. In Blue Nile, the eruption of war has cast into doubt whether there can be any credible conclusion to the popular consultations that reflect the will of the people, without the cessation of hostilities and signing of a peace agreement that includes the SPLM. The Carter Center was invited to observe the entirety of the popular consultations in Blue Nile and anticipates continuing to follow developments to the process through a presence based in Khartoum and Juba. The Center's statements and reports relevant to Blue Nile and South Kordofan can be found on its website.¹¹³

¹¹³ See the Carter Center's statement on the Blue Nile popular consultation process, available at www.cartercenter.org.



RECOMMENDATIONS AND CONCLUSIONS

Recognizing the success of the referendum in meeting international standards for democratic elections, The Carter Center provides a set of recommendations below to improve future elections and referenda in Sudan and South Sudan. The recommendations included herein reflect the findings from Carter Center observers and core staff and draw from observations that began in August 2010 and thus span the entirety of the referendum process.

TO THE GOVERNMENTS OF SOUTH SUDAN AND SUDAN

Legal Framework

The INC and SSRA outlined legal time lines for the referendum process. However, there were delays, and CPA time lines were not met accordingly. In this regard, future steps should be taken to ensure that all deadlines of any democratic processes are respected.

There was significant confusion over the application of the eligibility criteria for participation in the referendum. In future electoral exercises, eligibility criteria should be well-defined ahead of the process, with clear guidance from the implementing institution.

National legislation should provide broader participation for women in the process; this can be achieved by introducing quotas for female staff to the makeup of election administration bodies. This would help ensure Sudan and South Sudan are in line with international norms that require that states accord equal rights to men and women before the law and take all necessary steps to ensure that this right is protected and is applied through appropriate administrative, institutional, or legal means.¹¹⁴

Referendum/Election Management

Although both bodies performed their duties well within the constraints they faced, the SSRC and SSRB struggled to complete their duties in the absence of adequate funding. Sudan, South Sudan, and members of the international community should ensure that future funding commitments to election management bodies are fulfilled.

Voter Education

In future elections, election management bodies—as neutral and independent electoral authorities—should lead efforts to educate voters. Sudan and South Sudan should ensure that election authorities

charged with the promotion of voter education understand that they are mandated to conduct voter education.

To improve understanding of electoral processes, more resources should be devoted to voter education in rural areas and through additional mediums beyond radio and television.

In future electoral exercises, eligibility criteria should be well-defined ahead of the process, with clear guidance from the implementing institution.

Media

The media in both Sudan and South Sudan often are biased in their reporting. In Sudan, it is critically important for the government to remove its heavy-handed restrictions on media content and cease intimidation of media houses. Likewise, in South Sudan, it is important for the government also to refrain from intimidation and harassment of media

¹¹⁴ UN, International Covenant on Civil and Political Rights, Art. 3; AU, Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa, Art. 2(a).



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Deborah Hakes

Carter Center observer Jennie Lewis talks with a polling staff member to gather information on the referendum process.

houses and pass progressive media legislation that creates an enabling environment for the operation of a free and professional media sector.¹¹⁵

Voter Registration

South Sudan should consider distributing identification cards ahead of the next electoral exercise so that there is less reliance on subjectivity in the confirmation of a person's identity.

Security Forces

The Carter Center observed high numbers of security officials gathered outside referendum centers and on some occasions inside referendum centers. The mere presence of a high number of security officials can be intimidating to voters.

For future elections, there should be limits to the numbers of security officials outside registration and polling centers—with the exception of responses to incidents—and security officials should be properly trained to remain a certain distance from the center unless requested inside by election staff.

Intimidation

Regardless of the nature of future elections, political parties and members of government in Sudan and South Sudan should refrain from using intimidating behavior as a mechanism to influence the number

¹¹⁵ AU, African Charter on Democracy, Elections, and Governance, Art. 27(8).



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of people registered or the outcome of the vote. All members of Sudanese and South Sudanese society should have the freedom to participate or not participate in their respective electoral exercises.

Abyei

The parties should urgently come to an agreement on the future of Abyei that addresses the concerns and interests of both the Ngok Dinka and Misseriya communities. The continued absence of a roadmap for Abyei contributes to heightened tension in the area and increased potential for conflict.

Post-Referendum Issues

The NCP and SPLM should urgently conclude agreements on unresolved CPA issues, with particular attention to the question of citizenship for Southerners in Sudan and Northerners in South Sudan. Since the GOS has rejected the concept of dual citizenship, an agreement on citizenship should be reached to prevent statelessness. The Republic of South Sudan (RoSS) already has made a positive statement that they will allow for dual citizenship and for the rights of Northerners in the South to be protected.

The RoSS should increase its assistance to returnees throughout South Sudan and to those in parts of Sudan still awaiting assistance to return. The RoSS encouraged Southerners to return to the South before the referendum, so it now must act to provide urgent relief and resettlement assistance to this segment of the population.

In order to prevent future border-related conflict and facilitate demarcation, the parties should conclude agreements on the disputed areas of the border and should consider a “soft border” agreement that allows for more flexible movement of people and goods across the new international border.

Both governments should facilitate the ability

of migratory populations to move freely within and across the neighboring nations.

TO FUTURE ELECTION MANAGEMENT AUTHORITIES IN SOUTH SUDAN AND SUDAN

Referendum/Election Management

Future election bodies should follow the precedent set by the SSRB and, to a large extent, the SSRC in communicating information to the public through regular press conferences. Additionally, the willingness of the SSRB and SSRC to speak often and openly to observers provides an excellent model for future interactions between election management bodies and observers.

Communication

Due to the lack of infrastructure, future election management bodies in South Sudan will face similar challenges in efforts to communicate with staff across the country. The SSRB utilized a number of different measures to close the communication gap, including the deployment of satellite phones and reliance on UN personnel in communities to retrieve information. In future elections, a similar combination of measures will

be necessary. Election management bodies should create a communication strategy ahead of the electoral exercises for reaching election authorities in localities of South Sudan, particularly in places without cell phone reception. The communications strategy should provide for physical visits to isolated centers by senior election authorities to decrease isolation and gaps in communications.

Payment and Training of Staff

The failure to pay referendum staff in a timely manner or to properly educate them about their payment

The continued absence of a roadmap for Abyei contributes to heightened tension in the area and increased potential for conflict.



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schedule put the referendum process in unnecessary jeopardy, as discontented staff can easily disrupt an electoral process. Future election staff should be given contracts, adequate information about payment schedules and stipends, and timely payment. Sudan and South Sudan run a risk of setting a poor precedent for the payment of election staff, and this precedent could threaten the ability of future election management bodies to attract skilled workers.

Location of Polling Centers

Many voters in Northern and Southern Sudan complained about the location of referendum centers. The distribution of registration and polling centers should be designed with greater consideration for the location of target communities and the lack of adequate transportation, particularly in South Sudan.

Voter List

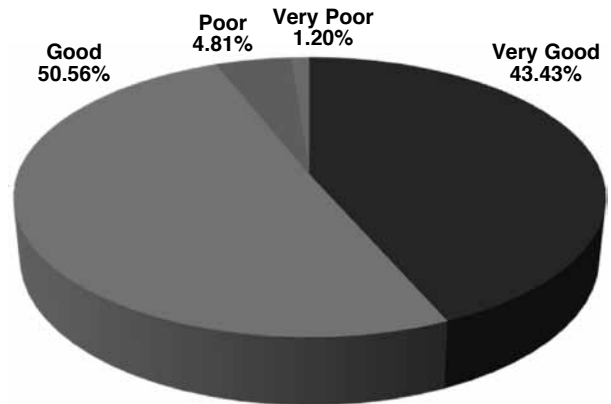
The failure to implement the three-month period between publication of the final voter list and polling as outlined in the SSRA compromised the accuracy of the voter list, which directly led to incidents of over 100 percent turnout in a number of centers in Southern Sudan. Future elections should adhere to legally established time lines to prevent such inaccuracies.

Deborah Hakes



Two young women take a break during the long wait to cast a vote in the referendum.

What is your overall evaluation of the referendum center?



Source: Carter Center observer checklists reflecting more than 1,000 visits to referendum centers from Jan. 9–15, 2011

Harassment to Participate

Future election authorities should make it very clear that people are not required to vote. It is a choice to participate in a democratic process. If people choose not to vote, they should not face intimidation or harassment. It is critical that future election staff and the government make this distinction.

Campaigning

Election authorities should properly alert interested actors about campaign regulations. In future elections, clear distinctions should be made between the role of domestic observers and political party agents so as not to compromise the independence of domestic observation in Sudan and South Sudan.

Domestic Observation

Election authorities should ensure timely accreditation of both international and domestic observers. Additionally, accreditation requirements should take into consideration logistical and economic realities of South Sudan and should not require photos or travel beyond state capitals.

Voter Registration

Future election management bodies should ensure better distribution of materials so registration cen-



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ters do not run out of materials as they did in South Sudan during the registration period. Also critical will be the creation of contingency plans for quick resupply of materials should centers run out.

If using identifiers in future electoral exercises, the election management body should ensure that identifiers are representative of people in the respective community, their selection is somehow standardized, they receive training, and there is clarity as to if and how they are paid.

Eligibility regulations also should be clarified in time to ensure referendum center staff apply eligibility criteria consistently.

Preparations for Polling

More time should be spent training staff. Those involved in conducting the first step of trainings should stay engaged down to the lower levels to ensure that these trainings are conducted properly. The trainers of referendum staff spent too little time

on demonstrating how to fill out the data entry form (R5) and other forms, and Carter Center observers noted many problems in the completion of these documents.

Future election staff should be trained to understand the entire process from distribution of materials to announcement of results. Observers found that staff understood specific parts of the process but not how these distinct components fit together. Therefore, when challenged to fill out forms and pack up materials, they did not seem to understand the importance of these steps of the process.

Future elections should have more durable materials appropriate for outdoor polling. Additionally, screens used to ensure privacy should be made, keeping in mind parts of the Southern Sudanese population tend toward greater height.

The indelible ink used in polling rubbed off in a few days' time. In the future, election management bodies should ensure that the ink will last the entire

polling period. They also should make a greater effort to train staff on how to instruct voters in the proper application of ink and inform them of its purpose.

Polling

Assisted Voting

Assisted voting procedures will continue to be important in South Sudan given the comparative lack of experience with elections and low levels of literacy. Efforts should be made to properly train referendum center staff and local authorities as to who is legally allowed assistance during voting.



Carter Center observers watch polling at a referendum center in Eastern Equatoria.



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Thumbprint

The procedure of having voters use their thumb to mark the registration book and then receive the ballot may have led to numerous spoiled ballots. This should be considered in the context of the next electoral exercises in Sudan and South Sudan.

Opening and Closing Hours

Opening and closing hours of registration and polling centers should account for voters who work or have other duties during the standard working hours. Additionally, clarification should be given in advance if registration and/or polling centers will be open or closed on holidays or weekends.

Voter Registry

All subsidiaries, down to the community level, should work with the official and final voter registry so as to avoid confusion regarding final voter numbers, as was observed in Unity and Northern Bahr el Ghazal states. This will reduce the

potential for manipulation of voter numbers and/or disenfranchisement.

Counting/Tabulation

Training

Referendum staff in a number of areas were not properly trained on all aspects of the closing procedures, including sorting, counting, aggregation, and packing of materials. Future trainings of electoral staff should

concentrate more time and effort on these important aspects of the process.

Quarantine Threshold

Although the SSRC data processing safeguards were designed in a context where an extremely high turnout was expected and strong support for one option was widely

anticipated, it should be noted that for future elections, authorities should consider a lower quarantine threshold than 105, which was used for the referendum (95 percent is common in most countries).

Referendum staff in a number of areas were not properly trained on all aspects of the closing procedures, including sorting, counting, aggregation, and packing of materials.

Dispute Resolution

The Carter Center found that very few referendum center staff understood the role and structure of Consideration Committees. In the future, election staff at every level should be trained on electoral dispute mechanisms to ensure that they can communicate information about these mechanisms to voters.

Election administration should take steps to ensure that electoral dispute mechanisms outlined in the relevant regulations exist and are operational. The establishment of Consideration Committees in every center was not realistic given the short time frame and rush to hire and train the most necessary referendum staff. In future elections, election officials should consider

Deborah Hakes



A voter dips her finger in ink before departing the polling station.



2011 REFERENDUM ON SOUTHERN SUDAN SELF-DETERMINATION

Deborah Hakes



Sudanese girls look out over Juba.

the feasibility of specific election dispute mechanisms before requiring them to be established.

If Consideration Committees are used in future electoral exercises, the members of these committees should be trained on their duties.

CONCLUSIONS

The Carter Center applauds the SSRC and the SSRB and other international partners for conducting a referendum that was broadly consistent with international standards for democratic elections and represented the genuine expression of the will of the electorate. The vote was an extraordinary accomplishment given the logistical challenges and the high stakes of the vote. The referendum was not without its flaws, and the Center notes several areas for improvement. The Center encourages the governments and citizens of Sudan and South Sudan to heed the recommendations in this report to ensure the suc-

cess of future elections and referenda.

The CPA brought Sudan to a crossroads, and millions of Southerners resoundingly voiced their desire to form an independent South Sudan and split apart from the North. Although there is now an independent South Sudan, many of the undercurrents of the conflicts between the North and South that facilitated the split still remain. Several issues are unresolved, and the two countries will continue to be unavoidably linked at multiple levels of society. Therefore, it is in the interest of both countries to work to promote peace and advance democracy within their own borders as well as in their relations with their neighbors. Sudan and South Sudan should use this new beginning to renew their publicly stated commitments to justice, freedom, and development for all and work toward strengthening the stability of their respective nations and the broader region.



APPENDIX A

ACKNOWLEDGMENTS

The Carter Center would like to thank several individuals and organizations for their efforts and dedication toward observing Sudan's referendum process that began in July 2010.

The Carter Center thanks the Government of Sudan, the Government of Southern Sudan, and the Southern Sudan Referendum Commission for inviting the Center to observe the referendum for Southern self-determination. The Center acknowledges that the 2011 Southern Sudan referendum was a substantial undertaking requiring the coordination of the SSRC, SHRCs, state referendum commissions, government officials, and the international community.

The Center acknowledges the support of the U.S. Agency for International Development, the United Kingdom Department for International Development, the Netherlands, the German Ministry of Foreign Affairs, the Norwegian Ministry of Foreign Affairs, the Norwegian Resource Bank for Democracy and Human Rights, and the Canadian International Development Agency. Their combined support allowed the Center to observe and report on the entire referendum process, including the voter registration in November and December 2010 and the referendum itself in January 2011.

The Center offers special gratitude to former United Nations Secretary-General Kofi Annan and Justice Joseph Sinde Warioba, who along with President Carter and Carter Center President and CEO Dr. John Hardman, served as co-leaders for the Center's January 2011 observer delegation. The Center appreciates the hard work and dedication of the co-leaders, whose insights and experience strengthened the work of the Center's election observation mission.

The Carter Center was fortunate to have dedicated and talented field office staff throughout the duration

of the project. Special thanks go to the following field staff and consultants who worked on the project from 2010–2011: Roger Bryant, Casie Copeland, Regina Fitzpatrick, Per Jensen, Owen McDougall, Fred Nganda, Tonny Villy Odong, Tamara Otiashvili, Maggie Ray, Mareike Schomerus, Brian Steers, Tom Opdyke, Sanne van den Bergh, and John Young.

The Carter Center's long-term observers served as the eyes and ears of the operation in the field, compiling election information for months before the delegation's arrival and after its departure. Each observer team traveled to multiple locations in Sudan, covering nearly all 25 states. Their hard work and insights enabled the Center to gain a higher degree of understanding of the elections.

The Carter Center thanks Susan Brandt, Shannon Sedgwick Davis, Brenda Gibson, Roger Gibson, John Montgomery, and Torben Vestergaard, who volunteered their time and experience to join the delegation in Sudan. Their continued support for the Center's work on health and democracy projects in Sudan are much appreciated.

Several short-term consultants assisted the project, including Ajay Patel, Bud Snow, Diana D'Alo, Grace Okengo, Sarah Kleinman, Chris Weaver, Jorge Mantilla, and Johnny Abbas. Their hard work was important to the success of these activities.

A number of Carter Center staff worked from Atlanta to make the observation possible, including David Carroll, Tynesha Green, Deborah Hakes, Sarah Johnson, Melissa Jones, Nancy Konigsmark, Brett Lacy, Jennifer Lewis, Paul Linnell, Ramiro Martinez, Karen McIntosh, Olivia Owens, Beth Plachta, Cheri Robinson, and Tessa Stromdahl. Several interns—Isabel Callejas, Gillian Schreiber, and Chloe Bordewich—contributed in countless ways, assisting with logistics, research, preparation of



2011 REFERENDUM ON SOUTHERN SUDAN SELF-DETERMINATION

materials for the delegation, and traveling to Sudan during voter registration and for the referendum.

The Center's work in Sudan would not have been possible without the support from the dedicated national staff who contributed to the project. Special thanks are due to Khalid Al Ansari, Charles Luganya, Waffa Elmahina, Al Tayeb Ahmed Al Mahina, Hussein Mohieldeen, Abdel Ghaffar Al Mustafa, Salma Soliman, Osman al Sheikh, Simon Palino, Jackson James Tombura, Kamal Hassan Mahi, Morris S. Lado, Obeid Kuku, Said Al Zubeir, Abdul Rahman Al Amin, James Lemor, Peter Tika Wai Wai, Nyuma Albino, Betty Kiden, Remo Denson Paul, Moro Peter, Taban Rashid, Aniku Muzamil, Florence Mindraa,

Flora Mura, Harriet Dawa, the drivers who assisted the long-term observers in the field, and all the additional translators and drivers who worked during the medium-term and short-term observer missions.

The Carter Center recognizes all the Sudanese national observers—especially those working in partnership with the Center's domestic observation training program—for their hard work observing Sudan's referendum on Southern self-determination. Likewise, the Center acknowledges the work of other international observers, including delegations from the African Union, the Arab League, and the European Union.



APPENDIX B

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APPENDIX C

TERMS AND ABBREVIATIONS

| | | | |
|--------------|--|----------------|---|
| CPA | Comprehensive Peace Agreement | RoSS | Republic of South Sudan |
| GNU | Government of National Unity | SAF | Sudan Armed Forces |
| GOS | Government of Sudan | SHRC | State High Referendum Committee |
| GoSS | Government of Southern Sudan | SPLA | Sudan People's Liberation Army |
| ICCPR | International Covenant on Civil and Political Rights | SPLM | Sudan People's Liberation Movement |
| IDP | Internally displaced person | SPLM-DC | Sudan People's Liberation Movement-Democratic Change |
| IFES | International Foundation of Electoral Systems | SSRA | Southern Sudan Referendum Act (Referendum Act) |
| INC | Interim National Constitution | SSRB | Southern Sudan Referendum Bureau |
| IOM | International Organization for Migration | SSRC | Southern Sudan Referendum Commission |
| NCP | National Congress Party | UNIRED | United Nations Integrated Referendum and Elections Division |
| OCV | Out-of-country voting | | |
| RC | Referendum center | | |



APPENDIX D

THE CARTER CENTER IN SUDAN

The Carter Center has been committed for more than two decades to alleviating suffering in Sudan and helping to bring lasting peace to the country. Observation of Sudan's referendum process is an extension of these longstanding commitments and a natural progression of the Center's work observing the April 2010 national electoral process that began in February 2008. The Center intends to continue to have a presence in 2011 and in the future.

The Center's first project in Sudan, the Sasakawa-Global 2000 agricultural project, began in 1986, helping farmers greatly improve crop yields. Led by Nobel Peace Prize winner Dr. Norman Borlaug, the program was a joint venture with the Sasakawa Africa Association to stimulate self-sufficiency among African farmers. From this first project, the Center has continually expanded efforts to improve health, prevent and resolve conflict, and enhance democracy with five active programs.

GUINEA WORM ERADICATION PROGRAM

Since 1995, The Carter Center has assisted Sudan in reducing cases of Guinea worm disease across Sudan through the Guinea Worm Eradication Program. Harboring nearly 86 percent of the world's remaining cases as of 2009, Sudan has become the last frontier for eradicating this debilitating parasitic disease. Despite the severe conditions in Sudan as a result of the civil war, both Northern and Southern regions have made great progress in reducing the number of cases. Since 2003, no indigenous cases have been reported in Northern Sudan. The incidence of Guinea worm disease has been reduced in Sudan from 118,578 cases in 1996 to 2,733 cases reported in Southern Sudan in 2009, a nearly 98 percent decrease.

In 2001, the Guinea worm program and partners Health & Development International, Hydro Polymers of Norsk Hydro, and Norwegian Church Aid spearheaded the Sudan pipe filter project. More than 9.3 million pipe filters were manufactured for distribution to every man, woman, and child at risk for Guinea worm disease in Southern Sudan. In conjunction with pipe filter distribution, a health education campaign was launched, including flip charts, community demonstrations, and public service announcements. The Center continues work with local partners to ensure Guinea worm eradication remains a priority in Sudan. By providing education on Guinea worm's biological causes, the program helps people understand how to manage and prevent it, with the benefit of reinforcing sound health practices and building hope that people in endemic communities can greatly improve their own lives. This public health education, built by efforts against Guinea worm disease, has made it possible to extend the Center's fight against disease to other illnesses in Sudan, such as river blindness and trachoma.

RIVER BLINDNESS PROGRAM

An estimated 5 million people are at risk of river blindness in Sudan. The highest incidence of blinding onchocerciasis occurs in Southern Sudan. After the 1995 Guinea worm cease-fire paved the way for treatments in Sudan's conflict areas, the Carter Center River Blindness Program in partnership with local Lions Clubs began work with afflicted communities to treat river blindness by distributing the drug Mectizan[®], donated by Merck. The Center works closely with the Government of Sudan (GOS), other NGOs, and the African Programme for Onchocerciasis Control. Under the umbrella



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organization of the National Onchocerciasis Task Force, the partners have established community-based treatment programs, which raise awareness in villages and enable the distribution of Mectizan. The Carter Center has helped provide more than 3 million Mectizan treatments in Sudan since 1996. The Center is assisting the GOS in eliminating river blindness from Abu Hamad in extreme Northern Sudan.

TRACHOMA CONTROL PROGRAM

The Carter Center has supported the trachoma control program in collaboration with Sudan's federal Ministry of Health since 1999. Support from the Conrad N. Hilton Foundation, Lions Clubs International Foundation, and Pfizer Inc. has enabled trachoma prevalence mapping and implementation of SAFE strategy interventions (surgery, antibiotic treatment, face washing, and hygiene education, and environmental improvement, such as latrines). Beyond supporting SAFE strategy interventions, surgery, and surgeon training, the Center also facilitates the mass distribution of antibiotics in districts where clinical signs of trachoma exceed 10 percent in children. Zithromax® (azithromycin), donated by Pfizer Inc., and tetracycline eye ointment, purchased by The Carter Center, are provided to adults and children older than 6 months of age. Infants and pregnant women are provided tetracycline eye ointment. The Center continues to promote health education through community health worker training, radio programming, and school-based health activities.

CONFLICT RESOLUTION PROGRAM

The Conflict Resolution Program has supported steps to end Sudan's civil war, working with President Carter to negotiate between the parties and focus attention on solutions to conflict. Among the program's achievements was the negotiation of the 1995 "Guinea worm cease-fire," which gave international health workers—including the Center's Guinea worm program—six months of peace to enter previously inaccessible areas. President Carter also brokered the 1999 Nairobi Agreement between the governments of Sudan and Uganda, in which both sides pledged to stop supporting rebel groups acting in the other's territory and to reestablish diplomatic relations.

During CPA negotiations in Naivasha, Kenya, the Conflict Resolution Program supported the process with pre-negotiation training to the GOS and the SPLM/A while assisting in other ways to support the Intergovernmental Authority on Development-led mediation. Even as peace was being forged between the GOS and the SPLM/A, conflict in Darfur escalated. As part of the first initiative launched by the not-for-profit group the Elders, President Carter visited Sudan in 2007 with a delegation that included Graca Machel, Lakhdar Brahimi, and Desmond Tutu to discuss Darfur and support the pursuit of peace. While there, President Bashir and First Vice President Salva Kiir invited The Carter Center to monitor Sudan's national elections, which in turn led to the start of the Democracy Program's work in Sudan in 2008.



APPENDIX E CARTER CENTER STATEMENTS



CARTER CENTER DEPLOYS INTERNATIONAL REFERENDUM OBSERVERS IN SUDAN

Sept. 28, 2010

FOR IMMEDIATE RELEASE

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Khartoum ... The Carter Center deployed 16 long-term observers from 12 nations this week to assess the referendum process in Southern Sudan and in the areas in the North where voting will occur. Four two-person observer teams have been deployed in Southern Sudan, three teams in Northern Sudan, and one team in Abyei.

The Carter Center welcomes the invitation extended by the Southern Sudan Referendum Commission (SSRC) to observe all stages of the process, including the voter registration, campaign period, polling, tabulation, and the resolution of disputes. The Center appreciates the spirit of cooperation of the Sudanese authorities and the SSRC to facilitate the freedom of movement and access of observers to the entirety of the process.

In recent weeks, encouraging progress has been made with the appointments of the members of the state high committees in all 10 Southern states, the appointment of the secretary-general of the SSRC,

and the commencement of printing of the voter registration materials. However, a series of additional important steps are needed for the process to move forward, including the approval of the SSRC's budget; rapid disbursement of adequate funds to the SSRC; publication of a detailed referendum calendar; recruitment and training of referendum staff; and transparent decisions on the legal framework, institutional structures, and operational plans to implement voter registration. Upon receipt of funds, it is important to ensure that monies are expedited to the Southern Sudan Referendum Bureau and state high referendum committees so that they become fully operational and can recruit office and registration staff.

BACKGROUND ON THE CARTER CENTER'S MISSION

The Carter Center began referendum observation activities in Sudan in August 2010 in response to an



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invitation from the SSRC. As during its April 2010 elections observation mission, the Center will assess the referendum processes in Sudan based on the Comprehensive Peace Agreement, Interim National Constitution, Southern Sudan Referendum Act, and obligations for democratic elections contained in regional and international agreements, including the African Charter on Human and Peoples' Rights and the International Covenant on Civil and Political Rights.[1]

The objectives of the Carter Center's observation mission in Sudan are to provide an impartial assessment of the overall quality of the referendum process, promote an inclusive process for all Southern Sudanese, and demonstrate international interest in Sudan's referendum process. The Carter Center conducts observation activities in accordance with the Declaration of Principles of International Election Observation and Code of Conduct that was adopted at the United Nations in 2005 and endorsed by 35 election observation groups.[2]

####

The Carter Center was founded in 1982 by former U.S. President Jimmy Carter and his wife, Rosalynn, in partnership with Emory University, to advance peace and health worldwide. A not-for-profit, nongovernmental organization, the Center has helped to improve life for people in more than 70 countries by resolving conflicts; advancing democracy, human rights, and economic opportunity; preventing diseases; improving mental health care; and teaching farmers to increase crop production. For more than 20 years, The Carter Center has worked to improve health and prevent and resolve conflict in Sudan. Please visit www.cartercenter.org to learn more about The Carter Center.

[1] Sudan ratified the African Charter on Human and Peoples' Rights (ACHPR) Feb. 18, 1986. The ACHPR came into force on Oct. 21, 1986. Sudan acceded to the International Covenant on Civil and Political Rights (ICCPR) on March 18, 1986, which entered into force on March 23, 1976.

[2] The Declaration of Principles in Arabic and English can be read at http://cartercenter.org/peace/democracy/des_declaration.html.



THE CARTER CENTER

2011 REFERENDUM ON SOUTHERN SUDAN SELF-DETERMINATION

NEWS

THE
CARTER CENTER



ONE COPENHILL, ATLANTA, GA 30307

CARTER CENTER NOTES PROGRESS BUT URGES CRITICAL STEPS TO ENSURE CREDIBLE VOTER REGISTRATION AND REFERENDA PROCESSES IN SUDAN

Oct. 29, 2010

FOR IMMEDIATE RELEASE

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Khartoum... In its latest statement on Sudan's referendum processes, The Carter Center noted important progress by the Southern Sudan Referendum Commission (SSRC) and Southern Sudan Referendum Bureau (SSRB) in establishing and swearing in nearly all of the county subcommittees of Southern Sudan and publishing a referendum calendar. The Carter Center also welcomed the arrival of registration materials to the country and the start of training on voter registration procedures. These accomplishments are key steps forward in implementing the Southern Sudan referendum process. At the same time, the Center urged officials to accelerate preparations for the conduct of voter registration and the referendum, including the training of staff, distribution of materials, clarification of eligibility requirements, and the expansion of voter education. The Government of Sudan (GoS) and Government of Southern Sudan (GoSS) should reconfirm their commitment to a genuine referendum process and urgently release funds to support this goal. Increased efforts should be made to conclude negotiations on critical post-referendum issues, and to inform Sudanese citizens about the potential impact of the vote.

The date is fast approaching for the referendum in Southern Sudan as set forth in the 2005 Comprehensive Peace Agreement (CPA) and the Southern Sudan Referendum Act (SSRA), and preparations should be redoubled. With less than three weeks remaining until the voter registration is scheduled to start for the Southern Sudan referendum [1], the GoS, GoSS and the SSRC and SSRB should take all possible steps to achieve this ambitious timeline. Urgent action is needed to ensure that registration staff is recruited, trained, and deployed in a timely fashion and plans are in place to distribute registration materials to referendum centers. Funds, equipment, and vehicles must be transferred to the states and counties as soon as possible. Additionally, many aspects of the referendum process need clarification in order to ensure that citizens of Southern Sudan are empowered to participate meaningfully in the processes with a full understanding of the implications of their votes. In particular, the SSRC should urgently issue the rules and regulations for voter registration, observer accreditation procedures, and campaign regulations.



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The GoS, the GoSS, the SSRC, and SSRB should expand voter education efforts in both Northern and Southern Sudan and make greater efforts to communicate clearly with the population regarding the many tasks to be completed before voting day. The public, Northern and Southern Sudanese alike, lack a clear sense of how voting will be structured and what the implications of the two possible outcomes—unity or secession—will be for their future. Greater information should be provided to the population about the status of post-referendum negotiations, with a focus on citizenship and the right of minorities.

Delays in budget approval and funds disbursement to the SSRC and SSRB have disrupted steps for both bodies to become fully operational, and the GoS, the GoSS, and the international community should urgently ensure that sufficient funds are made available to the referendum administration to support the holding of a genuine, credible referendum that adheres to the current referendum calendar.

The increasing threats of a possible return to war and other inflammatory statements made by members of both the Sudan People's Liberation Movement (SPLM) and National Congress Party (NCP) are counterproductive and create a negative climate as the referendum draws near. It is the responsibility of the leadership of both parties to respect their obligations to uphold the final phase of CPA implementation and the Interim National Constitution and to instruct party members to refrain from making threats that could derail the processes.[2] Similarly, the parties should make clear their unequivocal commitment to respecting the rights of minorities, including pastoralists. To this end, party and government leaders should provide clear guarantees that regardless of the outcome of the referenda, minority populations in both Northern and Southern Sudan will not face forced expulsions or be stripped of property and assets. [3]

Balanced, accurate coverage by domestic and international media can and should facilitate the dissemination of such assurances. Media should be cognizant of their role and refrain from exacerbating the already charged political environment. Likewise, efforts to

ensure a robust campaign period free from intimidation and interference will contribute to a credible referendum process and security in Sudan.

Although progress has been made in the Southern Sudan referendum process, the Abyei referendum process has stalled, with the failure to form the Abyei Referendum Commission or reach a resolution of the critical issue of determining voter eligibility in Abyei. The NCP and the SPLM should conclude an agreement on the composition of the Abyei Referendum Commission as quickly as possible so that preparations for the referendum can move forward.

The referenda processes are designed to realize self-determination, a democratic right granted to the Southerners and residents of Abyei by the CPA and the Interim National Constitution. The NCP and SPLM will be judged by their commitment to protecting the welfare of the Sudanese and their right to self-determination, while ensuring that they never again have to endure war to settle differences.

BACKGROUND ON THE CARTER CENTER'S MISSION

The Carter Center's referendum observation activities commenced in Sudan in August 2010 in response to an invitation from the SSRC. In September 2010, the Center deployed 16 long-term observers from 12 nations to assess the referendum process in Southern Sudan and in the areas in the North where voting will occur. Four two-person observer teams are currently deployed in Southern Sudan--three teams in Northern Sudan, and one team in Abyei.

In November 2010, The Carter Center will deploy an additional 30 medium-term observers to observe the voter registration period throughout Sudan as well as at least two observers in each of the eight countries outside Sudan where voting will occur. As during its April 2010 elections observation mission, the Center will assess the referenda processes in Sudan based on the Comprehensive Peace Agreement, Interim National Constitution, Southern Sudan Referendum Act, and obligations for democratic elections contained in regional and international agreements,



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including the African Charter on Human and Peoples' Rights and the International Covenant on Civil and Political Rights.[4]

The objectives of the Carter Center's observation mission in Sudan are to provide an impartial assessment of the overall quality of the referenda processes, promote an inclusive process for all Southern Sudanese, and demonstrate international interest in Sudan's referenda processes. The Carter Center conducts observation activities in accordance with the Declaration of Principles of International Election Observation and Code of Conduct that was adopted at the United Nations in 2005 and endorsed by 35 election observation groups.[5]

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[1] The Southern Sudan Referendum Act, Art. 2, 27 (2009) (registration and polling will take place in Southern Sudan, Northern Sudan, Australia, Canada, Egypt, Ethiopia, Kenya, Uganda, the United Kingdom, and the United States).

[2] The Interim National Constitution of The Republic of the Sudan, Art. 23(2)b (2005) (imposing a duty on citizens to "abhor violence, promote harmony, fraternity and tolerance among all people of the Sudan in order to transcend religious, regional, linguistic, and sectarian divisions").

[3] The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), Art. 5 (d) (1969) states that compliance with the fundamental obligations laid down in article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights:... (ii) The right to leave any country, including one's own, and to return to one's country... (v) The right to own property alone as well as in association with others". See also, International Covenant on Civil and Political Rights, arts 2, and 2; and the African Charter on Human and Peoples' Rights, art. 2.

[4] Sudan ratified the African Charter on Human and Peoples' Rights (ACHPR) Feb. 18, 1986. The ACHPR came into force on Oct. 21, 1986. Sudan acceded to the International Covenant on Civil and Political Rights (ICCPR) on March 18, 1986, which entered into force on March 23, 1976.

[5] The Declaration of Principles in Arabic and English can be read at http://cartercenter.org/peace/democracy/des_declaration.html.



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ONE COPENHILL, ATLANTA, GA 30307

THE CARTER CENTER DEPLOYS MORE THAN 50 OBSERVERS TO MONITOR SUDAN'S VOTER REGISTRATION

Nov. 15, 2010

FOR IMMEDIATE RELEASE

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The Carter Center deployed more than 50 observers across Sudan and overseas on Nov. 12 to observe the voter registration process for the Southern Sudan referendum on self-determination. The current deployment significantly increases the size of the Center's international observation mission and expands its presence to out-of-country registration locations in eight countries during the registration process, which was formally launched today by the Southern Sudan Referendum Commission (SSRC). The 56 observers join the Center's team of 16 long-term observers and additional core staff in Sudan.

"The voter registration for the Southern Sudan Referendum should provide a basis for all eligible Southern Sudanese, both in Sudan and overseas, to register to vote in the referendum for self-determination," said Sanne van den Bergh, Carter Center field office director. "The success of the registration process is essential to ensuring broad participation in the referendum, which will determine whether Sudan remains unified or if Southern Sudan becomes a separate nation."

Thirty observers were deployed throughout Sudan to visit registration sites in the North, South, and Abyei. Twenty-six observers also were deployed in the eight out-of-country registration locations specified in the South Sudan Referendum Act – Australia, Canada, Egypt, Ethiopia, Kenya, Uganda, United Kingdom, and the United States. Observers will meet with referendum officials; political party and civil society representatives, including domestic observation groups; members of the international community; and other stakeholders to monitor and report on the voter registration process, as well as the campaign period and other issues related to the overall referendum process in Sudan. In total, Carter Center core staff, long-term, medium-term, and out-of-country observers form a diverse group from 29 countries.[1]

Carter Center observers will monitor voter registration activities from Nov. 15–Dec. 1, followed by the exhibition of the voters' registry and submission of complaints and objections. Field offices in Juba and Khartoum will support the observation mission.



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BACKGROUND ON THE CARTER CENTER'S MISSION

The Carter Center began referendum observation activities in Sudan in August 2010 in response to an invitation from the SSRC. As during its April 2010 elections observation mission, the Center will assess the referendum processes in Sudan based on the Comprehensive Peace Agreement, Interim National Constitution, Southern Sudan Referendum Act, and Sudan's obligations for democratic elections contained in regional and international agreements, including the African Charter on Human and Peoples' Rights and the International Covenant on Civil and Political Rights.[2]

The objectives of the Carter Center's observation mission in Sudan are to provide an impartial assessment of the overall quality of the referendum process, promote an inclusive process for all Southern Sudanese, and demonstrate international interest in Sudan's referendum process. The Carter Center conducts observation activities in accordance with the Declaration of Principles of International Election Observation and Code of Conduct that was adopted at the United Nations in 2005 and endorsed by 35 election observation groups.[3]

The Center will release periodic public statements on referendum findings, available on its website: www.cartercenter.org.

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[1] These countries include: Australia, Cameroon, Canada, Democratic Republic of the Congo, Denmark, Egypt, Ethiopia, France, Germany, India, Iraq, Ireland, Italy, Kenya, Kosovo, Malawi, Malaysia, Netherlands, Norway, Senegal, Sierra Leone, South Africa, Spain, Sweden, Switzerland, Uganda, United Kingdom, United States, and Zimbabwe.

[2] Sudan ratified the African Charter on Human and Peoples' Rights (ACHPR) Feb. 18, 1986. The ACHPR came into force on Oct. 21, 1986. Sudan acceded to the International Covenant on Civil and Political Rights (ICCPR) on March 18, 1986, which entered into force on March 23, 1976.

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CARTER CENTER STATEMENT ON SUDAN REFERENDUM: STRONG START TO REGISTRATION BUT URGENT ACTION NEEDED TO ENSURE BROAD PARTICIPATION

Nov. 24, 2010

FOR IMMEDIATE RELEASE

CONTACTS:

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SUMMARY

The Carter Center welcomes the successful opening of voter registration for the Southern Sudan Referendum on self-determination and congratulates the Southern Sudan Referendum Commission (SSRC) and Southern Sudan Referendum Bureau (SSRB) on their preparations for the first days of registration, particularly in Southern Sudan where the process is challenged by difficult logistics. The Carter Center urges the SSRC to deliver additional materials to the referendum centers, where high demand is rapidly depleting supplies. In addition, the SSRC should urgently release regulations concerning the media and campaigning, the exhibition and objections period, and polling and tabulation of results.[1]

Although the registration appears to be running smoothly in nearly all locations a few key components of the process require urgent adjustment. The SSRC should take action to ensure that eligible individuals

are able to participate in the voter registration within the time remaining and that the registration adheres to the procedures outlined in the Southern Sudan Referendum Act and Voter Registration Rules and Regulations. Despite some shortcomings, the Center believes all issues can be addressed within the current registration timeline if the relevant parties, the SSRC, SSRB, National Congress Party (NCP), and Sudan People's Liberation Movement (SPLM) take immediate steps to address them.

The Carter Center has deployed 46 observers across 22 states of Sudan. To date these teams have made more than 600 visits to centers throughout Sudan.[2] Additionally, 26 Carter Center observers are deployed in Australia, Canada, Egypt, Ethiopia, Kenya, Uganda, United Kingdom, and United States and have made more than 175 visits to centers including those in camps and settlement areas, such as Masindi, Hoima, and Arua in Uganda, and Eldoret and Lokichoggio in Kenya. In general, registration



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center staff have welcomed our observer teams, as have officials of the International Organization for Migration, who are assisting the SSRC in the out-of-country voting (OCV) registration locations.

The SSRC provided timely accreditation to Carter Center observers in Sudan and in the out-of-country locations. However, the SSRC was slow to accredit domestic observers, which resulted in Sudanese observers without accreditation being turned away from entering some referendum centers in both Northern and Southern Sudan.

This statement is an interim assessment of the first week of voter registration, and is presented in a spirit of cooperation. The Center intends to issue additional statement(s) as appropriate at subsequent stages.

REGISTRATION MATERIALS

Carter Center observers have noted that some registration materials have either not arrived to all registration centers or are currently running low due to the high volume of participation, particularly in urban areas of Southern Sudan. In at least four states in Southern Sudan (Upper Nile, Central Equatoria, Northern Bahr al Ghazal, and Western Bahr al Ghazal) and one in Northern Sudan (White Nile), some registration centers did not receive registration journals. The journals are used to record information about the registration process in each center, including the names of identifiers and people denied participation on the basis of ineligibility. While their absence does not hinder registration from moving forward, the journals are supposed to contribute to the accountability and transparency of the process. Some registration centers in the Raja area of Western Bahr el Ghazal have taken the initiative to create their own journals using a photocopy of the standard journal. Referendum administration bodies should work to ensure centers have some form of journal available to them.

In some referendum centers in Southern states, including Northern Bahr el Ghazal, Western Bahr el Ghazal, Eastern Equatoria, Central Equatoria and

Jonglei, staff have reported they are running out of the 2000 registration cards allocated to each center due to a high volume of registrants. Carter Center observers have observed that registration has stopped in some registration centers while the staff awaits additional registration books. Registration centers also have reported insufficient supplies of indelible ink. The Carter Center urges the SSRB and State High Committees to make additional materials available in a timely manner and ensure rapid distribution within states so the deficiency of registration books and indelible ink does not prevent eligible Sudanese from participating in the process. The SSRC should take additional efforts to inform registration officials as to the correct application of the ink to ensure its indelible character.

IDENTITY

Given that many people in Sudan lack identity documents, the presence of identifiers in each registration center to provide oral testimony affirming a potential registrant's identity is critical. Carter Center observers in at least five states in both Northern and Southern Sudan (including Khartoum, Lakes, Jonglei, Upper Nile, and Unity) have noted that such identifiers are not present in some locations. Registration center chairs should urgently appoint identifiers to be in each location during the remainder of registration to ensure eligible individuals without identity documents are given the opportunity to register.[3]

DISTRIBUTION OF REFERENDUM CENTERS

In several parts of the country, participants in the registration process complained to Carter Center observers that distribution and placement of referendum centers hinders the full participation of eligible voters. These complaints are most common in and around Khartoum and in rural areas, particularly in South Kordofan, Western Bahr al Ghazal, and Jonglei states. In Khartoum, the referendum administration has made efforts to rectify this problem by relocating



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centers. In the event of any changes to the locations of registration centers, it is important that adequate notification is provided to registrants in advance of polling as to where they should return to vote.

The creation of additional registration centers to narrow the distances from the potential voters could create confusion at this late stage and may prove to be counter-productive. Instead, the SSRC and SSRB should coordinate with partners and take immediate steps to intensify voter information and media campaigns to better publicize the specific locations of referendum centers. While these efforts will not eliminate the difficulties faced by voters who have to travel long distances to register and cast their ballots, it will mitigate some of the shortcomings in the distribution of registration centers and the lack of voter information regarding their locations.

APPEALS AND EXHIBITION

Carter Center observers have noted a widespread lack of understanding on the part of registration officials and potential registrants regarding the appeal procedures if registration center staff deems a person ineligible to register to vote in the referendum. [4] Large numbers of centers have not established Considerations Committees, which are formal bodies intended to adjudicate formal complaints from denied registrants regarding their eligibility. The Committees are present in very few of the registration centers visited by Carter Center observers. The Center's observers have witnessed some instances of people being denied registration simply walking out of the center without being told of their rights to appeal or being issued a formal rejection form. The Carter Center urges the SSRC and SSRB to communicate urgently to registration center staff the necessity of forming the Considerations Committees, informing denied registrants of their rights to appeal and issuing rejection receipts.[5]

Additionally, many of the registration centers visited by Carter Center observers do not have public notices posted to inform registrants of the dates of the

exhibition period. The SSRC and SSRB should communicate to registration center staff the importance of this notice and request its immediate posting in each center. Further, referendum authorities should emphasize to the registrars the importance of informing registrants about the exhibition period so that they return to verify their names on the preliminary voter registry.[6]

NCP/SPLM Accusations of Intimidation and Manipulation of Registration in Northern Sudan

In the last few days, the NCP and SPLM have traded accusations of intimidation and manipulation of the registration process in Northern Sudan. These accusations and accompanying abusive language are creating a climate of fear and distrust. This latest round of mutual allegations comes in the wake of an exchange over the citizenship status of Southerners in Northern Sudan should Southern Sudan secede, an issue which remains a cause of anxiety among Southerners.

While allegations of manipulation deserve to be thoroughly investigated, some of the members of the NCP and SPLM appear more interested in scoring political points than in the integrity of the registration process. The Carter Center urges members of the NCP and the SPLM to raise any well-founded concerns directly with the SSRC in the spirit of cooperation and constructive dialogue. Both parties should refrain from using inflammatory political rhetoric that could cause an increase in tension. Systematic efforts by political parties or other organizations to force individuals to register or prevent them from registering would violate the basic principles of a free and credible referendum.

OUT-OF-COUNTRY VOTING AND REGISTRATION

The voter registration process has started in all but one out of the eight overseas countries where out-of-country voting is being conducted. The Carter Center notes with concern the delayed opening of referendum centers in Egypt and urges authorities of Egypt



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and Sudan to ensure that the process moves forward expeditiously.

In Uganda, Carter Center observers have received reports that death threats leveled against referendum center staff led to the staff refusing to report to work. The SSRC and IOM should request that local authorities investigate these threats and prevent further disruption and intimidation.

A number of issues related to the out-of-country registration process remain unclear, including the possible extension of voter registration in locations with a delayed start such as in Egypt, the United States, Canada, and Australia, and the potential opening and dates of operation of additional registration sites in the United States and Australia. The Carter Center encourages referendum authorities to make quick decisions on these matters and publicize these decisions to concerned populations.

The Carter Center also notes the need for clarification on the procedures for rejections and objections in out-of-country. The relative importance of the Considerations Committees in the out-of-country locations necessarily increases because foreign courts have no jurisdiction over a Sudanese national process. After an unfavorable decision by the Considerations Committee, a rejected out-of-country applicant has no body to which to appeal. While welcoming the fact that, in general, Considerations Committees in out-of-country voting countries have been formed, The Carter Center urges referendum authorities to provide these bodies with clear information about their procedures.[7]

BACKGROUND ON THE CARTER CENTER'S MISSION

The Carter Center began referendum observation activities in Sudan in August 2010 in response to an invitation from the SSRC. As during its April 2010 elections observation mission, the Center will assess the referendum processes in Sudan based on the Comprehensive Peace Agreement, Interim

National Constitution, Southern Sudan Referendum Act, and Sudan's obligations for democratic elections contained in regional and international agreements, including the African Charter on Human and Peoples' Rights and the International Covenant on Civil and Political Rights.[8] In total, Carter Center core staff, long-term, medium term, and out-of-country observers form a diverse group from 28 countries. [9]

The objectives of the Carter Center's observation mission in Sudan are to provide an impartial assessment of the overall quality of the referendum process, promote an inclusive process for all Southern Sudanese, and demonstrate international interest in Sudan's referendum process. The Carter Center conducts observation activities in accordance with the Declaration of Principles of International Election Observation and Code of Conduct that was adopted at the United Nations in 2005 and endorsed by 35 election observation groups.[10] The Center will release periodic public statements on referendum findings, available on its website: www.cartercenter.org.

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[1] While the campaign period officially commenced on November 7, media campaign rules and regulations have still not been passed by the SSRC.

[2] Except for the three states of Darfur where, to date, TCC observers have not been able to visit due to security concerns.

[3] 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.”

[4] According to Art 17(1) of the Voter Registration Regulations “[i]n case of denied registration the Chief of the Referendum Center shall immediately issue a written notice stating the cause for such denial and inform the applicant about his right to petition to the Consideration Committee.”

[5] Article 2(3) of the ICCPR ensures that “any person whose rights or freedoms are herein recognized as violated shall have an effective remedy. It also provides to “ensure that any person claiming such a remedy shall have the right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy. By the same Article the government of Sudan also undertakes to “ensure that the competent authorities shall enforce such remedies when granted.”

[6] Article 46 (4) of the referendum Act provides that “every person shall enjoy full freedom to express his/her opinion and get information to the citizens.” Also see, Article 19 (2) of the ICCPR.

[7] See Article 2(3) of the ICCPR.

[8] Sudan ratified the African Charter on Human and Peoples’ Rights (ACHPR) Feb. 18, 1986. The ACHPR came into force on Oct. 21, 1986. Sudan acceded to the International Covenant on Civil and Political Rights (ICCPR) on March 18, 1986, which entered into force on March 23, 1976.

[9] These countries include: Australia, Cameroon, Canada, Democratic Republic of the Congo, Denmark, Egypt, Ethiopia, France, Germany, India, Iraq, Ireland, Italy, Kenya, Kosovo, Malawi, Malaysia, Netherlands, Norway, Senegal, Sierra Leone, South Africa, Spain, Sweden, Switzerland, Uganda, United Kingdom, United States, and Zimbabwe.

[10] The Declaration of Principles in Arabic and English can be read at http://cartercenter.org/peace/democracy/des_declaration.html.



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ONE COPENHILL, ATLANTA, GA 30307

CARTER CENTER FINDS SOUTHERN SUDAN VOTER REGISTRATION CREDIBLE, STRONG STEP TOWARD REFERENDUM DESPITE SOME WEAKNESSES

Dec. 15, 2010

FOR IMMEDIATE RELEASE

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CARTER CENTER PRELIMINARY STATEMENT ON VOTER REGISTRATION PROCESS FOR THE SOUTHERN SUDAN REFERENDUM.

In a statement issued today, The Carter Center reported that although the voter registration for the Southern Sudan Referendum on self-determination faced several logistical, procedural, and security challenges, the process was generally credible and represents a strong step toward the successful conduct of the referendum. At the same time, the Center noted that the ultimate success of the voter registration process will depend on the final stages of completing the voter list.

Carter Center observers reported that referendum centers generally opened on time and with appropriate materials across Northern and Southern Sudan, and that Southern Sudanese have had adequate opportunities to register. The Southern Sudan Referendum Commission (SSRC), the Southern Sudan Referendum Bureau (SSRB), and their subsidiary bodies worked hard to support the smooth

operations and timely opening of registration centers across Sudan, with officials responding appropriately to most of the challenges that arose during the registration period. In the overwhelming majority of locations, registration was conducted in a peaceful environment, with the notable exceptions of security incidents in Akobo and Kiir Adem. Carter Center observers also noted a few isolated incidents of intimidation, but did not report any systematic attempts to undermine the process. Although the identification and appeals processes did not always adhere to the voter registration regulations, the vast majority of Southern Sudanese were able to participate in the registration process.

As the population of Sudan moves closer toward the final phase of implementation of the Comprehensive Peace Agreement (CPA), it is critical that key political issues are resolved. Most significantly, the two CPA parties should urgently resolve the ambiguity surrounding the future of Abyei and the citizenship of nationals in both Northern and Southern Sudan before the referendum. Also



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important is the inclusion of the entire Sudanese population in the debates surrounding unity or secession. The possible secession of Southern Sudan is an issue of critical significance to the future of the country, and all segments of Sudanese society should become actively engaged in the process.

The Carter Center noted the following key issues during the voter registration process that should be addressed urgently to facilitate a smooth and peaceful referendum.

- Both the Government of Sudan and the Government of Southern Sudan should denounce any intimidation tactics and emphasize their commitment to a free and fair referendum that accurately reflects the will of the Southern Sudanese people.
- Referendum administration bodies, government, and civil society actors should urgently intensify voter education to advise registered voters where polling will take place in areas where the referendum centers were mobile or were moved. Voter education efforts should also inform the population about the one-week voting period to ensure voters do not overload referendum centers on the first day, and also about the expected timeline for the announcement of results to calm anxieties that could arise during the long results tabulation process.
- The referendum administration should make contingency plans to address possible shortages of materials and problems with retrieving data from remote referendum centers during polling.
- The referendum administration should also take steps to ensure that all referendum staff is paid so that the polling process is not interrupted due to discontent over lack of payment.
- The SSRC and SSRB should ensure that sufficient additional staff is hired to facilitate the smooth management of the polling process.
- More women should be hired as referendum center staff ahead of polling to promote greater participation of women in the referendum process.
- Steps should be taken to expedite accreditation for domestic observers and to clarify the role of political party representatives in the referendum process.
- Actors in Northern Sudan should refrain from recording the names and registration details of persons when they come to vote as it is often perceived as intimidating.
- Representatives of the international and domestic media should act with sensitivity and responsibility when reporting on the referendum process.

The Carter Center observed the voter registration for the Southern Sudan referendum on self-determination from Nov. 15–Dec. 8, 2010. Across Sudan, more than 50 observers made approximately 1300 visits to referendum centers in 24 out of 25 states. The Center also deployed 26 observers to the eight nations where out-of-country registration was conducted. These observers visited a large majority of the overseas registration centers. The analysis and recommendations included here are based upon the direct observations of the Center’s observers. Final conclusions about the voter registration will depend on assessment of the comprehensiveness and accuracy of the voter registry, including effective resolution of complaints.

In response to an invitation from the SSRC, The Carter Center initiated its referendum observation activities in Sudan in August 2010, subsequently deploying long-term observers in September. The Center assesses the referendum process in Sudan based on the Comprehensive Peace Agreement, Interim National Constitution, Southern Sudan Referendum Act, and Sudan’s obligations for democratic elections contained in regional and international agreements, including the African Charter on Human and Peoples’ Rights and the International



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Covenant on Civil and Political Rights. In total, Carter Center core staff and observers form a diverse group from 28 countries.

The objectives of the Carter Center's observation mission in Sudan are to provide an impartial assessment of the overall quality of the referendum process, promote an inclusive process for all Southern Sudanese, and demonstrate international interest in Sudan's referendum process. The Carter Center conducts observation activities in accordance with the Declaration of Principles of International Election Observation and Code of Conduct that was adopted at the United Nations in 2005 and endorsed by 35 election observation groups.

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ONE COPENHILL, ATLANTA, GA 30307

Carter Center Preliminary Statement on the Voter Registration Process for the Southern Sudan Referendum

Based on field observation through Dec. 15, The Carter Center reports that the voter registration process for the Southern Sudan referendum on self-determination has been generally credible and is a strong step toward the conduct of a successful referendum. The process faced some procedural challenges—particularly in the application of the identification, eligibility, and appeals regulations—as well as a few security incidents. The Carter Center also observed some isolated cases of intimidation by representatives of the Government of Sudan and the Government of Southern Sudan, but finds that these incidents did not fundamentally undermine the success of the process to date.

As the exhibition process and data compilation continue, The Carter Center commends the members of the Southern Sudan Referendum Commission (SSRC), the Southern Sudan Referendum Bureau (SSRB), the Government of Sudan (GoS), and the Government of Southern Sudan (GoSS) on the successful conduct of the registration efforts up to this point. The Center notes that the ultimate success of the voter registration process will depend on the final stages of completing the voter list. Going forward, the Center recommends the following steps be taken ahead of polling to facilitate a strong and inclusive referendum process.

- It is critical that key political issues are resolved. Most significantly, the two parties to the Comprehensive Peace Agreement (CPA) should urgently resolve the ambiguity surrounding the future of Abyei and the citizenship of nationals in both Northern and Southern Sudan before the referendum
- The Carter Center urges the GoS and GoSS bring all sections of the Sudanese political community into the process, utilizing the reach of civil society and the resources of the governments.
- Both the GoS and the GoSS should denounce any intimidation tactics and emphasize their commitment to a genuine referendum that accurately reflects the will of the Southern Sudanese people.
- Referendum administration bodies, government, and civil society actors should urgently intensify voter education to advise registered voters where polling will take place in areas where the referendum centers were mobile or were moved. Voter education efforts should also inform the population about the one-week voting period to ensure voters do not overload referendum centers on the first day, and also about the expected timeline for the announcement of results to calm anxieties that could arise during the long results tabulation process.



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- The referendum administration should make contingency plans to address possible shortages of materials and problems with retrieving data from remote referendum centers during polling.
- The referendum administration should also take steps to ensure that all referendum staff is paid so that the polling process is not interrupted due to discontent over lack of payment.
- The SSRC and SSRB should ensure that sufficient staff is hired to facilitate the smooth management of the polling process.
- More women should be hired as referendum center staff ahead of polling to promote greater participation of women in the referendum process.
- Steps should be taken to expedite accreditation for domestic observers and clarify the role of political party representatives in the referendum process.
- Actors in Northern Sudan should refrain from recording the names and registration details of persons when they come to vote as it is often perceived as intimidating.
- Representatives of the international media should act with sensitivity and responsibility when reporting on the referendum process.

CITIZENSHIP

Citizenship continues to be a major source of concern for many Southern Sudanese. The Carter Center emphasizes the vital importance of resolving issues of citizenship prior to the referendum. Indeed, failure to resolve this could result in Southerners hastily relocating to the South and potentially overloading state governments that are still building capacity following years of war.

Against that background, it is unfortunate that politicians in the Sudan People's Liberation Movement (SPLM) and National Congress Party (NCP) have attempted to use this issue and the fears it arouses among the people to advance political objectives.

While there have been constructive statements from GoS President Omar Al-Bashir and GoSS President Salva Kiir on citizenship, other ministers or senior party members have made statements likely to create fear and uncertainty. The Carter Center urges the senior leadership in Khartoum and Juba to reassure Southerners and Northerners that their rights will be protected and that, in conformity with international legal obligations, no Southerners resident in the North will find themselves stateless and vice versa for Northerners in the South, irrespective of the outcome of the referendum. This ensures Sudan abides by a fundamental international legal principle, that everyone has a right to a nationality, and no one shall be arbitrarily deprived of his nationality.¹ The Center urges the two governments to move quickly to reach an agreement on this vital issue to ensure that Sudanese are fully informed about the positions of both governments on citizenship and so that Southerners can make an informed vote in the referendum.

REFERENDUM ADMINISTRATION

Officials from the SSRC, SSRB, and their subsidiaries demonstrated strong commitment to the success of the voter registration process. They worked long hours and actively responded to new challenges as they arose. The Carter Center observed SSRB training officials monitoring the registration procedures and providing advice and assistance to the registration staff to help them accurately follow the procedures. This assistance seemed to help registration staff properly follow procedures.

At the end of the first week and continuing into the second and third weeks of registration, Carter Center observers reported increasing shortages of registration materials in certain states in Southern Sudan, including Unity and Central Equatoria. Registration was temporarily disrupted in some referendum centers in Western Equatoria, Western Bahr el Ghazal, Lakes, Upper Nile, Jonglei, and Central

¹ Universal Declaration of Human Rights, Art. 15 (1948).



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Equatoria for this reason. In most cases, the SSRB responded to the shortage in a timely manner, supplying centers with additional materials. Although initially disorganized, these efforts improved over time. In anticipation of the referendum, the SSRB should take note of certain remote areas where the greatest logistical difficulties occurred, such as in Jonglei, and ensure that appropriate resources are allocated so as to allow for the full participation of all registered voters.

Public Relations. Referendum administration bodies were only partially successful in providing regular public information on the process. The SSRB held bi-weekly press conferences in Juba and provided regular updates on the progress of the voter registration process. These press conferences represented a positive step toward increasing the transparency of the referendum administration. The SSRC initially provided regular updates to the media, but these became less frequent during the voter registration process. Similar and increased efforts should be made during the pre-polling and polling periods.

Administration and Management of Information. The SSRC adopted regulations on voter registration just before the start of registration but after the training of referendum center staff. Carter Center observers noted that the regulations were not well communicated to referendum center staff. However, since the regulations did not change the registration procedures substantially from what was outlined in the registration training manual, the lack of information did not significantly affect the performance of the registration procedures. Carter Center observers noted that officials communicated the extension of the voter registration to referendum center staff in a haphazard method, resulting in anxiety on the part of staff as to how the extension would affect their salaries. The SSRC should adopt regulations on polling well ahead of the start of polling so that referendum staff can fully familiarize themselves with the procedures.

Referendum administration bodies experienced difficulties in contacting referendum centers in certain areas of Southern Sudan, in particular parts of Warrab and Jonglei. Daily reporting of registration numbers

was inconsistent and in some places impossible. The communication gap was narrowed by the deployment of satellite phones after the start of voter registration. However, Carter Center reports indicate that many of these phones were not properly activated or provided sufficient phone credit. In anticipation of the referendum, officials should deploy additional satellite phones with adequate credit to reach all referendum centers. In addition, officials should take measures well in advance of polling to ensure optimal communication between the SSRC, SSRB, and the referendum centers, including increased training on reporting procedures and the creation of plans for physical retrieval of information.

The referendum administration, particularly the SSRB, faced challenges securing funding to pay referendum center staff in a timely manner. Although the GoSS has committed funding to the SSRB to enable it to carry out the referendum, the GoSS itself faced problems making the cash available to the SSRB due to delays in cash transfers from the national government. Both governments should immediately make available to the SSRC and SSRB the funding necessary for proper management of the referendum. Carter Center observers reported many instances where referendum center staff criticized the slow process of salary payments. In 53 percent of all referendum centers visited by observers, officials had not received their correct salaries on time.² Payments to identifiers were handled in varying ways and should be clarified ahead of polling. Referendum administration should take action to increase the advance portion of salary payment so that lagging salary payment does not interfere with the process.

² On the opening day of registration, only approximately five percent of the referendum center staff in centers visited by The Carter Center in Southern Sudan had received payment, an issue that led to the temporary closure of registration centers in Unity State on the second day of registration. The SSRB subsequently agreed to pay staff in Southern Sudan 20 percent of what they were owed initially and to pay the remaining 80 percent at the end of registration. However, Carter Center observers reported that referendum center staff in a number of rural areas of Southern Sudan still had not been paid by the latter part of registration including areas of Central Equatoria, Jonglei, Lakes, Raja County in Western Bahr el Ghazal, and Western Equatoria.



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Access of observers. While most of the members of the State High Committees, State Referendum Committees, County Sub Committees, and referendum center staff were extremely welcoming to international observers, in eastern Jonglei, Western Equatoria, and Juba county, Central Equatoria, there were some incidents of inhospitable behavior and actions intended to prohibit the access of observers, despite clear stipulations in the CPA and the SSRC's observer regulations calling for full access by observers.³ The Carter Center raised these issues with members of the SSRB, who promised to address them with the appropriate parties.

INTIMIDATION

Although The Carter Center is aware of reports and allegations of intimidating behavior practiced by agents of the SPLM, NCP, and security forces in Northern and Southern Sudan, observers were only able to confirm a few of these cases. Carter Center observers confirmed what appear to be politically motivated arrests of five NCP members in Eastern and Western Equatoria and Jonglei. Carter Center observers also reported incidents of government-sponsored intimidation in Shendi, River Nile state, and Omdurman, Khartoum state, in which soldiers and other government workers were told that they would not receive their salaries if they did not register. Although The Carter Center did not observe a systematic pattern of intimidation, where such behavior occurs, it undermines full participation in the referendum process and is contrary to Sudanese and international legal obligations, which require that everyone be allowed freedom of expression without fear of interference and that other rights necessary to freedom of expression be respected.⁴ The Carter Center calls on the Government of National Unity and the GoSS to denounce such tactics and demand that government representatives refrain from intimidation before, during, and after during the polling period.

The Carter Center is also concerned about intimidating rhetoric prevalent in Western Equatoria aimed

at the Jehovah's Witness congregation for their decision to refrain from referendum registration for religious reasons. The decision of Yambio County to suspend all church activities of the congregation, including church services, meetings on the church compound, and any other activities of Jehovah's Witnesses undermines the freedom of expression and association of populations with opinions divergent from the mainstream.⁵ The Carter Center calls upon all stakeholders in Western Equatoria to respect the right of all individuals to participate in or refrain from the referendum process.

VOTER EDUCATION

Carter Center observers noted very little involvement by referendum administration bodies in voter education until the start of registration; voter education efforts are necessary to ensure an informed electorate is able to effectively exercise the right to vote.⁶ Almost all of the preparatory voter education activities in Southern Sudan were conducted by civil society groups such as the Sudanese Network for

3 Comprehensive Peace Agreement, Machakos Protocol, 2.5 (2005) (stating that the Southern Sudan Referendum shall be "internationally monitored"); Observer Rules and Regulations, Art. 5(1) (stating that accredited observers, "[e]njoy the right to enter in any referendum centre at any time during the voter registration, polling, sorting, counting of votes, and announcement of the preliminary results"). A referendum staff person in eastern Jonglei was hostile to Carter Center observers and said without provocation that he could deny them access to referendum centers. In Western Equatoria, the State High Committee released a memo on data collection that stated that "All referendum partners, staff, UN, and NGO agencies are not allowed to access information and data on voter registration except through the office of the chairman and State High Referendum Committee." The position put forth in this memo contradicts the SSRC's rules and regulations regarding observers and their role in the process and should be rejected by the SSRB. Lastly, at a referendum center in Juba county, a chairperson refused to share information with Carter Center observers and claimed that international observers had to stay 10 meters outside of the center during the process, in contravention of the Southern Sudan Referendum Act, observer regulations, and the registration training manual.

4 The Interim National Constitution of the Republic of the Sudan, Art. 29, 40, 41 (2005); Southern Sudan Referendum Act, Art. 7(a) (2009); International Covenant on Civil and Political Rights, Art. 19, 22, 25; African Charter for Human and Peoples' Rights, Art. 6, 10, 13.

5 CPA, Machakos Protocol, 6.2; Interim National Constitution, Art. 38; ICCPR, Art. 18; African Charter, Art. 8.

6 ICCPR, Art. 25; United Nations Human Rights Committee, General Comment 25, paragraph 11.



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Democratic Elections, My Referendum for Freedom, and Youth for Separation. The latter two organizations often mixed voter education activities with advocacy in favor of secession. Once voter registration started, voter education activities increased with a variety of actors leading efforts in Southern states including local chiefs, churches, women's groups, the SPLM, and members of the state or county referendum taskforces.

Voter education was very poor throughout Northern Sudan. Carter Center observers reported a significant lack of understanding by Southerners in Northern Sudan as to whether they were eligible to participate in the referendum and how to register. According to Carter Center observers, South Kordofan was the only state in Northern Sudan with active and consistent voter education efforts, conducted by CSOs, throughout registration. Voter education efforts intensified, particularly in Khartoum, as registration continued with active involvement from civil society groups, the SSRC, and the NCP. However, outside Khartoum, few voter education activities were conducted with the exceptions of Karma and Dongola, Northern state and Shendi, River Nile state, where a local NGO, churches, and sultans conducted voter education efforts.

As the government, referendum administration and civil society prepare for the polling process, they should make efforts to clarify to the population two key issues regarding the referendum timeline, in line with Sudan's international obligations to take necessary steps to ensure sufficient civic and voter education for all citizens.⁷ First, that polling is planned for Jan. 9–15. Given the significance attached to the date of Jan. 9, it is probable that enormous crowds of voters will turnout to vote on this day, unaware that the process continues for six additional days. To prevent crowd control problems, those conducting voter education should clarify that the polling lasts for seven days.

Second, according to referendum administration staff and international technical advisors, the compilation and processing of results of the polling may last

two to three weeks. All actors involved in voter education should inform the Southern Sudanese people about this timeframe so that the lag time in the announcement of results does not lead to suspicions of malfeasance.

IDENTIFICATION

Carter Center observers noted inconsistencies in the application of identification procedures. Many Sudanese claim they can tell who is a Southerner by the way they look and speak. The regulations require that an applicant provide either official identification documents or verification of the applicant's identity by a designated identifier. This process was intended to ensure that minority groups such as permanent residents, who may not have the physical and linguistic characteristics presumed of Southern Sudanese, are able to participate fully in the process in keeping with Sudan's international obligations to allow citizens the right to participate in the public affairs of their country.⁸

Carter Center observers reported that potential registrants did not have their identity confirmed either by documents or by an identifier in over one third of the visits to referendum centers in Northern and Southern Sudan, despite the SSRA and SSRC regulations requiring official documentation to confirm identity or otherwise oral or written testimony from a chief, sultan, other dignitary, or concerned member of the community.⁹

7 The African Charter on Democracy, Elections, and Governance (Signed June 30, 2007) Article 12(4) (requiring signatories to "implement programmes and carry out activities designed to promote democratic principles and practices and consolidate a culture of democracy... integrate civic education in their education curricula and develop appropriate programmes and activities"); United Nations Human Rights and Elections, paragraph 87; ICCPR, Art. 2.

8 African Charter on Human and Peoples' Rights, Art. 2, 13; United Nations Human Rights Committee, General Comment 25, para. 11 on "The Right to Participate in Public Affairs, Voting Rights and the Right to Equal Access to Public Service" (providing that "[w]here registration of voters is required, it should be facilitated and obstacles to such registration should not be imposed.")

9 Southern Sudan Referendum Act, Art. 26; SSRC Voter Registration Regulations.



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Although the majority of centers visited by Carter Center observers had identifiers present, there were none in some visits observers made to centers in Gezira, Khartoum, Lakes, Jonglei, Upper Nile, South Kordofan, Unity, and Western Bahr al Ghazal. In these centers, observers reported a few cases in which applicants lacking identification documents were prevented from registering as no identifier was present to verify their identities, despite the SSRA provisions allowing for community leaders to fill the role of identifier when none was readily available.¹⁰ These individuals—though not a significant number—may have been unfairly excluded from participating in the process, in contravention of domestic and international obligations requiring that Sudan take necessary steps to ensure the realization of rights, including the right to self-determination.¹¹

APPEALS AND EXHIBITION

Although the number of persons denied participation in the registration process constitutes a relatively low percentage of the persons who tried to register, the appeals process for such individuals presented a widespread and consistent set of procedural errors witnessed by Carter Center observers during the voter registration process. The appeals process as determined by the SSRA is critical to the integrity of the larger process in that it helps ensure that eligible Southern Sudanese have a right to an effective remedy when barred from participation.¹² Very few people who were deemed ineligible by the chairs of the referendum centers received the rejection forms that were supposed to be the first step toward submitting an appeal.¹³ Officials frequently did not record the names of rejected applicants in the registration journal nor did they keep a running tally of the numbers of persons rejected at each center.

The Consideration Committees, or bodies formed in each referendum center to consider the validity of a rejection, were nonexistent in both Northern and Southern Sudan at the start of registration. The Khartoum State Referendum Committee initially told Carter Center observers that the law had been

changed and that there would be no Consideration Committees in Northern Sudan. Carter Center observers reported a lack of Consideration Committees in Northern Sudan for the majority of the voter registration process. Only South Kordofan had established a consideration committee in the third week of registration. By the last week of registration, most Northern states had taken steps to create these bodies. Observers were told in South and North Darfur and in parts of Eastern Equatoria that Consideration Committees would be established only at the end of registration.

As registration continued into the second week, officials started to establish Consideration Committees in Southern Sudan, namely in Eastern Equatoria, Northern Bahr al Ghazal and Western Bahr al Ghazal. However, officials appeared confused about the role of the committees, and how they were constituted and managed. In Central Equatoria and Upper Nile, officials told Carter Center observers that the Consideration Committees would be set up at the county level.

Exhibition. Carter Center observers noted that most of the referendum centers they visited throughout the country did not have the required notices posted indicating the dates of exhibition. During 74 percent of Carter Center visits to referendum centers during voter registration, no notice of exhibition was posted.

Additionally, in Khartoum, Kassala, North Darfur, South Darfur, and Red Sea state, referendum center staff members went beyond mandated procedures by reproducing the registration lists by hand for

10 Article 26 of the Referendum Act and Article 11 of the SSRC Voter Registration Regulations provide that in the event of absence of identification document or the oral or written testimony of an identifier, “[r] eferendum Centre Committee shall seek the assistance of the Sultan or concerned Chief of the village as the case may be.”

11 Southern Sudan Referendum Act, Art. 27; ICCPR, Art. 2(2); International Convention on the Elimination of all forms of Racial Discrimination, Art. 1.

12 SSRC Voter Registration Regulations, Art. 16, 17; ICCPR, Art. 2(3).

13 SSRC Voter Registration Regulations, Art. 17 (stating “In case of denied registration the Chief of the Referendum Center shall immediately issue a written notice stating the cause for such denial and inform the applicant about his right to petition to the Consideration Committee”).



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the exhibition period. Although this practice was intended to make it easier for the public to review, it raises concerns because errors are far more likely to occur when names are re-recorded onto a separate document and the transcription generally occurred when registrants were no longer watching to ensure that their names and information were recorded correctly.

Objections and Appeals. Referendum administration bodies and civil society have provided limited voter education on the exhibition and appeals timeline and processes. Referendum staff and considerations committees in the South continue to exhibit varying degrees of understanding of the exhibition and objections period. As a result, adherence to the regulations for exhibition and objections at referendum centers varies significantly. In addition, the altered timeline for exhibition, corrections, and objections was not well communicated to referendum center staff in the South leading to confusion and delays in the exhibition process in some areas.

So far, Carter Center observer reports indicate that the exhibition and objection period is running smoothly in the North; in the South, the operation of referendum centers vary substantially. Many Southern referendum centers have not begun exhibition and discontent over lack of payment of referendum officials has inhibited exhibition in some areas. Voter lists are not posted in many referendum centers, making it difficult for voters to look at the preliminary register for the purpose of objection. Carter Center observers noted that some referendum officials in the South stated that voters are only permitted to review the preliminary register for their names, but not the names of others.

Both referendum officials and the general public lack knowledge of the court appeals process at the local level. The Carter Center recommends the SSRC, the National Supreme Court, and Southern Sudan Supreme Court urgently release information about the competent courts so individuals wishing to submit appeals are aware of how, where, and the timeframe within which to do so. This will help

ensure compliance with Sudan's international commitments requiring the right to an effective and timely remedy.¹⁴

The Carter Center is aware of a number of complaints about the referendum process that have been filed with Sudan's Constitutional Court and news reports indicate that the Court has agreed to hear one of the cases. Although Carter Center observers have requested additional information about the complaints, they have not yet received copies of the complaints.

ELIGIBILITY

As mentioned in a previous Carter Center statement, the criteria governing eligibility to participate in the referendum should have been more clearly defined and communicated. Although the SSRC provided a clarification of the eligibility criteria on Oct. 24, several questions were not explicitly resolved at that time, including one-parent heritage and Ngok Dinka registering outside Abyei. During registration, Carter Center observers noted confusion in Kassala, Khartoum, South Kordofan, and Upper Nile about the eligibility of persons with one parent from the South. The Carter Center welcomed the SSRC's subsequent action on Nov. 23 to inform all State Referendum Committees (SRCs) in Northern Sudan that any Sudanese with one parent from the South (regardless of whether it was the mother or father) was eligible to register for the referendum.

Notably, referendum center staff in Gezira, Khartoum, River Nile, and South Kordofan seemed confused as to the eligibility of Ngok Dinka from Abyei living in outside of Abyei. The inconsistent application of the eligibility requirements to the Ngok Dinka and other people deemed by referendum

¹⁴ Southern Sudan Referendum Act, Art. 31; SSRC Voter Registration Regulations, Art. 20; ICCPR, Art. 2 (providing a right to legal redress); A Handbook on the Legal, Technical, and Human Rights Aspects of Elections A Handbook on the Legal, Technical, and Human Rights Aspects of Elections, para. 114 (stipulating that "Anyone alleging a denial of their individual voting or other political rights must have access to independent review and redress").



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center staff to originate from Abyei may have unfairly excluded some eligible persons from the process, which stands in opposition to Sudan's commitments to ensure that Southern Sudanese can exercise their fundamental political rights.¹⁵

In Jonglei and Unity states, observers reported some cases of underage registration but the numbers of such incidences were fairly low. In several cases in South Kordofan and Northern Bahr al Ghazal, applicants perceived to be underage were turned away. In Unity State, in most referendum centers all applicants were asked if they would be in the same location on Jan. 9 before they were allowed to register. The exclusion of potential applicants on this basis would constitute a violation of the guidelines governing eligibility and may have resulted in the exclusion of some eligible participants.

LOCATION OF REFERENDUM CENTERS

Many participants in the registration process complained to Carter Center observers about the location of referendum centers throughout Northern and Southern Sudan. In Khartoum, Omdurman, Gezira, Gedaref, South Kordofan, and White Nile, registrants told observers that the centers were located far from the major concentrations of Southerners. In Gezira, Khartoum, and White Nile, centers were moved during registration to make them more accessible to Southerners. While this was a positive attempt to ensure greater inclusion, the State Referendum Committees should ensure that prior to polling, notices are posted in the previous locations to clearly inform voters of their relocation.

In Southern Sudan, registrants complained that there were too few centers as compared to the number put in place for the April 2010 elections and that the existing centers were far away from rural populations. This sentiment seems to have led some referendum teams to operate as "mobile centers" to improve access to registration for rural populations. Carter Center observers saw several mobile referendum center staff in Eastern Equatoria, Lakes, Northern

Bahr al Ghazal, Jonglei, and Central Equatoria. In Sennar state in Northern Sudan, all of the referendum centers were mobile in order to reach as many Southerners as possible. The members of the referendum administration that made the decision to have mobile referendum centers seem to have been driven by good intentions to include rural populations. However, in these cases it is important for referendum officials to increase their voter education efforts to inform voters in these areas where to cast their ballots.

PRISON REGISTRATION

The Carter Center welcomes the decision of the SSRC to register eligible members of the prison population, a strong step toward ensuring equal suffrage for eligible voters, including those with special needs.¹⁶ Registration of prisoners was observed in Khartoum, Gezira and Central Equatoria, and seems to have been managed smoothly.

WOMEN'S PARTICIPATION

At the start of registration, Carter Center observers reported very low numbers of women turning out to register in Southern Sudan. However, as the registration period continued, observers reported increasing numbers of women and in some cases noted higher numbers of female registrants than male. Carter Center reports also indicate a low number of female staff in the referendum centers in both Northern and Southern Sudan. In Kassala, the Raja area of Western Bahr el Ghazal, and South and North Darfur, there was few female referendum center staff. In Unity State, observers were told that in accordance with sub-committee directions, women could only serve in the "Registrar 2" position, and at the sub-committee

¹⁵ Southern Sudan Referendum Act, Art. 25; ICCPR, Art. 1,25; Convention on the Elimination of All Forms of Racial Discrimination, Art. 5.

¹⁶ See generally, ICCPR, Art. 25; United Nations Human Rights Committee, General Comment 25; Handbook on the Legal, Technical, and Human Rights Aspects of Elections, para. 110.



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level women were only finance or administrative officers. The Carter Center urges referendum administration officials to increase the number of female officials, including in senior positions as they recruit additional team members for the polling period. This will help ensure Sudan fulfills its domestic and international commitments to ensure the equal participation of women in public affairs.¹⁷

TURNOUT IN THE NORTH

Very few registrants turned out to register in Northern Sudan in the first week of the registration period. As the Eid-al-Adha holiday came to an end and information about registration spread, the turnout increased, though it remained far below the number of estimated eligible voters in Northern Sudan. While there may be a variety of issues involved, a number of factors appear to have contributed to the low turnout, including poor voter education, anxieties of Southerners in the Northern states regarding their future status, and an increasing focus of Southerners in the North on repatriation to the South ahead of the referendum. Although not observed, Carter Center received some credible reports indicating that the SPLM encouraged Southerners in the North not to register. If these reports are accurate, then these activities could also partially account for the low turnout.

PARALLEL REGISTRATION

Carter Center observers reported a number of instances where parties other than referendum administration bodies recorded registrants' information, often directly outside referendum centers in Northern Sudan. While such activity – sometimes referred to as parallel registration – is not technically illegal, in some cases it can have an intimidating effect since it is often interpreted as a way of maintaining unwanted scrutiny on potential voters. This is especially true if the purpose of the activity and the identity of those conducting it are not clearly explained to registrants. The Carter Center observed parallel registration

conducted in Gezira, Khartoum, Northern Kordofan, and River Nile. A variety of actors were involved in parallel registration efforts, including Popular Committees, representatives of the Government of Southern Sudan, representatives of the NCP, local chiefs, the High Commission for Peace and Unity and the National Students' Union. Those responsible for parallel registration should make clear the purpose of such efforts during registration and refrain from conducting any similar activities around the polling.

Finally, in some isolated cases in Khartoum, observers noted that those conducting parallel registration kept the registration cards of the persons whose names were recorded. Such instances constitute a serious obstacle to open participation, and referendum officials should take appropriate action to ensure that registrants possess their own cards in advance of polling day.¹⁸

POLITICAL PARTIES

The SSRC decision not to issue specific regulations guiding the role of political parties in the voter registration process and to accredit political party representatives as domestic observers under their party's name, contributed to significant confusion regarding the affiliation of different types of domestic observers in the referendum centers. Carter Center observers reported that it was difficult to clarify whether observers were members of political parties or domestic observer groups. This issue became more problematic when some of these observers seemed to cross lines by interfering in the registration process or participating in parallel registration. The lack of clear affiliation made it difficult to assign responsibility for these activities.

There was no clear and systematic communication to political party members or to State High

17 Interim National Constitution, Art. 32(1), 41(1); UN ICCPR, Article 3; Protocol to the African Charter on Human and Peoples' Rights, Art. 2.

18 Southern Sudan Referendum Act, Art. 7 (such practices would challenge the "appropriate environment and security conditions in order to prepare and organize the free exercise of the right to self-determination").



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Referendum Committees about the right of political party members to participate in the process as domestic observers. The absence of specific accreditation procedures for political parties also led to an unclear, delayed, and sometimes failed accreditation process for political party agents seeking accreditation as domestic observers.¹⁹ Ahead of polling the SSRC should consider distinguishing the role of the party agent from the role of the domestic observers and should require all present in referendum centers to clearly state their institutional affiliation.

CAMPAIGNING AND MEDIA

Although released one month after the start of the campaign period, The Carter Center welcomes the adoption of media campaign regulations by the SSRC. The regulations provide for the establishment of a “media committee,” which will be critical in the conduct of public awareness and monitoring the manner in which the referendum process is covered by the media in Sudan.²⁰

Carter Center observers have reported a moderate amount of campaign activity in Southern Sudan but only a minimal amount of campaign activity in Northern Sudan. In addition, Carter Center observers reported that some local civic organizations in the Khartoum area appear to have misunderstood the campaign period, believing that campaigning should begin only after the conclusion of voter registration.

All of the campaigning observed by The Carter Center in Northern Sudan has been in support of unity and almost all of the campaigning observed in Southern Sudan has been in support of separation. Some representatives of Northern-based opposition parties in Southern Sudan reported to The Carter Center that they feel that campaigning in support of unity would not be accepted in the current political and social environment in Southern Sudan. Although The Carter Center did not observe systematic restrictions on the ability to express support for unity in Southern Sudan, it is clear that the enormous social support for the separation option could prevent people from comfortably speaking out in support of unity.

Media coverage. At the start of registration, Carter Center observers noted that members of the domestic and international media acted intrusively in Juba, interfering in the process to take pictures of people registering and conducting interviews with referendum center staff at the height of the registration process. The Carter Center urges members of the media to demonstrate respect for the referendum process while performing their duties, particularly during what will likely be a high-volume polling day on Jan. 9.

The Carter Center remains disappointed by the prevalence of media coverage that seeks to emphasize the potential for volatility rather than the progress that has been made toward implementation of the referendum. The Carter Center calls on representatives of the media to provide balanced and accurate coverage of the referendum process.

PARTICIPATION IN THE REFERENDUM PROCESS

The referendum to determine whether Southerners wish to remain within a united Sudan on the basis of the present arrangements or to secede and establish an independent state is stipulated in the Comprehensive Peace Agreement (CPA) to fulfill the democratic rights of Southern Sudanese for self-determination.²¹ As a democratic exercise there have been some notable gaps in participation of the people of Sudan, as seen in the somewhat limited involvement of Southerners in Northern Sudan in voter registration and the lack of involvement of some of the main political opposition parties in the process.

The possible secession of Southern Sudan is an issue of critical significance to the future of the country, and all segments of Sudanese society should become actively engaged in the process. Informed

¹⁹ Members of the SPLM-DC were denied accreditation in Jonglei because they were deemed by the SHC to not be a legitimate political party.

²⁰ Southern Sudan Referendum Commission Media Campaign Regulations 2010, Art. 4.

²¹ Comprehensive Peace Agreement, Machakos Protocol, 1.3, 2.5.



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decision-making requires that voters understand the implications of both options. To this end, The Carter Center recommends that civil society actors and the governments in Northern and Southern Sudan organize public debates and other informational fora to provide public information about the referendum options.

DOMESTIC OBSERVERS

The Carter Center welcomes the significant participation of a variety of domestic observer groups observing the voter registration process in Northern and Southern Sudan. At the same time, the Carter Center was disappointed that the accreditation process was delayed for many domestic observers in the South. Although many observers were given a letter from the SSRB that allowed them to observe without SSRB-issued badges, it would have been preferable for the SSRB to expedite accreditation. The SSRB and SSRB's decision to decentralize the accreditation of observers to the state level is a positive step towards allowing observers to access credentials in their home areas. As the domestic observer groups prepare to recruit significant numbers of new observers for the polling process, authorities should ensure that the state committees have the requisite materials to issue accreditation expeditiously.

The Carter Center is concerned that the reported requirement of photos for the accreditation of domestic observers for the polling process will result in the exclusion of observers from areas where photo printing is not accessible. The Carter Center urges the SSRB to forego this requirement and to adopt an expedited process of accreditation to allow maximum participation for domestic observers.

ROLE OF SECURITY FORCES

The security forces that provided security during voter registration played a generally positive role in the process and refrained from interfering in the registration. These members of the security forces should be acknowledged for respecting the integrity of the referendum process. However, Carter Center observers

witnessed a few incidents in Northern Sudan where security forces played an inappropriate role in the opening and closing of referendum centers by recording the serial numbers of seals used to secure registration kits.²²

OUT OF COUNTRY VOTING (OCV)

Throughout the registration process, The Carter Center has maintained an international presence²³ in all eight countries in which an out-of-country (OCV) registration facility has been operating and visited the large majority of the registration sites in OCV countries.²⁴

The Carter Center found the OCV process generally well-managed, credible, and peaceful with the exception of some security incidents in Uganda. The final assessment on voter registration in OCV will depend on an evaluation of the final voter registry.

Compared with SSRB and IOM's planning figures for eligible overseas voters, actual registration levels have been very low, which could mean that the initial figures were overestimated. The referendum administration faced difficulties in making assessments of the potential numbers eligible voters in each country as the relevant data was collected from a number of official and unofficial sources.

22 In the Kajo Keji area of Central Equatoria in Southern Sudan, The Carter Center observed instances of national intelligence officials looking through registration books and writing down the numbers of persons registered each day. In the Akobo area of Jonglei, Carter Center observers noted several incidents of SPLA and Southern Sudan Police Service involvement in the registration process. These included instances of security personnel opening the box of registration material, checking and recording the seals, accessing the materials, checking applicants' fingers for ink residue, and verifying applicants' eligibility. In Khartoum state, security officers on several occasions entered referendum centers without justification.

23 The 26 out-of-country observers are from 13 nations. Australia, Canada, Egypt, Ethiopia, Germany, Ireland, Kenya, Spain, Sweden, Switzerland, Uganda, UK and the USA

24 Sherkole Camp (Asosa) in Ethiopia was not observed as most potential registrants had been processed by the time the team deployed from Addis Ababa. However, the camp was visited during the exhibition phase. The Carter Center also did not visit the eight centers that were established towards the end of the voter registration (Boston, Chicago, Dallas, Nashville, Seattle in the US and Brisbane and Perth in Australia). All other 37 centers were visited.



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At the same time, a number of factors may have discouraged registration. In several of the OCV countries Carter Center observers heard reports that some Sudanese believed that since OCV registration and polling results are to be entered in Khartoum rather than Juba, the figures would be manipulated in Khartoum to favor unity. In Uganda, this appears to have led some eligible people to register in Southern Sudan.²⁵ Reportedly, many people took advantage of the transport provided by the SPLM to facilitate registration inside Sudan. While these sentiments did not affect overall participation level, they are likely to have decreased the OCV registration level. In the three East African countries, long distances, difficulties in paying for public transportation, and obligation to harvesting duties were often cited as reasons for Southerners not showing up to register in large numbers.

Despite the low turnout, observers noticed that those who did register made considerable efforts to do so. Many applicants travelled long distances and sometimes in inclement wintry weather in order to participate in the process.

Unlike in Sudan, Consideration Committees were established in all of the OCV registration centers at the start of the process. In many cases, the committees were initially uncertain of their roles, had no written guidance or briefing, and seemed unclear about their status relative to the referendum center chair and staff. Carter Center observers saw no instances of significant disputes, and the decisions of Consideration Committees regarding eligibility were generally not challenged.

Local security arrangements were in place at all sites and any incidents within referendum centers were handled by referendum center staff. No significant security issues came to the attention of Carter Center observers except for two incidents in Uganda where referendum center staff reported being subject to serious threats.²⁶ The Carter Center strongly condemns any interference and intimidation, reminds all stakeholders of Sudan's obligations to ensure

uninhibited participation in the process, and urges all sides to refrain from any such activities during polling.²⁷

The Carter Center observers have been welcomed in referendum centers by staff, IOM, visiting guests, and registrants alike. Some people who held reservations about the role of Khartoum in the data processing of the results indicated they felt reassured after seeing Carter Center observers.

The Carter Center OCV observers were formally accredited by the SSRC in a timely fashion. Domestic observers—often significant members of the local Sudanese community—were accredited locally in accordance with regulations. Those representing GOSS and political parties—notably SPLM—were issued with diplomat observer and domestic observer cards respectively, albeit with a clear indication of the institution to which they belonged.²⁸ As noted above, The Carter Center recommends that a distinction be made between domestic observers and political party representatives.

Exhibition. First reports on the exhibition period highlight varying turnout levels from zero attendance in Toronto, London, and Canberra to a turnout of low hundreds at centers in Uganda and Kenya. There has been no indication that buses transporting members of the Southern Sudanese community in Uganda to border towns in Southern Sudan are continuing to operate during the exhibition period. In many cases, registrants who have committed to long and expensive journeys to register and later, to vote, will not readily wish to add a third journey and are unlikely to attend exhibition.

25 Two buses reportedly ran daily for a period from Arua, Uganda into Southern Sudan to transport applicants to register in Southern Sudan.

26 The referendum center Chair in Masindi was threatened at the start of registration and went into hiding at night. The Carter Center also received a copy of a letter evidently written by the SPLM Kampala chapter and dated 30 November that threatens dire consequences if referendum center staff continued to work at the Kyangwali referendum center.

27 Interim National Constitution, Art. 23; Southern Sudan Referendum Act, Art. 7.

28 On one occasion in Calgary, when an SPLM representative was campaigning inside the referendum center, he was reminded not to, and was required to sign a copy of the observer pledge by the chair of referendum center.



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ABYEI

The population of Abyei anxiously awaits progress toward a referendum or a negotiated solution that responds to the needs and anxieties of all of the area's inhabitants. Although some of the Abyei population may have met the eligibility criteria to participate in the Southern Sudan referendum by proving their links to indigenous communities of Southern Sudan, they were excluded from participation in the registration process due to a narrow reading by the SSRC of the CPA and the Sudan and Abyei Referendum Acts, which concluded that the people of Abyei were not eligible to participate in the Southern Sudan referendum because they are supposed to have their own referendum and therefore they could not participate in both processes.²⁹ This interpretation prevented the SSRC from establishing referendum centers in Abyei. The Carter Center believes that some of the people of Abyei should have been eligible to participate in the Southern Sudan referendum and have been unfairly excluded from the process.

It is becoming increasingly unrealistic for the referendum in Abyei to take place simultaneously with the Southern Sudan referendum on self-determination scheduled for Jan. 9, as stipulated in the CPA.³⁰ The failure of the NCP and SPLM to resolve the issues on Abyei is a matter of grave concern, especially since the uncertainty is contributing to increased insecurity in the territory, and threatens to negatively affect negotiations and resolution of key issues.

The Center calls upon all stakeholders, including both the leaders of the Ngok Dinka and Misseirya, as well as the governments of Sudan and Southern Sudan to work together to reach agreement on key issues within the framework of the CPA, or through other means agreed to by all. While the Ngok Dinka and Misseirya need to be fully engaged in negotiations on these issues, it is critical that the genuine interests of the local populations are accurately represented.

CONFLICT AND INSECURITY

Although Carter Center observers reported that the vast majority of Southern Sudanese were able to participate in the voter registration process freely and without fear for their security, Carter Center observers witnessed the aftermath of violent incidents that disrupted the voter registration process in two areas. While these incidents were not widespread, their severity is a cause for concern.

The Center is particularly concerned regarding the reported attacks of the Sudan Armed Forces (SAF) in Northern Bahr al Ghazal, given their potential to become flashpoints for larger, more disruptive conflict. The documented air bombardment on Nov. 24 in the Kiir Adem area by aircraft of the SAF resulted in destruction of houses and several casualties. The following day, Carter Center observers saw that a referendum center located close to the bombing was seriously affected, and registration staff and material had to be evacuated to Gok Machar. Such attacks and the loss of human life are deplorable. The Center calls on the Government of Sudan to ensure no further attacks occur, as required by the Interim National Constitution and Sudan's commitments to guarantee security of the person.³¹

The Center shares a widespread concern that such SAF actions along the North-South border not only threaten the security of civilians living in the area, but also could spark fighting between the SPLA and SAF. In addition, any military action at the border puts the security of civilians living in the area at risk.

Finally, Carter Center observers reported the closing of several referendum centers in the Akobo area of Jonglei, due to an incident amongst some of the sub-clans in the Deng Jok area and clashes between these sub-clans and the SPLA. Observers reported the

²⁹ Southern Sudan Referendum Act, Art. 25.

³⁰ CPA, Chapter IV, 1.3

³¹ Interim National Constitution, Art. 23(2)b; ICCPR, Art. 9.



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temporary closing of a number of registration centers including: Weich Pout, Nuqda, Dilulah, Kier, and Thucwath.

SOUTH-SOUTH DIALOGUE

At the instigation of President of the Government of Southern Sudan Salva Kiir, a series of meetings are being held—the South-South Dialogue—to reconcile the various Southern parties and reach agreements on common approaches to the referendum and priorities for the post-referendum period. The Center urges the parties to continue such efforts and to ensure that the referendum goes forward in a peaceful atmosphere. In addition, The Carter Center urges the SPLM as the ruling party to ensure an inclusive planning process for the governance of Southern Sudan in the post-referendum period.

The second component to the South-South Dialogue is the reconciliation of the various armed groups in Southern Sudan. President Kiir initiated this process by pardoning the various rebel leaders and calling upon them to engage in a process to integrate them into the SPLA. The Center urges President Kiir, the SPLA chief of defense staff, and the leaders of the various armed groups to quickly reach agreements to assure the people of Southern Sudan that the referendum will be held under peaceful conditions.

BACKGROUND ON THE CARTER CENTER'S MISSION

During November-December 2010, the Center deployed 30 medium-term observers to complement its contingent of 16 long-term observers to monitor and report on the voter registration process for the Southern Sudan referendum. In addition, core staff within Sudan observed voter registration in

Khartoum, Juba, and two states in Darfur. For its observation in all eight out-of-country voting locations, the Center deployed a total of 26 observers.

In response to an invitation from the SSRC, The Carter Center initiated its referendum observation activities in Sudan in August 2010, subsequently deploying long-term observers in September. The Center assesses the referendum processes in Sudan based on the Comprehensive Peace Agreement, Interim National Constitution, Southern Sudan Referendum Act, and Sudan's obligations for democratic elections contained in regional and international agreements, including the African Charter on Human and Peoples' Rights and the International Covenant on Civil and Political Rights.³² In total, Carter Center core staff, long-term, medium term, and out-of-country observers form a diverse group from 28 countries.³³

The objectives of the Carter Center's observation mission in Sudan are to provide an impartial assessment of the overall quality of the referendum process, promote an inclusive process for all Southern Sudanese, and demonstrate international interest in Sudan's referendum process. The Carter Center conducts observation activities in accordance with the Declaration of Principles of International Election Observation and Code of Conduct that was adopted at the United Nations in 2005 and endorsed by 35 election observation groups.³⁴ The Center will release periodic public statements on referendum findings, available on its website: www.cartercenter.org.

³² Sudan ratified the African Charter on Human and Peoples' Rights (ACHPR) Feb. 18, 1986. The ACHPR came into force on Oct. 21, 1986. Sudan acceded to the International Covenant on Civil and Political Rights (ICCPR) on March 18, 1986. The ICCPR came into force on March 23, 1976.

³³ These countries include: Australia, Cameroon, Canada, Democratic Republic of the Congo, Denmark, Egypt, Ethiopia, France, Germany, India, Iraq, Ireland, Italy, Kenya, Kosovo, Malawi, Malaysia, Netherlands, Norway, Senegal, Sierra Leone, South Africa, Spain, Sweden, Switzerland, Uganda, United Kingdom, United States, and Zimbabwe.

³⁴ The Declaration of Principles in Arabic and English can be read at http://cartercenter.org/peace/democracy/des_declaration.html



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JIMMY CARTER, KOFI ANNAN, JOSEPH WARIOBA, AND JOHN HARDMAN TO LEAD CARTER CENTER DELEGATION TO OBSERVE REFERENDUM ON SELF- DETERMINATION OF SOUTHERN SUDAN

Jan. 3, 2011

FOR IMMEDIATE RELEASE

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Khartoum ... Former U.S. President Jimmy Carter, former U.N. Secretary General Kofi Annan, former Tanzania Prime Minister Joseph Warioba, and Dr. John Hardman, Carter Center president and CEO, will lead the Carter Center's international observation delegation for the January 2011 referendum on the self-determination of Southern Sudan. The Center will deploy more than 100 observers across Sudan and the overseas voting locations to assess the referendum process and observe polling, counting, and tabulation.

"The referendum is a critical step in the implementation of the Comprehensive Peace Agreement," said President Carter. "We hope this process will help the people of Sudan work for a peaceful future, regardless of the outcome."

The objectives of the Carter Center's observation mission in Sudan are to provide an impartial assessment of the overall quality of the referendum process and demonstrate international interest in Sudan's referendum. Members of the Carter Center's delegation

will meet with key political leaders, referendum authorities, domestic and international observer groups, and members of the international and diplomatic community, among others.

The Carter Center is encouraged that the Governments of Sudan and Southern Sudan have committed themselves to a peaceful conduct of the process, acceptance of credible referendum results, and respect for the rights of all Sudanese citizens, whether the Southern Sudanese vote for unity or separation.

"It is important for all political leaders to honor their commitments to sustainable peace in Sudan as set out in the Comprehensive Peace Agreement," said Annan.

The Center has maintained an election mission in Sudan since 2008, and organized a long-term observation mission for Sudan's April 2010 general elections. Additionally, the Carter Center is supporting non-partisan domestic observation in Sudan, including the training and deployment of 4,600 observers



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for the April general elections and an estimated 3,000 observers for the upcoming Southern Sudan referendum.

In advance of the January 2011 referendum, the Center deployed 16 long-term observers throughout Sudan in September to report on referendum preparations, the campaign period, and political developments. In November, an additional 56 observers were deployed in Sudan and the overseas referendum centers to monitor the voter registration process, a critical exercise determining who can participate in the referendum. The Carter Center concluded that despite remaining challenges the process was generally credible and allowed the vast majority of Southern Sudanese the opportunity to register.

The Carter Center initiated its referendum observation activities in Sudan in August 2010, following an invitation from the Southern Sudan Referendum Commission (SSRC). The Center assesses the referendum process in Sudan based on the Comprehensive Peace Agreement (CPA), Sudan's Interim National Constitution, the Southern Sudan Referendum Act, and Sudan's obligations for democratic elections

contained in regional and international agreements, including the African Charter on Human and Peoples' Rights and the International Covenant on Civil and Political Rights.

The Carter Center conducts observation activities in accordance with the Declaration of Principles of International Election Observation and Code of Conduct that was adopted at the United Nations in 2005 and endorsed by 35 election observation groups.

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A not-for-profit, nongovernmental organization, The Carter Center has helped to improve life for people in more than 70 countries by resolving conflicts; advancing democracy, human rights, and economic opportunity; preventing diseases; improving mental health care; and teaching farmers in developing nations to increase crop production. The Carter Center was founded in 1982 by former U.S. President Jimmy Carter and his wife, Rosalynn, in partnership with Emory University, to advance peace and health worldwide.



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CARTER CENTER FINDS SUDEANESE REFERENDUM PEACEFUL AND CREDIBLE

Jan. 17, 2011

FOR IMMEDIATE RELEASE

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Carter Center Preliminary Statement on the Southern Sudan Referendum:

The Carter Center observation mission congratulates the people of Sudan for the successful conduct of the historic referendum on self-determination, which was marked by an overwhelming turnout of enthusiastic voters during a peaceful and orderly seven-day voting period. The referendum process implements a major pillar of the Comprehensive Peace Agreement (CPA), and represents the realization of the aspirations of the people of Southern Sudan to determine their political future.

While several critical stages of the process remain to be completed before final results will be announced, the Center finds that the referendum process to date is broadly consistent with international standards for democratic elections and represents the genuine expression of the will of the electorate.

According to the Southern Sudan Referendum Commission (SSRC) and to reports of observers and others, it appears that the 60 percent turnout threshold required for a valid vote was reached several days before the end of the polling period. In addition, based on early reports of vote counting results, it appears virtually certain that the results will be

in favor of secession. The Carter Center welcomes statements by the Government of Sudan (GOS) that it will accept the results of the referendum, and anticipates that the international community will recognize the outcome as soon as the final results are announced. Although the population of Southern Sudan is understandably anxious to receive the results, The Carter Center urges all to remain calm as they wait for the final announcement due in early February.

The Carter Center commends the SSRC and the Southern Sudan Referendum Bureau (SSRB) for their determination to implement a successful referendum despite very short timelines and logistical challenges. The Center also recognizes the critical roles played by the United Nations Integrated Referendum and Elections Division (UNIRED), the International Foundation of Electoral Systems (IFES), and other international partners to assist Sudanese referendum authorities. The Government of Sudan and the Government of Southern Sudan should also be recognized for taking steps to ensure that the process could be conducted successfully.



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The Carter Center mission noted the following key findings during the referendum process:

- The voting period between Jan. 9–15 resulted in an overwhelming turnout of voters who cast their ballots in an atmosphere that mixed enthusiasm with solemn determination to participate in a historic referendum process. Although this enthusiasm led to long queues during the initial days of polling in Southern Sudan, voters displayed patience and commitment.
- With the exception of a few isolated incidents, polling was conducted in a peaceful and orderly environment. Polling materials were in place at most centers at the start of polling. Most officials carried out their duties properly and with confidence, working diligently often without full pay.
- While voter turnout in the South was overwhelming, nearing 100 percent in several locations, in the North, participation in registration and voter turnout was significantly lower. Long distances and a lack of transportation to the referendum sites may have contributed to this result; the Sudan People's Liberation Movement (SPLM) also encouraged Southerners living in the North to come home to register and vote. The large numbers of Southerners who decided to repatriate after registration was also likely a factor in the lower turnout in the North.
- During the voter registration period in November and December, more than 3.9 million Southern Sudanese registered to vote, mostly in Southern Sudan but also in northern Sudan as well as eight out-of-country voting locations. Although the voter registration exercise faced some procedural, logistical, and security challenges, the Center's observers found that the registration process was generally credible and laid a strong foundation for an inclusive vote.

Overall, the referendum process to this point has been successful and broadly consistent with international standards. Nonetheless, Carter Center observ-

ers reported a number of problems, which while not undermining the overall credibility and legitimacy of the referendum process, deserve to be noted to ensure improvements in future electoral processes in Sudan:

- During both voter registration and polling, Carter Center observers reported that procedures intended to resolve complaints at referendum centers—especially the formation of Consideration Committees—were not adequately implemented, and failed to provide an effective remedy for complaints.
- Similarly during voter registration, the application of eligibility criteria was uneven, particularly in northern Sudan, where some potential registrants were turned away. Identifiers intended to verify applicants' eligibility were either not present or not recognized by registrants as credible community representatives.
- The absence of large-scale voter education and non-biased civic education contributed to the voters' limited understanding of the process and curtailed their ability to make informed decisions about the impact of unity versus secession.
- During the polling period, Carter Center observers reported widespread instances of assisted voting for illiterate and poorly educated voters in Southern Sudan, most often by referendum officials. Carter Center observers generally found that such actions appeared to have been well intentioned by officials and desired by the voters. Although this assistance could undermine the secrecy of the ballot, in most instances it did not appear to influence the will of the voters. The high-degree of illiteracy combined with the lack of voter education contributed to this phenomenon.
- In the South, Carter Center observers reported many instances of security officials inside referendum centers. Observers in the North reported an excessive security presence outside the referendum centers. While the presence of security officials may



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have been intended to maintain security and order, their presence may have had an intimidating effect on some voters.

- The Carter Center welcomes the initiative of the SSRC to announce and post aggregated results at each stage of the tabulation process to increase transparency of the aggregation of final results.

With the forthcoming conclusion of the referendum process, The Carter Center urges actors in both the North and Southern Sudan, especially the CPA partners, to take urgent action to address the following challenges:

- The National Congress Party (NCP) and the SPLM should engage immediately to resolve all outstanding post-referendum issues as quickly as possible – well ahead of the end of the CPA – particularly those related to Abyei and citizenship.
- Although citizenship issues regarding southern Sudanese in the North and Northerners in the South remain unresolved, it is critical that the security of all of Sudan's people be guaranteed. The Center calls on the CPA partners to ensure the protection of all Sudanese in the post-referendum period.
- The referendum period triggered a wave of repatriation of an estimated 180,000 Southerners who had been resident in the north. The GoSS was frequently ill-prepared to provide basic services for returnees. The Carter Center encourages the government to increase its assistance to repatriated Southerners who intend to return to their original communities.
- The Carter Center believes that it is essential for the North and Southern Sudan to implement the CPA's goal of democratic transformation in Sudan. The Center welcomes and encourages efforts to pursue a consensual constitutional process in the South to provide an inclusive foundation for a vibrant pluralistic political society. In the North,

the Center encourages the ruling party to respond to calls for meaningful consultations with the opposition, and to support the Popular Consultation process in South Kordofan and Blue Nile.

- Finally, the Center urges all sides to work urgently to achieve a lasting peace in Darfur.

BACKGROUND ON THE CARTER CENTER'S MISSION

In response to an invitation from the SSRC, The Carter Center initiated its referendum observation activities in Sudan in August 2010, subsequently deploying long-term observers in September. During the voter registration, the Center deployed 72 observers in Sudan and the eight OCV voting locations. For the polling period, more than 100 observers have been deployed to observe the polling and tabulation process in Sudan and the OCV locations.

The Center assesses the referendum processes in Sudan based on the CPA, Interim National Constitution, Southern Sudan Referendum Act, and Sudan's obligations for democratic elections contained in regional and international agreements.[1] In total, Carter Center leadership, core staff and observers form a diverse group from 34 countries.[2]

The objectives of the Carter Center's observation mission in Sudan are to provide an impartial assessment of the overall quality of the referendum process, promote an inclusive process for all Southern Sudanese, and demonstrate international interest in Sudan's referendum process. The Carter Center conducts observation activities in accordance with the Declaration of Principles of International Election Observation and Code of Conduct that was adopted at the United Nations in 2005 and endorsed by 35 election observation groups.[3] The Center will release periodic public statements on referendum findings, available on its website: www.cartercenter.org.

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The Carter Center was founded in 1982 by former U.S. President Jimmy Carter and his wife, Rosalynn, in partnership with Emory University, to advance peace and health worldwide. A not-for-profit, nongovernmental organization, the Center has helped to improve life for people in more than 70 countries by resolving conflicts; advancing democracy, human rights, and economic opportunity; preventing diseases; improving mental health care; and teaching farmers to increase crop production. The Carter Center began working in Sudan in 1986 and for more than 20 years the Center has focused on improving health and preventing and resolving conflicts in Sudan. Please visit www.cartercenter.org to learn more about The Carter Center.

[1] Sudan ratified the African Charter on Human and Peoples' Rights (ACHPR) Feb. 18, 1986. The ACHPR came into force on Oct. 21, 1986. Sudan acceded to the International Covenant on Civil and Political Rights (ICCPR) on March 18, 1986. The ICCPR came into force on March 23, 1976.

[2] These countries include: Australia, Belgium, Benin, Cameroon, Canada, China, Democratic Republic of the Congo, Denmark, Egypt, Ethiopia, France, Georgia, Germany, Ghana, Ireland, Italy, Jordan, Kenya, Lebanon, Liberia, Mozambique, Namibia, Netherlands, Nigeria, Norway, Sierra Leone, Slovakia, Tanzania, Togo, Uganda, United Kingdom, United States, Zambia, and Zimbabwe.

[3] Read The Declaration of Principles in Arabic and English.



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CARTER CENTER CONGRATULATES SUCCESS OF SOUTHERN SUDAN REFERENDUM, ENCOURAGES STEPS TO STRENGTHEN FUTURE ELECTIONS

Feb. 14, 2011

FOR IMMEDIATE RELEASE

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The Carter Center congratulates the Southern Sudan Referendum Commission, the Southern Sudan Referendum Bureau, the Comprehensive Peace Agreement partners, and the Sudanese people on the announcement of the final results of the referendum on the self-determination of Southern Sudan. The results indicate overwhelming popular support for the secession of Southern Sudan, and their announcement marks the successful conclusion of the referendum process. The Center's observation mission finds that the referendum provided a credible expression of the will of the Southern Sudanese people and has been broadly consistent with international standards.

A Carter Center statement released on Jan. 17 provided a preliminary assessment of the referendum process to that point. This statement covers the subsequent period, focusing in particular on ballot counting, the tabulation of results, and data processing and finalization of results. The Center's overall assessment is that these processes were conducted in an orderly, professional manner, with few irregularities.

While the Center had sufficient access to these final processes and acknowledges the tight timeline the commission was working under, some of the procedures for data processing and the review or auditing

of results were not adequately explained to stakeholders, including procedural steps to review referendum center results that indicated inconsistencies between voter registration and turnout. For future elections, the election management body should distribute such procedures widely with all electoral stakeholders, while using adequate and transparent safeguards so that irregularities in results are identified, and where needed audited. This will be particularly important in future races where the winning margins could be closer than during the referendum.

Finally, the Center is concerned about the reports of several incidents of intimidation that occurred in the South during the referendum, which while rare, contravene Sudan's domestic and international human rights obligations.

Going forward, The Carter Center urges all parties to redouble their efforts to resolve outstanding bilateral issues during the remainder of the Comprehensive Peace Agreement interim period, which ends in July 2011, including an agreement on oil and water resources, the national debt, the relocation and reintegration of security forces to the North and South, and outstanding issues related to south-south reconciliation. It is also particularly important



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to resolve issues relating to citizenship and the rights of southerners in the North and northerners in the South.

In the current post-referendum period, the Center is very concerned about the recent arrests and detention of demonstrators without charge in Khartoum and clashes between southerners within armed units in Upper Nile and between the SPLA and armed groups in Unity and Jonglei states, which have led to dozens of deaths, including many civilians. The building of genuinely democratic states in Sudan requires the protection of democratic political space and respect for human rights and fundamental freedoms. The Center urges the authorities in both Khartoum and Juba to ensure the full protection of these political rights and freedoms.

BACKGROUND ON THE CARTER CENTER MISSION

The Carter Center has maintained a field presence in Sudan throughout the entire referendum process. For the balloting period, the Center deployed more than 100 observers to monitor voting and counting in Sudan and the eight countries where Southern Sudanese diaspora participated. The Center's referendum delegation was led by former U.S. President Jimmy Carter, former Secretary General of the United Nations Kofi Annan, former Prime Minister of Tanzania and Judge on the East African Court of Justice Joseph Sinde Warioba, and CEO and President of The Carter Center Dr. John Hardman.

Currently, the Center has 16 long-term observers in Sudan to report on post-referendum processes and to monitor and report on the postponed elections in South Kordofan and the Popular Consultations in Blue Nile.

The Carter Center assessed the referendum processes in Sudan based on the Comprehensive Peace Agreement, Interim National Constitution, Interim Constitution of Southern Sudan, Southern Sudan Referendum Act, and Sudan's obligations for democratic elections contained in regional and international agreements. The objectives of the Center's observation mission in Sudan are to provide an impartial assessment of the overall quality of the referendum process, promote an inclusive process for all Southern Sudanese, and demonstrate international interest in Sudan's referendum process. The Carter Center conducts observation activities in accordance with the Declaration of Principles of International Election Observation and Code of Conduct that was adopted at the United Nations in 2005 and endorsed by 35 election observation groups.

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Statement on Counting and Tabulation Processes for the Southern Sudan Referendum

Feb 14, 2011

The counting and tabulation of votes and the announcement of results for the Southern Sudan referendum represented the culmination of over six months of arduous work by the Southern Sudan Referendum Commission (SSRC) and Southern Sudan Referendum Bureau (SSRB). The SSRC and SSRB implemented the counting and tabulation processes in a manner broadly consistent with international standards and good practice. With 97.58 percent of registered voters turning out to vote, the final result of the referendum was 98.83 percent for separation,¹ overwhelmingly confirming the will of Southern Sudanese to form an independent state after the Comprehensive Peace Agreement's (CPA) conclusion on July 9, 2011.

Carter Center observers reported that referendum center (RC) staff were generally well-trained on counting procedures. Despite a few cases where RC staff did not correctly pack and reconcile materials, the transport of referendum materials was conducted efficiently. Further, the tabulation process was conducted professionally by data center staff, and in a way that ensured that the genuine will of the voters was expressed in the referendum results, consistent with Sudan's international commitments.²

The Carter Center commends the SSRC and SSRB for their steps to share information and cooperate with international and domestic observer groups and welcomed improved access given to

observers during the counting, tabulation of votes, and announcement of results, which sets a positive example for future elections.

In spite of these achievements, some aspects of the tabulation procedure should be strengthened in advance of future electoral processes or referenda. In particular, election authorities should ensure that regulations and procedures regarding data processing and the review or audit of results are disseminated and explained to electoral stakeholders, and that they ensure adequate and transparent safeguards.

Finally, the Center notes with concern incidents of intimidation in the South during the referendum, which while isolated in a largely peaceful process, contravene Sudan's domestic and international human rights obligations.

In addition, the Center highlights the need for the National Congress Party (NCP) and the Sudan People's Liberation Movement (SPLM) to address key issues of citizenship and the rights of northerners and southerners in the two separate states that will exist after July 9, 2011. Both parties must clarify the current uncertainty for the thousands who will be affected, and ensure that mechanisms exist to protect the many social, economic, and personal ties between North and South. At the same time, South-South reconciliation must be prioritized to ensure that

¹ This included 3,792,518 votes for separation out of 3,837,406 valid votes cast.

² International Covenant on Civil and Political Rights, Article 25.



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Southern independence begins on an inclusive basis.

In the current post-referendum period, the Center is very concerned about the more recent detentions of demonstrators without charge in Khartoum and clashes in Unity, Jonglei, and Upper Nile states leading to numerous casualties, and urges the authorities in Juba and Khartoum to ensure the full protection of these political rights and freedoms in the months ahead.

COUNTING AND RECONCILIATION

Carter Center observers monitored counting at 41 RCs inside Sudan and 30 stations in out-of-country voting (OCV) locations. Dozens of follow-up visits were made to sub-committees and state referendum bodies in the North and South following the end of polling to observe the transport of materials and the aggregation of votes. Observers reported that RC staff largely adhered to proper procedures for counting, and that RC level staff counted invalid, blank, separation, or unity votes according to the procedures.

The subsequent reconciliation and packing processes were not conducted as smoothly as the polling and counting processes, particularly in Southern Sudan. As noted in the Center's Jan. 17 preliminary statement, Carter Center observers noted confusion at a small number of RCs where referendum staff did not correctly follow procedures for packing and delivery of sensitive materials to sub-committees and state referendum committees.³ In northern Sudan, counting and tabulation proceeded quickly and tabulation was completed everywhere except South Kordofan and Darfur by Jan. 17.

Retrieval of materials was completed in an efficient manner, and was a major reason for the timely release of results by the SSRB and SSRC. The SSRC, SSRB, and international technical advisors should be congratulated on executing the efficient return of materials from 2812 RCs across the country as well as the 188 RCs in OCV locations.

TABULATION

Carter Center observers reported that both the Khartoum and Juba data centers functioned generally in a smooth and credible manner. In addition, access for observers to the Juba data center was adequate to conduct their work, as all accredited international and domestic observers were allowed to observe at the data centers after a simple registration procedure. This was an improvement compared to more limited access that was provided during the voter registration tabulation.⁴

Quarantine and Audit Triggers

According to the data processing procedures, only RC results forms that had turnout greater than 105 percent were quarantined and slotted for investigation.⁵ Therefore, a number of RCs that reported total votes greater than the number of registered voters based on the tabulation of the final register (i.e. with turnout between 100-105 percent) were not automatically quarantined. This was the case in 267 out of 2,638 RCs in Southern Sudan, and collectively amounted to a total of 3,011 additional votes. Most of these cases reflected differences between the SSRC's registration data and the registration books used at the RC level, discussed in further detail below. Data center

³ Observers across Southern Sudan reported challenges with the tamper evident bags (TEBs) at a number of referendum centers. This included failure to place materials in TEBs overnight after counting and completion of the results forms (most continued to seal the materials in boxes), misplacing materials in different bags, and the sub-committees incorrectly opening the TEBs before they had reached the data centers. Observers reported that these errors appeared to be due to lack of training, and did not threaten the integrity of the counting and tabulation processes.

⁴ Initially, Carter Center observers were not guaranteed a permanent seat to observe in the Juba data center and were not allowed to bring into the data center observer checklists or pens. After raising this with the Bureau, these restrictions were lifted. During the polling tabulation, observer access was further improved by regular oral and written updates from the data center management.

⁵ When RC's results were quarantined, the SSRB excluded those results from the database and requested that the relevant State High Referendum Committee conduct an investigation to determine if the number of registered voters in the final voter registry matched the registration books at the RC, that the results forms were correctly completed, and there was not evidence of other irregularities. In most areas of Sudan, support was overwhelming for separation.



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staff indicated that this high threshold for an audit was designed to accommodate inconsistencies in the voter registry, in light of the fact that voter registration results were received at the SSRB very late in the process, and in some cases with incomplete registration information. However, the procedures on data processing and review were not widely publicized nor well understood by referendum stakeholders.

In other electoral contexts in most countries, a polling center with results exceeding 95 percent for one candidate would normally be subject to an audit. The SSRC data processing safeguards were designed in a context where an extremely high turnout was expected, and where strong support for one option was widely anticipated. The Carter Center notes that in most other electoral contexts, these data processing procedures would not be appropriate and recommends that future electoral bodies in Sudan do not use this threshold as a precedent. Further, it should be made clear to the Southern Sudanese and future election administrations that the very high turnout and the results, resoundingly in favor of one option, are highly unlikely in truly competitive elections.

During data processing, 36 RC forms were quarantined for having more than 105 percent turnout, all in Southern Sudan. The SSRB investigation of these results determined that in all 36 quarantined cases, there was no evidence of manipulation. Of these, nine cases were determined to be clerical errors and remedied by data entry staff in Juba. In the remaining 27 cases, the SSRB reported that 25 cases were due to incorrect completion of registration results forms. The other two quarantined RCs had problems because of inaccurate completion of the polling results forms. Based on these investigations, the SSRB amended the final voter registry.

At the Khartoum data center, no result forms triggered the quarantine threshold.⁶ Forms from OCV were received online and went through similar procedures except that data entry completed with electronic forms was verified with originals from the OCV countries once received.

While the tabulation process was generally conducted in a transparent and credible manner, for future elections the Center encourages electoral authorities to ensure that procedures on tabulation and data processing are publicly disseminated and explained, and that they ensure adequate and transparent safeguards. This would promote good governance and contribute to transparency of the process.⁷

DISCREPANCIES BETWEEN VOTER REGISTRY AND RESULTS

The completion of a voter registry for nearly four million Southern Sudanese within the compressed referendum timeline was an impressive achievement by the SSRC, SSRB, and the people of Sudan. As noted in previous statements, the voter registration process was conducted credibly and was a strong step toward holding a successful referendum. The use of the registration booklets for the official registry and fixed voter registration sites helped reduce the enormous challenges experienced during the April 2010 elections. The referendum registration process was conducted in line with Sudan's international and regional obligations to ensure universal suffrage.⁸

Nonetheless, in a number of states in Southern Sudan, Carter Center observers reported that problems arose due to differences between the voter lists used by the RCs,⁹ sub-committees, State High Referendum Committees (SHRCs), and the total registration figures compiled at the data center in Juba. The lack of clear communication between the SSRB and SHRCs regarding the final number of registrants led to confusion among some RC staff in a few states

6 Some forms were temporarily rejected before correction because RC officials failed to write the correct RC code, the RC names were different from those on data center records, or RC codes on TEBs were different from the result forms.

7 Article 3 and 12 and of AU, African Charter on Democracy, Elections and Governance.

8 ICCPR, Art. 25; African Union Declaration on the Principles Governing Democratic Elections in Africa, Article 1.

9 Registration books and the list of corrections and deletions after the objections period.



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about which registration number to use: the number from the registration books or the one they were given by the SHRC from the daily tracking figures during voter registration. This resulted in some RCs excluding voters from the registry, potentially turning away legitimately registered voters.¹⁰ In other RCs, additional ballots were cast, beyond the number in the SSRB final voter registry list.

Most of these problems are due to the short window between the creation of the preliminary voter registry and the start of polling.¹¹ Condensing what should have been a much longer period for reviewing the final voter registry and leaving only one day between the release of the final voter registry and the start of polling meant that there was not sufficient time to ensure that the results forms from voter registration accurately reflected the voter registration books at the local level.

INTIMIDATION

In the weeks after polling, Carter Center observers reported a few isolated yet alarming incidents of intimidation related to the referendum. While rare, political opposition groups were targeted and victims were detained and beaten.¹² The Center emphasizes that violence and intimidation is unacceptable and detrimental to the democratic process, and contravenes Sudan's domestic and international human rights obligations.¹³ While these incidents were exception to the overall peaceful context of the referendum, there must be thorough investigations and responsible parties should be subject to criminal punishment in compliance with Sudan's obligations in the Interim National Constitution (INC) and international agreements to guarantee security of the person.¹⁴

POST-REFERENDUM DETENTIONS AND VIOLENCE

In the post-referendum context, the Center is concerned about the recent wave of arrests and detentions without charge of peaceful demonstrators in

Khartoum, the GOS and GoSS should take steps to ensure the full protection of political rights and freedoms. The recent clashes between the SPLA and armed groups in Unity State, Jonglei, and by southerners within the Sudan Armed Forces Joint Integrated Units in Upper Nile state suggests that there has been little progress since the positive resolutions from the south-south reconciliation process in which it was agreed that the various armed groups opposed to the SPLA would reconcile after an amnesty was extended by Salva Kiir. If these concerns are not adequately addressed, there is a danger that the positive spirit witnessed during the referendum could be challenged.

CITIZENSHIP AND STATUS OF SOUTHERNERS IN THE NORTH

As noted previously, the Center welcomes statements by President Omar al-Bashir and First Vice President Salva Kiir Mayardit guaranteeing the safety

10 In Unity and Northern Bahr al Ghazal, in some cases RCs were incorrectly instructed to adhere to voter registration figures from daily tracking totals or the SSRB's final list, even if these totals did not reflect the figures in the registration books. Observers noted general inconsistency with the final voter registry in Northern Bahr el Ghazal, in particular between a list prepared by the state based on total registrants at the RCs, seemingly accurate, and the SSRB's final voter registry. The Northern Bahr al Ghazal SHRC Chairman stated that the short time allowed for corrections and quality control as the main reason for inconsistencies between the lists. In Unity State, the SHRC operated with the daily tracking form instead of the final voters list from SSRB. In Pariang County, observers noted major variations with the final registration numbers in six out of 19 centers visited. RC staff informed observers that they had been instructed to use the registration number from the daily tracking form, even in cases where RC staff admitted the number given as the final registration number from the SHRC was inconsistent with the actual number they had registered. The SSRB final voter list was later found to be consistent in those cases with the number the RC informed the observers that they had registered, but that list was not known in the state.

11 This window resulted from a long delay in starting referendum preparations and the political pressure to hold the vote January 9, 2011.

12 In Western Bahr al Ghazal observers reported that NCP members, supervising accredited NCP observers, were arrested and beaten. The victims were accused of being spies, buying registration cards, and instructing people not to vote. They were released without charges. Upon meeting the victims, observers saw visible evidence of assault. The NCP in Wau also stated that on January 11, three accredited NCP observers were arrested, taken to secret location and beaten for three days before the governor ordered their release.

13 UN ICCPR, Article 25 (b); UNCAC Article 18.

14 Interim National Constitution, Article 23(2)b; ICCPR, Article 9.



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of northerners and southerners after the referendum. Unfortunately, these populations still face substantial uncertainty regarding what their status will be once the independence of Southern Sudan creates two states from one. Continuing uncertainty is likely to create a volatile situation, and hasty returns will strain existing humanitarian capacity.

Moreover, there may well be a significant number of southerners living in Northern Sudan who wish to remain rather than return to the South. While an agreement on citizenship issues remains to be finalized, the NCP and SPLM should take immediate steps to ensure that mechanisms are put in place to ensure their rights are protected and that such measures are widely publicized. These could include guarantees of freedom of movement, instituting a common labor market, and ensuring rights for property ownership, such as currently exists between Egypt and Sudan.

Many other issues will need to be carefully negotiated so as not to cause economic or humanitarian problems. These include addressing the status of pensions of southerners in the army and civil service, agreeing on the timing and relocation of southerners from the SAF and national police to the South, and determining what arrangements or agreements will be put in place to manage cross-border relations.

BACKGROUND ON THE CENTER'S REFERENDUM OBSERVATION MISSION

In January 2011, the Center deployed more than 100 observers in Sudan and OCV locations, covering 24 of 25 States in Sudan and all eight OCV countries. Observers made more than 1100 visits to 790 RCs, representing 28 percent of all RCs in Sudan. In total, Carter Center staff and observers form a diverse group from 34 countries.¹⁵ Sixteen long-term observers remain in Sudan to report on the referendum process, and to observe the Popular Consultations in Blue Nile and elections in South Kordofan.

The Carter Center assesses the referendum process in Sudan based on the CPA, INC, Interim Constitution of Southern Sudan, Southern Sudan Referendum Act, and Sudan's obligations for democratic elections in regional and international agreements, including the African Charter on Human and Peoples' Rights and the International Covenant on Civil and Political Rights. The Center conducts observation activities in accordance with the Declaration of Principles of International Election Observation and Code of Conduct that was adopted at the United Nations in 2005 and endorsed by 35 election observation groups.

The objectives of the Center's mission in Sudan are to provide an impartial assessment of the overall quality of the referendum, promote an inclusive process for all Southern Sudanese, and demonstrate international interest in Sudan's referendum. Read the Center's reports on Sudan: www.cartercenter.org.

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The Carter Center was founded in 1982 by former U.S. President Jimmy Carter and his wife, Rosalynn, in partnership with Emory University, to advance peace and health worldwide. A not-for-profit, nongovernmental organization, the Center has helped to improve life for people in more than 70 countries by resolving conflicts; advancing democracy, human rights, and economic opportunity; preventing diseases; improving mental health care; and teaching farmers to increase crop production. For more than 20 years, The Carter Center has worked to improve health and prevent and resolve conflict in Sudan. Please visit www.cartercenter.org to learn more about The Carter Center.

¹⁵ These countries include: Australia, Belgium, Benin, Cameroon, Canada, China, Democratic Republic of the Congo, Denmark, Egypt, Ethiopia, France, Georgia, Germany, Ghana, Ireland, Italy, Jordan, Kenya, Lebanon, Liberia, Mozambique, Namibia, Netherlands, Nigeria, Norway, Sierra Leone, Slovakia, Tanzania, Togo, Uganda, United Kingdom, United States, Zambia, and Zimbabwe.



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ONE COPENHILL, ATLANTA, GA 30307

CARTER CENTER URGES INCLUSIVE TRANSITION IN SOUTHERN SUDAN

March 17, 2011

FOR IMMEDIATE RELEASE

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Distrust between the Sudan People's Liberation Movement (SPLM) and opposition parties is a critical challenge that undermines the unity of Southern Sudan on the eve of its independence. To ensure a successful transition, The Carter Center urges all Southern Sudanese political leaders to agree on genuinely inclusive processes for reviewing and adopting the transitional constitution and planning for the transition.

Initial efforts by the SPLM leadership to include opposition party members in the constitution drafting and transition processes were positive steps, and demonstrated the Government of Southern Sudan's commitment to national unity and inclusion. However, recent decisions to expand the number of SPLM members on the Technical Committee to ensure SPLM dominance over all decisions and to inhibit meaningful participation from opposition members run counter to that spirit.

Background: Following the successful Southern Sudan referendum in January, the leaders of Southern Sudanese political parties met in Juba Feb. 16-17 under the auspices of the Political Parties Leadership Forum to follow-up commitments made at an October 2010 meeting of Southern Sudanese political parties. The parties at the February meeting re-affirmed

their commitment to an inclusive transition process and agreed to increase opposition participation in the Technical Committee charged with drafting the transitional constitution. They also agreed that the committee's draft would be presented to the Political Parties Leadership Forum for their consideration before going to the Southern Sudan Legislative Assembly. On March 7, however, five opposition parties announced their withdrawal from the Technical Committee primarily citing the use of decision-making procedures that preclude genuine discussion of key principles of the transitional constitution draft as the reason for the withdrawal.[1] In addition, they noted concerns about statements by some SPLM members that suggest a planned expansion of the duration of the transitional period and the mandate of the current government.

The full report (below) gives further background and analysis on the transition process in Southern Sudan and is available along with previous Carter Center reports at www.cartercenter.org.

The Carter Center has maintained a field presence in Sudan throughout the entire referendum process. After the referendum polling was concluded, President Kiir welcomed The Carter Center to extend its presence in Southern Sudan to monitor



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the transition. The Carter Center recognizes that the political reform and transition process presently underway in Southern Sudan is of great importance and intends to issue statements periodically to assess progress.

Currently, the Center has 12 long-term observers in Sudan monitoring and reporting on post-referendum processes, and on the postponed elections in South Kordofan and the Popular Consultations in Blue Nile.

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[1] Nine parties signed the press release announcing the withdrawal from the committee. However, only five of the nine parties actually had representatives on the committee.



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Background

The Comprehensive Peace Agreement (CPA) of 2005 granted the Sudan People's Liberation Movement (SPLM) 70 percent of the seats in the Southern Sudan Legislative Assembly (SSLA) while 30 percent were set aside for other parties, including 15 percent for the National Congress Party (NCP) and 15 percent for all of the other Southern parties. Although the framers of the CPA assumed that the elections scheduled for midway through the six-year period of the agreement presented an opportunity to expand the representation in the SSLA, the elections that were finally held in April 2010 resulted in a narrowing of representation. There are multiple factors that explain the opposition's failure to win more than a few seats in the SSLA during the 2010 elections, including their structural weakness and the lack of access to campaign resources, together with SPLA abuses directed at opposition parties.¹ As a result, the elections served to increase antagonism and distrust between the opposition parties and the SPLM.

Despite this antagonism, virtually all of the parties and leading figures in Southern Sudan remained committed to the CPA-stipulated self-determination referendum. Even the few who preferred unity with the North nonetheless supported a referendum to determine democratically whether the people of Southern Sudan wanted to stay in Sudan or secede. That shared commitment provided a basis on which to bring the otherwise disparate parties together. The first attempt at finding common ground was a meeting initiated by

President Salva Kiir in October 2008 held in Juba. The parties committed to unity and agreed on the organization of a secretariat, but there was no follow up.

OCTOBER 2010 SOUTHERN SUDAN POLITICAL PARTIES' CONFERENCE

The current process began with the convening of over 20 Southern Sudanese political parties and civil society organizations, at the invitation of President Salva Kiir, to a meeting in Juba on Oct. 13-17, 2010, to discuss preparations for the referendum and the future governance of southern Sudan. At the end of the meeting, the parties agreed to activate a leadership forum of all the political parties that would meet regularly to consult and ensure implementation of the resolutions of the conference.

The final communiqué of the conference committed the parties to holding a free, fair, and transparent referendum that would gain international recognition. The parties also agreed to form a National Review Commission in the event that southerners opted for secession. This commission would review the current Interim Constitution for Southern Sudan (ICSS) for adoption as a transitional constitution. This was to be followed by both an all-party constitutional

¹ The Carter Center Final Report: Observing Sudan's 2010 National Elections April 11-18, 2010; Carter Center Reports Widespread Irregularities in Sudan's Vote Tabulation and Strongly Urges Steps to Increase Transparency, May 10, 2010; The Carter Center Election Observation Mission in Sudan Presidential, Gubernatorial, and Legislative Elections Preliminary Statement, April 17, 2010.



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conference that would deliberate on a new permanent constitution for Southern Sudan, as well as the formation of a broad-based transitional government that would be led by President Salva Kiir after the end of the interim period. The transitional government would oversee a census and elections for a constituent assembly that would promulgate a permanent constitution. It was also agreed that all the southern political parties would convene again one week after the official announcement of the referendum results to discuss planning for the transition.

The October 2010 meeting was an important step toward overcoming a legacy of distrust between the SPLM and the other Southern parties and reaching agreement on the way forward in Southern Sudan, assuming secession was chosen. President Salva Kiir also used the October 2010 meeting to announce an amnesty for Southern rebel groups, a step that was widely welcomed.

TECHNICAL COMMITTEE TO REVIEW THE INTERIM CONSTITUTION

Although the October 2010 Juba meeting resulted in an agreement to call for the convening of a National Constitution Commission to review the ICSS, President Kiir decided instead to issue a Presidential Decree on Jan. 21, 2011, establishing a Technical Committee to Review the ICSS. The Technical Committee draws most of its mandate from Article 208 (7) of the ICSS that stipulates that if Southerners choose secession, all components of the ICSS that provide for national institutions, rights, duties, and obligations must be repealed. In the terms of reference annexed to the Presidential Decree, the Technical Committee is specifically charged with the following:

- Deleting all parts of the ICSS that provide for national institutions and powers;
- Replacing all references to national institutions and powers with comparable Southern institutions and powers;

- Evaluating and identifying provisions of the ICSS that need modification in order to ensure “effective governance;”
- Developing and presenting to the president recommendations for the creation of the Permanent Constitution; and
- Presenting the final draft of the Transitional Constitution to the president by April 25, 2011, for submission to the South Sudan Legislative Assembly.

The decree appointed 20 members to the Technical Committee and four legal advisors led by Minister of Legal and Constitutional Development John Luk Jok. Approximately half of the members appointed by the initial decree are Presidential Advisors or Ministers in the Government of Southern Sudan (GoSS) and the rest are members of the SSLA, lawyers, and judges. In initial discussions about the establishment of the committee, SPLM officials stated that all members of the committee were chosen because they were either involved in the initial drafting of the ICSS or had particular expertise deemed critical to a constitutional process, but not because of their political affiliations. They also contended that the committee would only be proposing amendments to the ICSS according to Article 208 (7) and was therefore the sole responsibility of the GoSS, since the process of amending the constitution should be a governmental process. SPLM representatives also initially indicated that the committee had the purely technical responsibility of removing all duties, obligations, and references to the national government and replacing them with appropriate GoSS powers and structures and would not consider political matters.

The decision to create the Technical Committee was strongly criticized by opposition leaders and some members of civil society who said it was an abrogation of the October 2010 agreement. They claimed that the process represented an attempt by the SPLM to create the governing transitional document without any consultation with non-SPLM actors. GoSS



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Minister Gabriel Changson, who was the only opposition party leader initially appointed to the committee, refused to accept the appointment on the grounds that he did not want to participate in a process that contravened the October agreement. The GoSS initially dismissed these objections as misunderstandings of the process and the committee began its work in order to complete its tasks by the April 25 deadline.

FEBRUARY 2011 MEETING OF THE POLITICAL PARTIES LEADERSHIP FORUM

The appointment of the Technical Committee caused considerable anger in Southern opposition circles and fears that the inclusive process created in October was now dead. However, the political parties anxiously awaited the convening of the Political Parties Leadership Forum immediately after the announcement of the referendum results. The meeting was convened on Feb. 16-17 in Juba. In preparation for the meeting, the opposition parties developed a common platform based on the following key points:²

The importance of the roadmap agreed to in October 2010 and SPLM commitment to this roadmap;

- The formation of a constitutional review commission; and
- The date of the transition to be July 9, meaning that there would be no extension to the interim period.
- The two other key concerns of the opposition parties were the length of the mandate of a transitional government and the power sharing arrangement for the broad based transitional government.

During the meeting, President Kiir, along with a number of members of the SPLM, convinced opposition party leaders of the need to quickly agree to an interim constitution and to set aside their demand for a full-fledged constitutional review commission at this time. In return for the opposition accepting the establishment of the Technical Committee, President

Kiir agreed to appoint 11 members to the committee from the opposition parties, one representative of civil society, and representatives of faith-based groups. The names of these 11 opposition representatives and one civil society representative also were agreed to at the meeting.

The party leaders also agreed on the official name of the new state, the flag, and the currency. Particularly important was their agreement that the draft transitional constitution would be presented to the Political Parties Leadership Forum before it is submitted to the SSLA for adoption.

Importantly, however, there was no decision on two critical issues - the length of the mandate of the transitional government and arrangements for power sharing in the transitional government. There are varying interpretations of when and how these issues might be resolved. Some actors say that they are to be resolved in the Technical Committee, with the committee making recommendations to the president as to how to resolve these issues. Others say that President Kiir will address these issues on his own, while still others say that the Leadership Forum will deliberate on these issues and take decisions.

FUNCTIONING OF THE EXPANDED TECHNICAL COMMITTEE

In follow-up to the meeting on Feb. 16-17, the Office of the President issued Presidential Decree No. 08/2011, appointing a further 12 names to the Technical Committee—11 representative of the opposition parties and one person appointed to represent civil society.³

² With the exception of Joseph Okello, leader of the Union of Sudan African Parties (USAP) and a minister in the GoSS, the other opposition leaders agreed to SPLM-DC (Democratic Change) leader, Dr. Lam Akol, speaking on their behalf.

³ While opposition party leaders welcomed the expansion of the Technical Committee, representatives of civil society were unhappy with the appointment of Angelo Beda as the civil society member arguing that he has never been active in civil society and is in fact a politician. Civil society groups have submitted a petition to the president protesting the appointment and await a response from him on this matter. Although the forum agreed to the appointment of faith-based representatives to the committee, the decree did not include any such representatives. They were added to the committee at a later date.



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However, on Feb. 21, President Kiir issued a new decree that expanded the Technical Committee still further to include 17 additional members to the committee, many of whom are members of the SPLM. Opposition party members reacted angrily, viewing the appointments as a clear attempt to drown out their voices in the committee. The internal rules and procedures of the committee state that decisions are made on the basis of majority. However, given the numerical dominance of the SPLM in the committee, the opposition representatives called for guarantees that decision-making would be based on consensus rather than a simple majority. After discussions on this topic in the committee, opposition members came away with the understanding that the SPLM had committed to consensus-based decision-making on the proposals put forward in the draft transitional constitution. They also understood that in the absence of consensus, two positions would be put forward in parallel to be decided upon at a later date by the Political Parties Leadership Forum. The SPLM denies that it made this commitment.

In subsequent meetings of the Technical Committee, opposition members expressed anger that the SPLM refused to make all decisions on the basis of consensus, effectively eliminating the opposition's ability to influence certain decisions taken on proposals to be put in the draft constitution. The Carter Center understands that some decisions of the committee are taken by consensus but decisions on more controversial proposals such as the length of the transition and the expansion of the SSLA were decided on the basis of majority. Any objections by members to decisions made by the committee are recorded and put into the explanatory report that will be sent along with the draft constitution to President Kiir.

Opposition representatives on the committee also strongly disagreed with SPLM positions on the expansion of the SSLA to include Southern elected representatives returning from Khartoum. Other significant points of disagreement were the length of the transition period and the approach to determining

power-sharing arrangements for the broad based transitional government. Regarding the length of the transition, some SPLM representatives claim that the mandate of those elected in April 2010 should be for five years starting from July 9, 2011, as opposed to the date of their election in 2010. The opposition's position is that the transition should last no longer than two years. On power sharing, the opposition members support a 50-50 split between SPLM and opposition, to be implemented at all levels of government, though they recognize that it is unlikely that the SPLM would agree to such a high percentage and have expressed desire to negotiate a more acceptable formula. Some SPLM members of the committee argue that only President Kiir can determine how and on what basis he would like to include members of the opposition into the executive branch of the government.

These disagreements and the inability of the opposition members to influence key decisions of the Technical Committee led five members to withdraw on March 7, leaving six opposition members in the Technical Committee. Those that withdrew have urged President Kiir to call a meeting with opposition leaders to resolve these problems and agree on plan for the adoption of the transitional constitution and the transitional arrangements.

Separate but related, key members of the SPLM and opposition party officials still have different views on the role that the Leadership Forum will play when the draft of the transitional constitution is presented to it, and on the role of the Leadership Forum more generally in the preparation for the transition. Some SPLM members argue that the forum is merely consultative and cannot request or demand changes to the draft constitution, nor does it have a key role in planning for the transition. In contrast, opposition party leaders believe that the spirit of the October conference and the February meeting was that they should be given meaningful opportunities to review and request amendments to the draft constitution and that they should be consulted in all aspects of



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preparations for the transition. These gaps in perceptions may cause additional trouble in the weeks and months ahead, and should be addressed quickly.

The draft transitional constitution must be submitted to the SSLA by early-May to provide the necessary two-month period for consideration and adoption ahead of independence on July 9. Given that the Technical Committee is not required to complete the draft until April 25, there may be very little time for substantive consideration by the president and the Leadership Forum.

CONCLUSION AND RECOMMENDATIONS

The October 2010 meeting represented a major step toward a national consensus on the political and constitutional basis for the new independent nation of South Sudan. President Salva Kiir's leadership of this process has been critical at key moments in sustaining unity and reconciliation among his fellow citizens. In turn, the opposition party leaders have shown a willingness to place shared national interests and principals above partisan interests.

However, the maintenance of a genuinely inclusive transition process is now in jeopardy due to two primary issues: first, the lack of space for meaningful participation by the opposition parties in the decision-making process of the Technical Committee on critical issues and second, disagreements among the parties regarding the length of the transition period and power sharing arrangements.

To address these challenges and to avoid sowing seeds of future conflicts, The Carter Center calls on the SPLM and all opposition groups to work together to overcome the current divisions, and to demonstrate a commitment to democratic values during deliberations about the transition process. This will require genuinely inclusive agreements on a clear process and timeline for the review and adoption of the transitional constitution and for the mandate of the Political Parties Leadership Forum in the planning for the transition.

BACKGROUND ON THE CARTER CENTER MISSION

The Carter Center has maintained a field presence in Sudan throughout the entire referendum process. After the referendum polling was concluded, President Kiir welcomed The Carter Center to extend its presence in Southern Sudan to monitor the transition. The Carter Center recognizes that the political reform and transition process presently underway in Southern Sudan is of great importance and intends to issue statements periodically to assess progress.

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**THE CARTER CENTER URGES MEANINGFUL DELIBERATION OF
DRAFT TRANSITIONAL CONSTITUTION**

July 2, 2011

FOR IMMEDIATE RELEASE

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As Southern Sudan prepares for independence in the face of recent armed conflict with the North, it is critically important that the Government of Southern Sudan (GoSS) and the ruling Sudan People's Liberation Movement (SPLM) take steps to demonstrate a strong commitment to inclusive and participatory governance. In the short time remaining before independence on July 9, the GoSS should make efforts to review previous citizen input on the draft transitional constitution, and both before and after its entry into force take greater steps to inform citizens about the transition process. In addition, the Southern Sudan Legislative Assembly (SSLA) should incorporate views garnered from cluster groups hearings, written submissions and its own deliberations into its final debates on the transitional constitution scheduled for July 6 and 7. The SSLA has the right to consider amendments to the draft submitted on May 5 by the Council of Ministers, to ensure sufficient checks and balances on executive power and establish clear guidelines for genuine popular participation in the permanent constitution process expected to begin after independence.

The current draft of the transitional constitution contains a number of provisions that appear likely to concentrate power in the central government. Carter Center staff and observer interviews with government officials, political party members, and civil society representatives across the South indicate there is significant support for a decentralized system of government.

Recent steps taken by the SSLA to hold public hearings in Juba to discuss the draft transitional constitution and solicit feedback from citizens and civil society in the South are an encouraging sign that the legislature welcomes popular input into the current amendment process. Although termed a "transitional" constitution, the proposed draft will replace the 2005 Interim Constitution of Southern Sudan and provide the legal framework in the South until a permanent constitution is completed. Additionally, the draft constitution does not include a timeframe for the development and adoption of a permanent constitution and the holding of elections to end the transitional period. The SSLA has a critical oversight role in the finalization of the transitional constitution.



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The GoSS executive branch and the SPLM should continue to respect this role, and avoid actions that would limit or undermine it.

In order to promote stability and build the foundation for genuinely democratic governance in Southern Sudan, The Carter Center urges the following actions:

- The full body of the SSLA should carefully consider the views presented during public hearings organized by the SSLA's cluster groups in its deliberations over the draft transitional constitution as well as written input submitted from other groups.
- The SSLA should ensure that principles of separation of powers are upheld in the draft transitional constitution as consistent for a genuine constitutional democracy.
- The President should continue to respect the SSLA's role in deliberating on constitutional amendments to the draft.
- The SSLA and other bodies of the GoSS should inform the wider public about the content of the draft transitional constitution both before and after its passage into law.
- The SSLA should consider including a timeframe for the next elections and the permanent constitution process, postpone a decision regarding term limits for office-holders to the discussions over the permanent constitution, and consider a more representative process for creating the permanent constitution, including either the election of a constituency assembly to debate and decide on the text or a popular referendum.
- The SPLM and GoSS should include diverse political representation in a transitional government to promote broad political consensus in the new nation. This will require that political appointees come from across the South and represent parties other than SPLM.
- The President and Vice President should reinvigorate the PPLF to discuss key issues facing the South and offer a venue for opposition parties to engage in dialogue with the SPLM.

Southern Sudan is facing many challenges in the days before independence. The GoSS has limited time and resources to devote to amending the transitional constitution amid the security challenges along the North-South border, food and fuel shortages because of the blockade that was imposed by the Government of Sudan, and preparations for independence. Nevertheless the legislature and executive should ensure that the constitution of the new country does not sacrifice key democratic principles such as separation of powers and decentralization that were central grievances in the struggle with the North. The Carter Center encourages the SSLA and the president to enact a constitution that respects these key tenets of democracy, sets a positive example for the transitional period, and reaffirms a spirit of inclusiveness and political agreement. The president and ruling party deserve due credit for steering the South through the peace process and a successful referendum, and can build on these successes by supporting a robust transitional constitution.

BACKGROUND ON THE CARTER CENTER MISSION

The Carter Center has been working in Southern Sudan since January 2011 to monitor the transitional period at the invitation of President Kiir and the GoSS. The international observation mission is supported by a joint Memorandum of Understanding between The Carter Center and Ministry of Regional Cooperation on behalf of the GoSS. The mission assesses the transitional process in Southern Sudan based on the country's obligations for democratic practices and civic participation contained in national legislation, and regional and international agree-



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ments to which Sudan is a signatory, including the African Charter on Human and People's Rights and the International Covenant on Civil and Political Rights. The Center intends to issue periodic statements on its findings. Currently, the Center has 10 long-term observers in Sudan monitoring and reporting on post-referendum events and the Popular Consultations in Blue Nile, as well as core staff based in Juba and Khartoum.

The Carter Center was founded in 1982 by former U.S. President Jimmy Carter and his wife, Rosalynn, in partnership with Emory University, to advance peace and health worldwide. A not for-profit, nongovernmental organization, the Center has helped to improve life for people in more than 70 countries by resolving conflicts; advancing democracy, human rights, and economic opportunity; preventing diseases; improving mental health care; and teaching farmers to increase crop production. For more than 20 years, the Center has worked to improve health and prevent and resolve conflict in Sudan. Please visit www.cartercenter.org to learn more.



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Preliminary statement January 17, 2011

Introduction and Background on Carter Center Mission

In response to an invitation from the SSRC, The Carter Center initiated its referendum observation activities in Sudan in August 2010, subsequently deploying long-term observers in September. During the voter registration process, the Center deployed a total of 72 observers across Sudan and to the eight nations where *Out-of-Country Voting* (OCV) took place. Carter Center observers made approximately 1300 visits to referendum centers in 24 out of 25 states.¹

For the January 2011 polling period over 100 observers have been deployed to observe the polling and tabulation process, both in Sudan and the OCV locations, covering 24 of 25 States in Sudan and all eight of the OCV countries. Throughout Sudan, observers made over a thousand visits to 762 referendum centers, or 27 percent of the total referendum centers in Sudan. In total, Carter Center core staff, long-term, short term, and out-of-country observers form a diverse group from 34 countries.²

The Carter Center assesses the referendum process in Sudan based on the Comprehensive Peace Agreement (CPA), Interim National Constitution, Southern Sudan Referendum Act, and Sudan's obligations for democratic elections contained in regional and international agreements, including the African Charter on Human and Peoples' Rights and the International Covenant on Civil and Political Rights. The Carter Center conducts observation activities in accordance with the Declaration of Principles of International Election Observation and Code of Conduct that was adopted at the United Nations in 2005 and endorsed by 35 election observation groups.

The objectives of the Carter Center's observation mission in Sudan are to provide an impartial assessment of the overall quality of the referendum process, promote an inclusive process for all Southern Sudanese, and demonstrate international interest in Sudan's referendum process.

This preliminary statement documents the extent of Sudan's compliance with its obligations for democratic elections in the conduct of the referendum. The process is ongoing, with several critical stages still remaining to be completed, including tabulation and the announcement of final results. The Center will issue a final comprehensive report within three months. Read the Center's full report at www.cartercenter.org.

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¹ Carter Center observers did not visit referendum centers in West Darfur.

² These countries include: Australia, Belgium, Benin, Cameroon, Canada, China, Democratic Republic of the Congo, Denmark, Egypt, Ethiopia, France, Georgia, Germany, Ghana, Ireland, Italy, Jordan, Kenya, Lebanon, Liberia, Mozambique, Namibia, Netherlands, Nigeria, Norway, Sierra Leone, Slovakia, Tanzania, Togo, Uganda, United Kingdom, United States, Zambia, and Zimbabwe.



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Political background

The referendum on self-determination of Southern Sudan is mandated by the Comprehensive Peace Agreement (CPA), which was signed on January 9, 2005 by the Government of Sudan (GOS) and the Sudan People's Liberation Movement (SPLM). The CPA marked the official end of the 22-year North-South civil war in Sudan.

The CPA established a six-year interim period during which the Government of National Unity (GNU), composed of the National Congress Party (NCP) (holding 52 percent of National Assembly seats), SPLM (28 percent), and other parties (20 percent), governed nationally until the conduct of elections midway through the interim period. The CPA provided for the establishment of the Government of Southern Sudan (GoSS) to govern Southern Sudan in a semi-autonomous arrangement for the interim period. The referendum was scheduled to take place six months before the end of the interim period.

The CPA included a separate protocol for Abyei, which was supposed to hold a referendum simultaneously with Southern Sudan on whether to retain its special status in the north or become part of what is now Warrap State in the south. However, the CPA partners failed to agree on the membership of the Abyei Referendum Commission – effectively paralyzing the implementation of the Abyei Protocol and making it impossible to hold a referendum in Abyei.

In addition, the agreement provided for popular consultations in South Kordofan and Blue Nile to be conducted by elected state assemblies. Prior to the holding of referenda in Southern Sudan and Abyei, the CPA also called for national elections at six different levels of government to ensure that the ballots for the referendum were presided over by democratically elected officials.

After a number of delays, the Government of Sudan held presidential, gubernatorial and legislative elections in April 2010. The Carter Center observed the elections and found that they fell short of international standards and Sudan's obligations for genuine elections in many respects. Nonetheless, the elections were important as a key benchmark in the CPA and were accompanied by an increase in political and civic participation in months preceding the polls. Despite their observed weaknesses, the conduct of the elections allowed for the remaining provisions of the agreement to be implemented. Although the intention of the elections as a component of the CPA was to provide an opportunity for greater inclusion of political parties aside from the SPLM and the NCP, the elections consolidated the dominance of the NCP at the national level and the SPLM in the south.

Background to Self-Determination in Southern Sudan

In 1955 on the eve of independence southern leaders demanded that the country be structured along federal lines. Faced with opposition from the North, an insurgency was launched to achieve southern independence. The war ended with the signing of the 1972 Addis Ababa Agreement, which provided for autonomy for the south. Soon thereafter southern rebels along the Ethiopian border started another insurgency to demand independence of southern Sudan. In 1983 the SPLM under Dr. John Garang also launched an armed struggle, but based on a commitment to a reformed and inclusive 'New Sudan'. In 1991 SPLM leaders, Dr. Riak Macher and Dr. Lam Akol split from the SPLA calling for a commitment to southern self-determination. The demand for self-determination figured in the many subsequent rounds of peace negotiations, but it was not until 1997 that the Government of Sudan formally accepted it in the Khartoum Peace Agreement, which it signed with a number of Southern armed groups led by Dr. Riak Macher. The terms of the agreement were never implemented.

After many failed peace processes the Inter-Governmental Authority on Development (IGAD) backed by the US and its allies applied the necessary pressures and incentives that resulted in the 2002 Machakos Protocol that accepted Southern Sudanese self-determination and provided for a referendum to determine whether southerners preferred to remain in a united Sudan or to secede.



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Overall assessment

While several critical stages of the process remain to be completed before final results will be announced, the Center finds that the referendum process to date is broadly consistent with international standards for democratic elections and represents the genuine expression of the will of the electorate.

According to the Southern Sudan Referendum Commission (SSRC) and to reports of observers and others, it appears that the 60 percent turnout threshold required for a valid vote was reached several days before the end of the polling period. In addition, based on early reports of vote counting results, it appears virtually certain that the results will be in favor of secession. The Carter Center welcomes statements by the Government of Sudan (GOS) that it will accept the results of the referendum, and anticipates that the international community will recognize the outcome as soon as the final results are announced. Although the population of Southern Sudan is understandably anxious to receive the results, The Carter Center urges all to remain calm as they wait for the final announcement due in early February.

The Carter Center commends the SSRC and the Southern Sudan Referendum Bureau (SSRB) for their determination to implement a successful referendum despite very short timelines and logistical challenges. The Center also recognizes the critical roles played by the United Nations Integrated Referendum and Elections Division (UNIRED), the International Foundation of Electoral Systems (IFES), and other international partners to assist Sudanese referendum authorities. The Government of Sudan and the Government of Southern Sudan should also be recognized for taking steps to ensure that the process could be conducted successfully.

The sections below provide a detailed summary of The Carter Center's assessment of key issues and aspects of the referendum process.

Legal framework

The Carter Center's assessment of the referendum is based on Sudan's domestic legislation and political commitments relating to the referendum process as well as its international obligations for democratic elections.³ Sudan's Interim National Constitution (INC) incorporates the CPA as the cornerstone of Sudan's interim government and calls for the Southern Sudan Referendum to be held in accordance with the provisions of the CPA.⁴ This legal framework is supplemented by Sudan's international law commitments under the provisions of the ICCPR, Banjul Charter, the Arab Charter on Human Rights, among others.

The Comprehensive Peace Agreement of 2005 establishes the overarching legal framework of Sudan. In 2009, pursuant to the CPA, the National Assembly passed the Southern Sudan Referendum Act (Referendum Act), which sets out the guidelines for the administration of the referendum. In addition, through accession to, and ratification of, international treaties and the incorporation of internationally recognized obligations into its Constitutional Bill of Rights, the Government of Sudan has committed itself to the protection of political and human rights essential to the conduct of a democratic referendum, including freedom of expression, assembly, and association, universal suffrage, among others.⁵

³ Sudan has acceded to the International Covenant on Civil and Political Rights (March 18, 1986), the International Convention on the Elimination of Racial Discrimination (March 21, 1977), International Covenant on Economic, Social and Cultural Rights (18 March 1986), and ratified the Convention on Rights of Persons with Disabilities (April 24, 2009), the African Charter on Human and Peoples' Rights (February 18, 1986) and the Arab Charter on Human Rights (May 22, 2004). In addition, Sudan is signatory to the United Nations Convention against Corruption (January 14, 2005), the African Charter on Preventing and Combating Corruption (June 30, 2008), and Protocol 1 of the African charter on Human and Peoples' Rights on the Rights of Women (June 30, 2008).

⁴ Interim National Constitution for the Republic of the Sudan, Art. 224-226(2) (2005).

⁵ The International Covenant on Civil and Political Rights (ICCPR), Article 25, requires in part that "Every citizen shall have the right and the opportunity...(a) To take part in the conduct of public affairs, directly or through freely chosen representatives; (b)



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According to the Referendum Act, the referendum will be considered legal and valid if at least sixty percent of registered voters cast their votes in the referendum.⁶ If the turnout did not reach the required threshold, the referendum was to be repeated within sixty days of the final vote declaration.⁷ A simple majority of fifty percent plus one of the total votes is necessary for either unity or secession to be declared to be the expression of the will of the Southern Sudanese.⁸

The CPA and INC call for the referendum to be “internationally monitored” and the Referendum Act further asserts the need for “international observation” of the process.⁹ The Referendum Act grants accredited observers the right to observe all referendum processes including: voter registration, polling, and aggregation and declaration of the results.¹⁰

In recognition of the widespread displacement that accompanied the conflict in Southern Sudan, the Referendum Act provides for voting in Southern Sudan, northern Sudan and eight out-of-country (OCV) locations.¹¹ The enfranchisement of voters outside of the territory of Southern Sudan is intended to ensure the broadest possible pool of voters. This is consistent with Sudan’s commitments to ensure universal suffrage.¹² By facilitating the participation of Southern Sudanese in northern Sudan, the Government of Sudan affirmed the right of Internally Displaced Persons to vote.¹³ In addition to centers in Southern Sudan, the Referendum Act calls for referendum centers to be established in all locations where over 20,000 Southerners reside and state capitals in northern Sudan.¹⁴ In the cases in which there would not be 20,000 registered voters, voters were expected to travel to the capital of the northern state or out-of-country location.¹⁵

The CPA established a timeline for different processes associated with the Southern Sudan Referendum. According to the CPA, the National Assembly should have passed the Referendum Act by the beginning of the third year of the interim period in 2008. The referendum commission should have been enacted soon after and voter registration should have ended three months before voting began.¹⁶ The INC and Referendum Act reflect these timelines.¹⁷ Although each of the benchmarks was ultimately reached, there were delays and CPA timelines were not met on schedule. Despite not adhering to the timeline in its entirety, the passage of the Referendum Act, the establishment of the SSRC and the voter registration process took place with sufficient time to prepare for the Southern Sudan Referendum. The CPA parties and government representatives acknowledged the delays but chose not to modify the date of the Southern Sudan Referendum in response.

Eligibility

The universal right to participate in the democratic processes of one’s country is directly affected by

To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors.” Further, the United Nations Human Rights Committee, General Comment 25, paragraph 12 has established that, “Freedom of expression, assembly and association are essential conditions for the effective exercise of the right to vote and must be fully protected.”

⁶ SSRA, Art. 41(2).

⁷ SSRA, Art. 41(2).

⁸ SSRA, Art. 41(3).

⁹ CPA, Machakos Protocol, 2.5; Interim National Constitution, Art. 222(1). SSRA, Art. 5, 7(d).

¹⁰ SSRA, Art. 42.

¹¹ SSRA, Art. 2; 27(2) (The eight Out of Country locations are: Ethiopia, Kenya, Uganda, Australia, Britain, the United States, Canada, and Egypt).

¹² Article 4 of the African Charter on Democracy, Elections and Governance and Article 25 of the International Covenant of Civil and Political Rights. Article 21 (3) of the UN Universal Declaration of Human Rights,

¹³ Guiding Principles on Internal Displacement, Art. 22(1)d.

¹⁴ SSRA, Art. 27(2).

¹⁵ SSRA, Art. 27(2).

¹⁶ CPA, The Implementation Modalities of the Machakos and Power Sharing Protocols, 1(a), (b), and (c).

¹⁷ Interim National Constitution, Art. 220; SSRA, Art. 32.



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eligibility and voter registration processes. Moreover, authorities should facilitate the registration process, and remove any impediments.¹⁸ The Referendum Act establishes eligibility to vote in the Southern Sudan referendum for three categories of people - those who were born to at least one parent from a Southern Sudanese indigenous community whose parent was residing in Southern Sudan on or before January 1, 1956; those whose ancestry is traceable to one of the ethnic communities in Southern Sudan but without at least one parent residing in Southern Sudan on or before January 1, 1956; and permanent residents (or whose parents or grandparents) have resided in Southern Sudan since January 1, 1956.¹⁹ The first category of eligible voters can vote in northern Sudan, Southern Sudan, or out-of-country voting (OCV) locations. The second and third category of voter may only vote in Southern Sudan.

The eligibility criteria reflect the intention of including ethnic Southerners and long-term Southern residents but did not indicate a list of what constitutes an ethnic or an indigenous community nor the proof necessary to demonstrate fulfillment of these criteria. In response to questions by technical advisers about which indigenous or ethnic communities are Southern Sudanese, how to prove residency, and other implementation concerns, the SSRC released a document titled, “Critical Legal and Procedural Questions: Answers.”²⁰ However, it did not fully clarify the above issues.²¹

During voter registration, individual referendum center officials and Carter Center observers reported confusion about the implementation of the eligibility criteria, particularly in northern Sudan. The lack of clear guidance from the SSRC on implementation of the eligibility criteria led to subjective application by referendum center chairpersons, particularly to migratory populations such as the Ambroro, persons with only one parent from the south, or people from Abyei living in and around Khartoum. The SSRC issued an additional clarification on October 24 that addressed the issue of where persons falling under each eligibility category would be allowed to vote but again this circular did not address the issues mentioned above.

The Carter Center is also concerned that some of the population of Abyei may have been excluded from participating in the Southern Sudan referendum, even though they may have met the eligibility criteria by proving their links to indigenous communities of Southern Sudan. The SSRC decided against placing a referendum center in Abyei, seemingly to avoid confusion related to the anticipated simultaneous referendum on the Abyei Area.

Election Management

Structure of Referendum bodies

An independent and impartial authority that functions transparently and professionally is internationally recognized as an effective means of ensuring that citizens are able to participate in a genuine democratic process, and that other international obligations related to the democratic process can be met.²² The Referendum Act called for the establishment of the Southern Sudan Referendum Commission (SSRC), an independent government body based in Khartoum, to oversee the Southern Sudan Referendum.²³ This body is responsible for the overall administration of the referendum, including the promulgation of referendum regulations, organization of voter registration and polling, and the final declaration of

¹⁸ General Comment 25, paragraph 11

¹⁹ Southern Sudan Referendum Act (2009), Art. 25.

²⁰ Southern Sudan Referendum Commission’s “Critical Legal and Procedural Questions: Answers” of Oct. 6, 2010.

²¹ In response to an inquiry as to whether the SSRC intended to provide a comprehensive list of southern Sudanese ethnic groups, the SSRC responded “no.”

²² UNHRC, General Comment No. 25 para. 20

²³ The SSRC is comprised of nine members, including a Chairperson, Deputy Chairperson, and seven Commissioners. The President, with consent of the First Vice-President and the approval of a simple majority of the National Legislature, appoints the Commissioners. Five of the nine SSRC members are Southern Sudanese, including the Deputy Chairperson.



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results.²⁴

The Southern Sudan Referendum Bureau (SSRB), a subsidiary body to the SSRC, sits in Juba and manages referendum operations in Southern Sudan.²⁵ The SSRB is responsible for overseeing the work of the referendum authorities in Southern Sudan and arranging all logistical requirements necessary to carry out the referendum in Southern Sudan. The Referendum Act calls for state-level High Committees, county-level Sub-Committees, and referendum centers in Southern Sudan; in northern Sudan, the SSRC created State Referendum Committees that directly oversee Referendum Centers (with no intermediary Sub-Committees). In total, the referendum administration was comprised of the SSRC, SSRB, 15 State Referendum Committees in northern Sudan, 10 state level High Committees in Southern Sudan, 79 county subcommittees in Southern Sudan, 2813 referendum centers in Sudan and 41 OCV referendum centers in each of the eight countries.²⁶

Referendum Administration

The SSRC and SSRB made efforts to operate transparently, particularly the SSRB. The SSRC could have improved transparency by sharing information on the referendum administration process with the public more regularly. Throughout the referendum process, referendum administration officials demonstrated strong commitment to successful implementation of the referendum. Officials often struggled with inadequate resources. Limited funds were made available to the SSRC or SSRB from the national government. The GoSS allocated significant amounts of funds to the functioning of the SSRB and its subsidiaries but due to delays in cash transfers from the national government, the disbursement of these funds was often late. The SSRB's inability to make timely payments to referendum center staff during registration was partially linked late disbursement by GoS and the GoSS. Although the SSRB managed to carry out its functions with the limited funds available to it, adequate resources would likely have contributed to a more efficient referendum management process.

The SSRC and SSRB effectively distributed thousands of voter registration books and polling materials, supported with critical technical assistance from international partners. At the start of voter registration and polling, the large majority of referendum centers were able to open on time, a significant improvement on the 2009 voter registration and 2010 polling processes.

Public Information and Communications

Both the SSRC and the SSRB made some to increase the transparency of the referendum process via press conferences. During voter registration, the SSRB held bi-weekly press conferences; the SSRC organized comparatively fewer media events. However, all levels of referendum administration endeavored to make themselves accessible to international observers and Carter Center observers have encountered few difficulties in observing the processes.²⁷

Communications between the SSRB and referendum centers faced challenges due to the lack of infrastructure in Southern Sudan and the impacts of the rainy season, which leaves large parts of Southern Sudan inaccessible via road. Although the SSRB deployed satellite phones to referendum centers to narrow the communication gap, some were not appropriately activated or supplied with sufficient credit.

²⁴ SSRA, Art. 14.

²⁵ The SSRB is comprised of five members. The SSRC's Deputy Chairperson also chairs the SSRB. The SSRC, on the recommendation of the SSRB Chairperson appoints the SSRB's other members.

²⁶ SSRA, Art. 8(3); SSRC and SSRB members must be Sudanese by birth; at least 40 years of age; and well-known for independence, non-partisanship, and impartiality, among other criteria. Five of the nine SSRC members are Southern Sudanese, including the Deputy Chairperson. All members of the SSRB are Southern Sudanese.

²⁷ The one exception was the inability to adequately observe the data center in Juba following the voter registration process.



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Considerations Committees and Appeals

According to the SSRC voter registration regulations, referendum center Chairs should appoint three former civil service officials to serve on the consideration committees.²⁸ The considerations committees were mandated to consider appeals from persons denied the ability to register during the voter registration and to hear complaints from registered voters during the appeals process. The failure to establish and train considerations committees in a timely manner in many centers undermined voters' rights to legal redress and effective protection.²⁹ Although it appears not to have affected many persons, the failure to establish consideration committees denied some persons their right to appeal their exclusion from the process.

Voter Education

Voter education efforts are necessary to ensure an informed electorate is able to effectively exercise their right to vote.³⁰ It is an obligation of the government, referendum administration and civil society to make efforts to clarify to the population key issues regarding the referendum consistent with Sudan's international obligations to take necessary steps to ensure sufficient civic and voter education for all citizens.³¹

Overall, voter education was insufficient, as the SSRC, SSRB, and government did not adequately engage in efforts to inform voters about the referendum process, which runs against the state obligation "to take legislative, administrative or other appropriate measures to promote the understanding by all persons under its jurisdiction of their civil, political, economic, social and cultural rights."³² The large majority of voter education activities observed in Southern Sudan were led by civil society groups and often mixed voter education efforts with advocacy in favor of secession. While the state bears an obligation to promote public understanding of the democratic process, it is essential that election administration provides for objective, non-partisan voter education and information campaigns.³³

Political parties in Southern Sudan - aside from the SPLM - informed the Carter Center observers that they wanted to conduct voter education but they lacked the resources to do so. Carter Center observers reported very few voter education activities in northern Sudan, which may partially explain the inadequate understanding by southerners in northern Sudan as to whether they were eligible to participate in the referendum. Voter education in both regions increased in the latter part of the voter registration process with intensified engagement of civil society groups, the SSRC, and the NCP in the north and local chiefs, churches, women's groups, the SPLM, and members of the state or county referendum taskforces in the South.

Voter Registration

Registration is recognized as important means to ensure the right to vote, and should be made available to the broadest pool of citizens possible to ensure universal suffrage is protected as required by Sudan's international commitments.³⁴ In this regard, both the SSRC and SSRB took significant steps to ensure that

²⁸ Referendum Act, Art. 30(2); Voter Registration Regulations, Reg. 15.

²⁹ ICCPR Art. 2 (3); UN, International Convention on the Elimination of All Forms of Racial Discrimination, Article 6

³⁰ ICCPR, Art. 25; United Nations Human Rights Committee, General Comment 25, paragraph 11.

³¹ The African Charter on Democracy, Elections, and Governance (Signed June 30, 2007) Article 12(4) (requiring signatories to "implement programmes and carry out activities designed to promote democratic principles and practices and consolidate a culture of democracy...integrate civic education in their education curricula and develop appropriate programmes and activities"); *United Nations Human Rights and Elections*, paragraph 87; ICCPR, Art. 2. Moreover, under the UN Universal Declaration of Human Rights, states have undertaken to take legislative, administrative or other appropriate measures to promote the understanding by all persons under its jurisdiction of their civil, political, economic, social and cultural rights.

³² Article 14, UN, Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms.

³³ UN, Human Rights and Elections: A Handbook on the Legal, Technical, and Human Rights Aspects of Elections, para. 124

³⁴ United Nations Human Rights Committee, General Comment 25 on "The Right to Participate in Public Affairs, Voting Rights and the Right to Equal Access to Public Service", para. 11; UN, International Covenant on Civil and Political Rights, art. 25(b).



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the broadest possible pool of eligible Southern Sudanese were able to participate. In advance of the referendum, the SSRC and SSRB conducted voter registration from November 15 to December 8, 2011. The original end date was to be Dec. 1 but the SSRC extended the process by one week.

The Carter Center deployed 16 long term and 30 medium term observers to assess voter registration, referendum preparedness and the broader political environment in Sudan. Although the voter registration exercise faced some procedural, logistical, and security challenges, The Carter Center found that the process was generally credible and constituted a strong step toward the successful conduct of the referendum.^{35,36}

According to the Jan. 8 SSRC publication of the final voters registry, 3,932,588 people registered to vote in the referendum with 3,755,512 people registered in the South, 116, 857 registered in the north and 60,219 people registered in the eight OCV countries. In order to meet the 60 percent threshold set by the Referendum Act validate the referendum, 2,359,553 people needed to vote during the polling period.

Materials and Payment

Referendum officials diligently worked to overcome logistical challenges and administrative shortcomings during registration. However some states of Southern Sudan faced shortages of registration books, which temporarily disrupted the process in some referendum centers. Fortunately these shortages were replenished fairly rapidly. Due to challenges securing necessary funding, inadequate access to hard currency, and inaccessibility of some areas, payments to referendum center officials were inconsistent. Many referendum center workers expressed frustration with the lack information about their payments and told Carter Center observers that they were without food or water for long periods of time.

Eligibility and Participation

Referendum center staff implemented the eligibility criteria inconsistently, particularly in northern Sudan. Referendum center officials lacked clear understanding of the eligibility of persons with one parent from the South and that of persons from Abyei. In parts of Southern Sudan, particularly in Unity State, persons were asked whether they would remain in the same location until polling before they were allowed to register. The exclusion of potential applicants on this basis would constitute a clear violation of the guidelines governing eligibility and may have resulted in the exclusion of some eligible participants. The Carter Center noted the exclusion of several other categories of persons in contravention of the criteria, which while only impacting a relatively small proportion of the population, was inconsistent with the SSRC's eligibility criteria.³⁷

Identification

Carter Center observers noted inconsistencies in the application of identification procedures during registration. In more than one third of referendum centers visited by Carter Center observers in northern and Southern Sudan, potential registrants did not have their identity confirmed either by documents or designated identifiers. In addition, Carter Center observers reported some cases where identifiers were not present in referendum centers, possible resulting in some people being unfairly excluded from the process due to the absence of a person able to confirm their identity.

³⁵ See December 15, 2011 Carter Center Preliminary Statement on Voter Registration Process for the Southern Sudan Referendum.

³⁶ Five civil society organizations (SuDEMOP, KACE, NCF, Al Masaar, and GCRT) conducted a person-to-list voter registration audit and survey of the preliminary referendum register from December 9 – 16 during the exhibition period to assesses the quality of the preliminary voter lists produced in each referendum center by checking how many of the registration details of people interviewed appear correctly on the register. Their preliminary findings will be released in coming weeks.

³⁷ Carter Center noted the exclusion of deaf persons and persons with suspected mental illness in violation of the eligibility criteria, which indicates that such persons be included in registration with the provision that their inclusion could be challenged during the exhibition period. Although the SSRC allows for the registration of the mentally ill, it is not required to do so under international standards.



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Overall, The Carter Center found that the registration process was appropriately inclusive with the exceptions of small numbers of persons excluded due to the lack of an identifier, physical or mental handicap, and inconsistent application of the eligibility requirements.

Location of Referendum Centers

Many participants in the registration process complained to Carter Center observers about the location of referendum centers in northern and Southern Sudan saying either that the centers were too far away from the concentrations of Southern Sudanese or that there were too few centers causing people to have to travel long distances in order to register. The latter sentiment led some referendum teams to operate as “mobile centers” to improve access to registration for rural populations. The decision to operate mobile referendum centers seems to have been driven by good intentions to include rural populations. However, given the SSRC requirement that voters would vote where they had registered, there was limited scope to address obstacles to including some of these voters registered at mobile referendum centers without organizing additional referendum centers. It is likely that some voters registered at mobile centers were not able to participate in polling due to the constraint of distance.

Appeals and Considerations Committees

According to the SSRC voter registration rules and regulations, a person denied participation by the referendum center Chair should have been able to submit a rejection form – obtained from the Chair – to a considerations committee sitting in the referendum center. The appeals process established in the SSRA and voter registration regulations helps ensure that eligible voters have a right to an effective remedy when barred from participation. The appeals process should ensure compliance with Sudan’s international commitments requiring the right to an effective and timely remedy.³⁸

The consideration committees were nonexistent in both northern and Southern Sudan at the start of registration making it impossible for persons to follow the procedures for appeals as outlined in the SSRC voter registration regulations. As registration continued, observers reported an increase in the formation of consideration committees. However, referendum center staff rarely seemed to understand the role of these committees.

In addition, Carter Center observers reported that few people who were deemed ineligible by the chairs of the referendum centers received the rejection forms that were supposed to be the first step toward submitting an appeal. Although the number of persons denied participation in the registration process was relatively small, this undermined the process.

Data Retrieval and Aggregation

Despite delays in the retrieval of information from centers in particularly remote areas of Southern Sudan, the data aggregation process for voter registration was successfully completed in northern and Southern Sudan in a timely manner. The Carter Center observed the compilation process in the data centers in north and Southern Sudan. Although both processes appeared to function smoothly, the Carter Center was disappointed that there was only a limited ability to observe the data compilation process in the Juba data center due to the restrictions placed on observers by the SSRB and data center management.³⁹

Intimidation

Although the Carter Center did not observe a systematic pattern of intimidation, where such behavior

³⁸ Southern Sudan Referendum Act, Art. 31; SSRC Voter Registration Regulations, Art. 20; ICCPR, Art. 2 (providing a right to legal redress); A Handbook on the Legal, Technical, and Human Rights Aspects of Elections A Handbook on the Legal, Technical, and Human Rights Aspects of Elections, para. 114 (stipulating that “Anyone alleging a denial of their individual voting or other political rights must have access to independent review and redress”).

³⁹ By Article 3 of the African Union Convention on Preventing and Combating Corruption, “[t]he State Parties to this Convention undertake to abide by the following principles: 3. Transparency and accountability in the management of public affairs.”



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occurs, it undermined full participation in the referendum process and is contrary to Sudanese and international legal obligations, which require that everyone be allowed freedom of expression without fear of interference and that other rights necessary to freedom of expression be respected.⁴⁰ The Carter Center observed isolated instances of intimidation during the voter registration process.⁴¹

Security

The security forces that provided security during voter registration played a generally positive role in the process and refrained from interfering in the registration. These members of the security forces should be acknowledged for respecting the integrity of the registration process. However, Carter Center observers witnessed a few incidents in northern and Southern Sudan in which security forces interfered with the process.⁴²

Armed Attack

The GOS is required by the Interim National Constitution and Sudan's commitments to guarantee security of the person.⁴³ Overall, Carter Center observers reported that the vast majority of Southern Sudanese participated in the voter registration process without fear for their personal security. However, The Carter Center was particularly concerned by the attacks of the Sudan Armed Forces (SAF) around the border of Northern Bahr el Ghazal including the documented air bombardment on Nov. 24 in the Kiir Adem area by aircraft of the SAF which resulted in several casualties, the destruction of houses and one referendum center. Such attacks are deplorable and could have led to wider conflict.⁴⁴

Referendum Campaign

The right of individuals to participate in public affairs, including through the establishment of and free association with political parties and participation in campaign activities, is protected by international principles and fundamental electoral rights.⁴⁵

The referendum campaign started on November 7 and ended on January 7. The campaign period began without regulations governing its conduct as the SSRC did not adopt campaign regulations until early December. Given the enormous significance of the referendum to the people of both northern and Southern Sudan, it is disappointing that the campaign period did not provide regular fora and opportunities for in reasoned debate. Unfortunately the campaign only rarely rose above the level of sloganeering.

The Carter Center is particularly concerned about several incidents of public rallies or statements during which local government officials openly threatened and intimidated persons supporting unity or persons who chose not to participate in the referendum process.⁴⁶

⁴⁰ Interim National Constitution, Art. 29, 40, 41; ICCPR Art. 25; In addition, According to paragraph 20, CCPR/C/21/Rev.1/Add.7, General Comment No. 25, states should make measures that voters are "protected from any form of coercion or compulsion to disclose how they intend to vote or how they voted, and from any unlawful or arbitrary interference with the voting process."

⁴¹ Observers confirmed five politically motivated arrests of NCP members in Eastern and Western Equatoria and Jonglei. In River Nile State and Khartoum, observers reported incidents of government workers and soldiers being told that they would not receive their salaries if they did not register.

⁴² In the Kajo Keji area of Central Equatoria in Southern Sudan, The Carter Center observed instances of national intelligence officials looking through registration books and writing down the numbers of persons registered each day. In the Akobo area of Jonglei, Carter Center observers noted several incidents of SPLA and Southern Sudan Police Service involvement in the registration process. These included instances of security personnel opening the box of registration material, checking and recording the seals, accessing the materials, checking applicants' fingers for ink residue, and verifying applicants' eligibility. In Khartoum state, security officers on several occasions entered referendum centers without justification.

⁴³ Interim National Constitution, Art. 23(2)b; ICCPR, Art. 9.

⁴⁴ Continued sightings of Antonov planes near Kiir Adem and over the Gok Machar area in the last two months have considerably contributed to fear of renewed warfare in the area.

⁴⁵ ICCPR, Art. 25(a); ICERD, Art. 5(c); CEDAW, Art. 7(b), UNHRC General Comment 25, para. 26.



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Neither the NCP nor the SPLM communicated fully their party positions to the public on the options presented in the referendum. SPLM leaders assumed conflicting positions. Meanwhile, the NCP failed to launch a fully-fledged campaign for unity, or propose the kind of changes that the SPLM sought to support unity.

The southern political parties played only minor roles in the referendum campaign, thus furthering the sense that the campaign was an SPLM-NCP affair. Southern civil society was largely devoted to campaigning for secession and observation of the vote with some efforts devoted to voter information.

Northern opposition parties supported a united Sudan but they largely failed to engage in the referendum process, perhaps due to fear that any support for the unity campaign would be seen as support for the NCP. Also, after years of repression their support base and capacity to carry out a campaign is limited. Apart from the NCP, the Sudan Communist Party held two pro-unity rallies in the south. Northern civil society was weakened by government and as a result has had only a minimal role in the referendum campaign.

Media Environment

International obligations related to the media and elections include freedom of expression and opinion and the right to seek, receive and impart information through a range of media.⁴⁷ The media environment in Sudan for domestic news sources has been characterized by self-censorship and intimidation, while the international news sources are often hampered from full freedom of movement in conducting their work. The Carter Center was concerned that most of the domestic and international media narrative on Sudan ahead of the referendum almost exclusively highlighted the potential for a return to war, at times making it sound inevitable. Members of the media have a responsibility to report accurately on the referendum process and should endeavor to play a constructive role in documenting the process.

Polling

Polling is a critical element of the democratic process. Measures should be taken to allow all categories of voters, including prisoners and voters abroad, to exercise their voting right. In addition, there should be independent scrutiny of the voting and counting process, and access to judicial review or other equivalent process so that electors have confidence in the security of the ballot and the counting of the votes.⁴⁸

Preparations

The preparations for polling began in earnest towards the end of the voter registration period facing a very tight timeline to meet the scheduled January 9, 2011 start of polling. International technical advisors, especially the UNIRED/UNDP and IFES, provided critical assistance to the SSRC to procure the ballots and polling kits respectively.

Plans to print the ballots ran into challenge in late November 2010 with the award of the tender for the printing of ballots. The head of the SSRC called for the re-opening of the closed tender changing the printing criteria in order to ensure that Sudanese companies could compete for the award. The re-opening

⁴⁶ Particularly worrying was the public naming-and-shaming of a group of Jehova's Witnesses in Western Equatoria State (WES) whose belief did not allow them to register. The governor of WES reportedly issued public statements calling them traitors, and the burning down of the Kingdom Hall a few days after the statement might have been connected to the public outcry.

⁴⁷ Art. 19, *Id* In addition, states have committed to "safeguard the human and civil liberties of all citizens including the freedom of expression, as well as access to the media on the part of all stakeholders, during electoral processes."

⁴⁸ Paragraph 20, CCPR/C/21/Rev.1/Add.7, General Comment No. 25. In this respect, "[s]tates should take measures to guarantee the requirement of the secrecy of the vote during elections.... This implies that voters should be protected from any form of coercion or compulsion to disclose how they intend to vote or how they voted, and from any unlawful or arbitrary interference with the voting process." Paragraph 20, UN, United Nations Human Rights Committee, General Comment 25 on "The Right to Participate in Public Affairs, Voting Rights and the Right to Equal Access to Public Service."



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of the tender cost the referendum preparations one additional week. The printing and delivery of the ballots was expedited in order to prevent this additional week from delaying the polling. Materials arrived in the country in mid to late December and UNIRED assisted the SSRC and SSRB to begin the process of delivering them to the states, counties and referendum centers.

Training of referendum authorities for polling began in mid December in Juba and Khartoum. Although the SSRC rules and regulations for polling were not yet developed at the start of training, the trainers used a polling manual developed on the basis of the Referendum Act in order to allow training to begin in a timely manner. The SSRC adopted rules and regulations for polling on December 22 which differed slightly from the polling manual, most significantly in that it provided for appeals in the referendum center to be heard by considerations committees. The SSRC amended the Rules and Regulations on December 29. The updated Regulations modified the start and the end of voting as 8 am to 5 pm, respectively eliminating an earlier discrepancy between the regulations and the polling manual.

On January 7 and 8 Carter Center observers reported that materials were still being delivered from the counties to the referendum center levels but that they were likely to be in place by the start of polling.

Voting

Polling started on January 9. Most referendum centers opened on time and were well stocked with the appropriate materials.⁴⁹ In the south, voters started queuing as early as 2 and 3 am for the 8 am opening of the polls. Some voters slept at the polling stations. The first two days saw very long and slow-moving queues, particularly in urban areas, but the majority of voters expressed excitement rather than frustration over the long wait. In northern Sudan, the opening days of polling were more subdued with a significantly lower percentage of the registered population turning out to vote. By the final day of voting, the Carter Center observers reported turnout for Southern Sudan exceeding 90 percent of registered voters and in northern Sudan more than 50 percent based on the referendum centers visited.

Overall, Carter Center observers reported that referendum center staff followed procedures and the vast majority of eligible voters were able to exercise their right to express their self-determination as provided for in the CPA.⁵⁰ The voting period between Jan. 9-15 resulted in an overwhelming turnout of voters who cast their ballots in an atmosphere that mixed enthusiasm with solemn determination to participate in a historic referendum process. Although this enthusiasm led to long queues during the initial days of polling in Southern Sudan, voters displayed patience and commitment. The Southern Sudanese people should be congratulated for participating peacefully in the referendum with the few exceptions of security incidents in Unity State, Abyei, and on the border of Northern Bahr al Ghazal–South Darfur. The SSRC and SSRB and their technical assistance providers should be commended for organizing the exercise in such a logistically challenging environment within a short time period. Despite these many successes there were some problems with the voting.

Turnout in Northern Sudan

The Carter Center observed that the turnout in northern Sudan was relatively low throughout the polling period. Interlocutors told observers that this was partially due to the fact that transportation that had been provided to people during voter registration was not provided during voting. Other reasons given for the low turnout were that many Southerners were in the process of returning to the South and that those that remained were confused and anxious about the post-referendum period. There were also reports that

⁴⁹ In very few cases (one in Blue Nile, and one in Lakes), centers were missing screens to block the polling booth but staff was able to improvise a solution. Referendum center staff reported problems with the hole-punchers across Sudan, although scissors were provided in the voting kits as a backup option.

⁵⁰ CPA, Machakos Protocol, Part A; Agreed Principles.



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Southerners feared being the target of reprisals were they to vote in the North, although observers did not have direct evidence of threats of reprisals.

Unauthorized Assisted Voting/Secrecy of the Vote

According to the SSRC Rules and Regulations on voting, only blind, elderly and physically disabled persons should receive assistance when voting. These regulations explicitly excluded assistance to illiterate voters, although this was not the case during the April 2010 elections when polling station staff was permitted to give assistance to this group of voters (a large portion of the voting population in Sudan).⁵¹

However, in all ten states of Southern Sudan Carter Center observer reported incidents of unauthorized assisted voting. Observers reported large numbers of voters who did not understand the voting process. Many of these voters received some assistance from referendum center staff in the polling booth. For the large part, the efforts of referendum center staff to assist were well-intentioned and in response to voters desires for help and assistance to be able to cast a ballot. The officials appeared to want to mitigate the problems of poorly educated voters and did not appear to be attempts to manipulate the vote.

Nonetheless, in seven southern states, observers reported that referendum center officials in a small number of centers both marked ballots for voters and physically assisted voters to cast ballots.⁵² Although observers believed the officials acted with good intentions, the loss of agency for these voters is of concern.⁵³ While voters did not seem disturbed by such assistance, it runs counter Sudan's commitments to ensure a secret ballot.⁵⁴ Observers noted other problems that could affect the secrecy of the vote, including the absence of voting screens in some centers as well as problematic placement of voting booths, which allowed either referendum center staff or observers to see how voters were voting.⁵⁵

Security Forces and Intimidation

Although most security personnel followed the SSRC rules requiring them to remain outside of the perimeter of the center unless invited inside, Carter Center observers reported that security forces were present inside 20 percent of the referendum centers visited by observers in Southern Sudan.⁵⁶ In Jonglei and Upper Nile, representatives from National Intelligence were present inside a large majority of referendum centers observed by Carter Center observers. One branch of the Southern Sudan Police Service, the Criminal Investigation Division, received accreditation from the Western Bahr el Ghazal State Referendum Committee, which was subsequently revoked once the mistake was realized.

⁵¹ The principle of assistance to disabled or infirm voters is complemented and strengthened by General Comment No. 25, which provides that assistance provided to the disabled, blind or illiterate should be independent.

⁵² Central Equatoria, Eastern Equatoria, Western Bahr el Ghazal, Northern Bahr el Ghazal, Jonglei, Unity and Warrap

⁵³ In particular, in a few referendum centers in these states observers saw the chairperson physically cover the unity option so it could not be marked and/or the chairperson (and in one case a political party agent) physically put the voters' thumbs on separation.

⁵⁴ Interim National Constitution of the Republic of Sudan, Article 41 (2); CPA Protocol on Power Sharing, 1.6.2.11.; This runs against the principle of secrecy of vote provided that states have agreed to "take measures to guarantee the requirement of the secrecy of the vote during elections. Voters, election officials, party agents, and party supporters need to be assured of the secrecy of their ballot to avoid suspicion, mistrust, political violence, intimidation, as well as political retribution and victimization." The Carter Center also notes as problematic the large presence of plain clothes security agents inside and outside polling centers, potentially undermining the secrecy of the vote.

⁵⁵ In a few centers observers noted that insufficient voter education on the need to fold the ballot led voters to place their ballot into the ballot box in a way that revealed their choice.

⁵⁶ This occurred in the states of Central Equatoria, Jonglei, Lakes, Northern Bahr al Ghazal, Upper Nile, Warrap, and Western Bahr el Ghazal.



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On occasion security officials interfered with the process as in a number of centers in Jonglei, particularly rural areas in Ayod and Akobo counties.⁵⁷ While this represented a small sample of the referendum centers visited, the breach of the secrecy of the ballot for the affected voters is of strong concern.

In both northern and Southern Sudan, observers recorded large and seemingly disproportionate numbers of security officials outside centers, in a few cases with heavy weaponry, a phenomenon that may have lead to intimidation to voters. In Darfur, security presence was excessive, and while they did not overtly intervene, their presence was intimidating and observers were unable to speak freely with voters. SPLA soldiers were observed outside of a few centers in Jonglei and Central Equatoria, despite the fact that the remit for referendum security lies solely with the police.

While the majority of voters were able to freely exercise their rights to self-determination and universal suffrage, there were several worrying cases of intimidation. In Western Equatoria and Central Equatoria, there were reports of intimidating radio messages from government officials and others warning of consequences for those who did not vote.⁵⁸ In Northern Bahr al Ghazal police pressured businesses to close on the final day of polling so that people would go and vote.⁵⁹

Salaries

In most states in northern Sudan referendum center staff received their salaries or a portion of their salaries on time. However, the vast majority of referendum center staff in Southern Sudan informed observers that they did not receive payment during the polling process. In all ten states of Southern Sudan, staff had not yet been paid for the December portion of the voter registration period, yet staff continued working without their payment. The SSRB's inability to ensure timely payment of salaries to sub-committee and referendum center staff placed a significant burden on polling staff. In many areas, members of the local community provided food and water.

Considerations Committees

As outlined previously, the SSRC regulations called for the establishment of considerations committees at referendum centers during polling to hear complaints about the process from registered voters. Carter Center observers reported that there were considerations committees in only 5.5 percent of all referendum centers visited.⁶⁰ In the north, observers noted that they were present in a majority of referendum centers (55 percent of those visited). The failure of the SSRC and SSRB to establish consideration committees in a timely manner potentially limited the right of redress, undermining the right to "effective protection and remedies."⁶¹

Irregularities in Unity State

Observers in Unity State witnessed irregularities in several centers relating to the voters list, including instances that may have allowed multiple voting. In several center, referendum staff did not consistently

⁵⁷ At one RC armed police were observed watching voters cast their ballots and unfolding ballot papers to check which way people voted before placing the ballot in the ballot box. At another RC in Jonglei, observers witnessed police assisting people to vote by telling them where to place their thumb and not allowing them privacy to make their choice. At other stations, there was a large armed police presence inside the referendum centers.

⁵⁸ In addition, in Yambio, Western Equatoria, the "Arrow Boys" a local militia force, acting on their own initiative set up a checkpoint and were checking people for ink to make sure they voted. Those without ink would apparently be put under temporary arrest. While observers were present, they had not found anyone without ink. The sub-committee drove by them several times and mentioned nothing of the unauthorized checkpoint.

⁵⁹ One woman who had not been informed and opened her shop was arrested.

⁶⁰ Consideration Committees were to be established by the SSRC Rules and Regulations on Polling and Counting, to adjudicate appeals at the Referendum Centers.

⁶¹ Article 2(3) of the ICCPR and Article 6 of the UN International Convention on the Elimination of All Forms of Racial Discrimination.



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follow procedures to mark registration books.⁶²

In Pariang County, there were many discrepancies between the registration books and the final voter list.⁶³ In discussions with the referendum center staff, and later a member of the Pariang County sub-committee, Carter Center observers received no convincing explanations for the discrepancies. Carter Center concerns about the process in parts of Unity State and in Pariang County in particular were reported to members of the SSRB who have committed to looking into these discrepancies.

Closing

Although the SSRC regulations called for counting to begin after the close of January 15, the final day of polling, some centers in remote areas started counting on January 13 stating that all registered persons had already voted. In addition, a few referendum centers in Kapoeta South County started counting several hours early on January 15 before closing had begun at the direction of the sub-committee. Carter Center observers reported that counting procedures were generally followed and that referendum center staff seemed to understand and implement the regulations sufficiently, with a few minor deviations from procedure. Overall, there was some confusion noted by observers from referendum staff not fully understanding the procedures for packing and delivery of sensitive materials onward to sub-committees and state referendum committees.

Dispute Resolution

Effective dispute mechanisms are essential to ensure that effective remedies are available for the redress of violations of fundamental rights related to the electoral process.⁶⁴

According to the Referendum Act and the SSRC regulations, referendum disputes are adjudicated at the Referendum Centers by the Referendum Chairperson, and by Consideration Committees. Each referendum center should have its own Consideration Committee to hear appeals from the decisions of Referendum Center officials.⁶⁵ Competent Courts, which are special courts established for the referendum, hear appeals from Consideration Committees and preside over trials for illegal and corrupt referendum practices. Finally, the National Judiciary in Khartoum and the Supreme Court in Juba hear appeals to the preliminary referendum results at each county.

Although the number of persons affected appears relatively small, delays in establishing consideration committees may have rendered some individuals unable to appeal rejections based on eligibility and also denied persons their ability to submit complaints during polling. Even when consideration committees were established, confusion persisted over their functioning, role, and authority.

Pursuant to the Referendum Act, the National Judiciary in Khartoum and the Supreme Court of Southern Sudan appointed judges to serve on Competent Courts. Like Consideration Committees, Competent Courts were, for the most part, not designated and accessible until the end of voter registration or later, in the case of Southern Sudan, and very few cases were brought to the Competent Courts.

The right to an effective remedy when a voter was rejected was impacted by the delays in establishing Consideration Committees and Competent Courts and the lack of voter education about these

⁶² In four of more than 60 centers observers visited in Unity state, referendum center staff did not consistently mark the registration books appropriately with thumbprints or ticks next to voters' names, a measure intended to prevent multiple voting. In Pariang County, as many as 800 thumbprints were missing in one center.

⁶³ Also in Pariang County, observers noted serious problems with the voters' registry in six centers where several hundred names were either added or deleted from the final voter registry, despite reports that there had been neither corrections nor deletions during the exhibition period. In addition, in one referendum center in Pariang County, one ballot paper booklet had gone missing.

⁶⁴ International Covenant on Civil and Political Rights Art. 2(3), UNHRC General Comment No. 32, para. 18.

⁶⁵ Article 40, the SSRC Rule and Regulations on Polling, Sorting, Counting and Declaration of Results.



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mechanisms. The Sudanese domestic legal framework generally complies with Sudan's international obligations; however its implementation falls short of international standards.

Legal challenges to the Referendum

The Constitutional Court in Khartoum has received legal challenges to the referendum process. Political parties, aggrieved individuals, and tribes brought cases alleging violations of the CPA, Interim National Constitution and Referendum Act. The Court accepted five cases - with two dismissed and three still pending. Constitutional issues raised and under consideration include: the timeframe for the conduct of the referendum; the composition of the SSRB; violations of the Referendum Act;⁶⁶ and the postponement of the Abyei Referendum. The Court declined to hear cases related to individual eligibility determinations and corrupt practices, as appellants had not exhausted the remedies provided for in the Referendum Act, claiming that voters failed to address to the consideration committees and competent courts.

Since late December, three Southern judges on the Constitutional Court have been absent: According to Sec 8 (1) of the Constitutional Court Act, the Court needs seven of nine judges for a quorum. With only six judges sitting, the Court has been unable to rule on the remaining referendum-related cases. The six sitting judges appear ready to dismiss one appeal but are waiting for another judge to announce the decision. It is unclear whether the judicial absences represent political obstruction, an effort to avoid disrupting the referendum process, or simply logistical difficulties. It would increase legitimacy and confidence in the referendum process if all constitutional challenges were resolved before announcing the final result of the referendum.

Civil Society and Domestic Observation

Sudan is obligated by an international commitment to ensure that every citizen has the right to participate in the public affairs of Sudan and the right to freely participate within civil society and domestic observation organizations.⁶⁷ The Carter Center welcomes the significant participation of a variety of domestic organizations in observing the voter registration and polling processes in northern and Southern Sudan.

In Southern Sudan, two domestic observation networks – Sudanese Network for Democratic Elections (SUNDE) and the Sudan Domestic Election Monitoring and Observation Programme (SUDEMOP)- played especially important roles during voter registration and polling. In northern Sudan, domestic observation was led by the Sudanese Group for Democratic Elections (SUGDE) and a loose partnership formed between the National Civic Forum (NCF), al Khatim Adlan Center for Enlightenment and Human Development (KACE), and Al Massar Organization for Nomads Development and Environmental Conservation.

The Carter Center was concerned by delays in accreditation for Southern domestic observers during voter registration. To facilitate domestic observation of these processes, the SSRB issued a letter that provided access to centers. In the North, accreditation for some observation groups prior to voter registration was only received in Khartoum the evening before registration began. For the polling period, the SSRB and SSRB expedited the process to ensure that the majority of observers received their accreditation before the start of the polls. Timely accreditation of domestic observers is needed to guarantee their right to observe the process.

The rights and responsibilities of observers and accreditation requirements and procedures was not communicated or applied consistently. Although the polling regulations did not require applicants to submit photo identification for domestic observation accreditation, the official SSRB forms indicated a

⁶⁶ Article 25 and 28 of the SSRA.

⁶⁷ Article 25, ICCPR.



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space to attach a passport photograph, which led officials in subsidiary bodies to believe that a photograph was required. This caused an undue burden and unnecessary costs for Sudanese observer groups, particularly for observers living in remote areas of Southern Sudan. The SSRC and SSRB waived this requirement in the first few days of registration.

The addition of party advocates late in the process helped to ensure that there was less temptation for political advocates to join the ranks of non-partisan domestic observation groups. However, strengthening the role of political parties in a process that was not focused on candidates contributed to unnecessary polarization of issues along party lines. A lack of differentiation in accreditation badges for party advocates and non-partisan observers unfortunately blurred the distinction between the two groups.

Out-of-Country Voting

The Referendum Act extended the right of vote for Southern Sudanese citizens in Ethiopia, Kenya, Uganda, Australia, Britain, the United States, Canada and Egypt.⁶⁸ By introducing out-of-country voting, the GOS took steps to ensure the broadest possible pool of registrants, consistent with obligations for the universal and equal suffrage.⁶⁹

Article 27 of the Referendum Act determined the role of the International Organization of Migration (IOM) to assist in the organization and supervision of the procedures of registration, polling, sorting, counting and declaration of the results. The final number of registered voters amounted to 60,219, far lower than the initial estimate of more than 400,000 potential voters in OCV countries. Referendum administration had difficulty assessing the potential number of eligible voters in each country since the data was collected from several official and unofficial sources. At the same time, a number of factors may have discouraged registration. In several OCV countries, Carter Center observers heard reports that some Sudanese believed that polling results would be manipulated in Khartoum to favor unity.⁷⁰

OCV: Deployment and Accreditation

The Carter Center deployed 28 out-of-country observers for voter registration and balloting in the eight countries selected by the SSRC.⁷¹ All Carter Center OCV observers were formally accredited by the SSRC in a timely fashion.

GOSS and political party representatives, most notably the SPLM, received diplomat observer and domestic observer accreditation respectively, albeit with a clear indication of the institution to which they belonged. Domestic OCV observers, drawn from the local Sudanese population, were accredited locally in accordance with the regulations.

OCV: Registration and Exhibition

The SSRC operated 41 OCV registration centers/sub-centers comprised of 188 stations.⁷² The Carter Center observers visited 33 registration centers and 170 stations. In response to requests from the Diaspora community, referendum centers were added in the United States (Boston, Chicago, Dallas, Nashville and Seattle) and Australia (Brisbane and Perth).

⁶⁸ Article 5, The Southern Sudan Referendum Act.

⁶⁹ Article 21 (3) of the UN Universal Declaration of Human Rights, and Article 25 of the ICCPR.

⁷⁰ In Uganda, the SPLM supported boycotting OCV registration by providing buses to Southern Sudan. In the three East African countries, the cost of transportation to a center and harvesting obligations at home prohibited many Southern Sudanese from registering.

⁷¹ The Carter Center deployed two teams in Australia; two teams in Canada; one team in Egypt; one team in Ethiopia; two teams in Kenya; two teams in Uganda; one team in the United Kingdom; and three teams in the United States.

⁷² Figures drawn from Khartoum data center publication of provisional breakdown of OCV registration figures.



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Carter Center observers reported that referendum staff were well-trained and, in spite of the low numbers of voters, remained motivated throughout the process. Given the substantial over-estimation of eligible voters who would register, material and manpower was more than sufficient and registration largely was conducted without major incident. During the exhibition period, hundreds attended in Uganda and Kenya to confirm their names. In the other OCV countries, only those seeking to correct errors on their registration cards took advantage of the period.

OCV: Polling

Carter Center observers found that the OCV polling process was generally conducted in an orderly manner, although many stations were overwhelmed by the high turnout and rowdy crowds on the first day of polling. By mid-week, voter turnout gradually reduced as the number of ballots cast passed the 60 percent threshold, and in many cases exceeded 90 percent. Although overall the referendum centers were aware of proper procedures and were well functioning, observers noted a few minor irregularities during the voting process, which did not appear intentional. On the whole, voting in OCV countries was conducted in a manner consistent with international standards and Sudanese law. Observers noted that security was present at most referendum sites and that the process was largely conducted in a peaceful and secure environment.

The Center was troubled, however, by reports of threats against referendum officials in Uganda, where the SPLM advocated for a boycott of out-of-country registration and voting due to fears of manipulation of the OCV results in Khartoum. As a result, registration operations were suspended for a short period in refugee camps located near the Ugandan-Sudanese border. The Carter Center strongly condemns any such interference and intimidation in relation to the democratic process and recalls Sudan's obligations to ensure uninhibited participation in the process.

OCV: Consideration Committees

In contrast to in-country registration, consideration committees were established in all of the OCV registration centers at the start of the process. Unfortunately, in many cases the committees were uncertain of their roles, had no written guidance or briefing, and seemed unclear about their status relative to the referendum center chair and staff. Carter Center observers saw no significant disputes, however, and the decisions of consideration committees regarding eligibility were generally accepted.

Women's Participation

In the first days of the voter registration process, Carter Center observers reported minimal numbers of women turning out to register. However these numbers steadily increased throughout the exercise. In many areas, the participation of women was equal to or exceeded that of men. The final voter registry for the referendum indicates that women constitute 51 percent of the registered voters for the referendum, a positive step toward meeting Sudan's national and international obligations to ensure universal suffrage and protection from discrimination.⁷³ Although there are some women in high-level positions at the SSRC and SSRB, Carter Center observers noted comparatively low numbers of women serving as referendum center officials.⁷⁴

Post-Referendum Issues

While administration of the referendum was a major focus of the NCP, SPLM, observer groups, and the international community, the large number of post-referendum issues still to be negotiated by the two parties highlights an ongoing need for mediation and cooperation in order for the CPA to conclude

⁷³ AU, African Charter on Democracy, Elections and Governance, art. 29(3); ICCPR, Art. 3.

⁷⁴ In Kassala, the Raja area of Western Bahr el Ghazal, and South and North Darfur, there was few female referendum center staff during voter registration, particularly in senior positions. Involving women in public life will help ensure Sudan fulfills its domestic and international commitments to ensure the equal participation of women in public affairs.



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successfully. Given the parties' lack of agreement on a range of issues – citizenship, oil and other resource-sharing, demarcation of the North-South border, finance and currency matters, amongst others – the political climate for most Sudanese heading into the referendum was defined by uncertainty regarding the impact of potential separation.

Consideration of the post-referendum issues was slow to take off for a number of reasons – delays in realizing most of the objectives of the CPA, inertia, political uncertainty, brinkmanship on the part of both parties, and concern that a focus on borders could be seen to pre-judge the outcome of the referendum.

The negotiation process was facilitated by the June 2010 Mekelle conference where the parties agreed to African Union-led negotiations on various issues under four broad groups or clusters: (1) Citizenship, (2) Security, (3) Financial, and (4) International Treaties and Legal Issues. The use of clusters helped structure the process, but there was only little progress. As a result, the parties limited their focus to reaching a framework agreement, but even that reduced goal has not been achieved. By the start of 2011, it was agreed that negotiations would resume soon after the referendum. Thus far neither the SPLM nor the NCP has involved other parties or civil society in the process.

The failure to address the issue of citizenship has led to fears of sudden displacements and loss of basic rights of Southerners in the north and vice versa. Although Presidents Bashir and Salva Kiir have issued reassuring statements on this matter, that has not been the case with all of their ministers. Many Southerners are leaving the North but finding little support when they arrive in the South. Nomads who regularly cross the north-south border and the one-third of the population of Sudan who live in the border area are also crucially affected by the outcome of the negotiations over citizenship. The primary aims should be that no one suffers statelessness in the event of the South opting for independence and that Northerners in the South and Southerners in the North have adequate time and resources to re-organize their lives.

Other key issues include arrangements for revenue sharing, dealing with the national debt, the signatures to international treaties, currency and security arrangements. The Carter Center urges the parties to resolve all of these issues as quickly and as peacefully as possible to promote stable relations among them.

Border Demarcation

According to the CPA, the border was to have been demarcated long ago, but 20 percent of the border is proving difficult to resolve between the two CPA partners.⁷⁵ If this issue cannot be resolved quickly, the SPLM and NCP could ease anxieties of the population that lives along the border by moving quickly to reach an agreement on citizenship that would permit border-dwelling people unhindered movement across the borders.

Abyei

The Abyei Protocol of the CPA and the Abyei Referendum Act outline the provisions for a referendum in the Abyei Area in which its residents would choose to either retain its special status as a part of northern Sudan or join Southern Sudan. According to the CPA and the Abyei Referendum Act, the Abyei Area Referendum was supposed to take place simultaneously with the Southern Sudan Referendum. After beginning talks on the composition of the Abyei Referendum Commission in early 2010, the parties to the CPA quickly reached a standstill on the issue of who would chair the Commission – a critical position

⁷⁵ This includes territory between Upper Nile's Renk and Kaka with neighboring White Nile, along Southern Kordofan's border with Unity State and Northern Bahr El Ghazel, and along the border between Southern Darfur and Western Bahr El Ghazel. Many of these areas possess, or are believed to possess, oil and other valuable resources.



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given that the Chair would cast the deciding vote as to the criteria for participation in the referendum.⁷⁶

In late 2010, there were two attempts to broker a new agreement between the two parties clarifying the future of Abyei – first by the US government and subsequently by President Mbeki as the Chair of the AU High Level Panel on Sudan. President Mbeki put forward six options for the future status of Abyei but the two parties could not come to an agreement, and the future of Abyei remains uncertain. The failure of the NCP and SPLM to resolve the Abyei issue is a matter of grave concern, especially since the uncertainty is contributing to increased insecurity in the territory, and threatens to negatively affect other negotiations between the parties.

Returnees

More than 180,000 southern “returnees” returned from northern Sudan to Southern Sudan in the ten weeks prior to the referendum.⁷⁷ These Southerners were among approximately 2 million Southerners who settled in northern Sudan during the decades of conflict. Returnees have told observers they returned due to fears of losing citizenship and rights in northern Sudan, fears of retaliation if Southern Sudan were to vote for separation, and a sense that it was time to come home to build their new country. The requirement that voters had to register and vote in the same location led many eligible Southerners in the north to refrain from registering due to the potential for return.⁷⁸ Observers reported no instances of returnees being denied registration upon arrival in Southern Sudan and, in some areas, special efforts were made to ensure returnees were able to register. During polling in northern Sudan, observers frequently heard that some of the registrants who had not yet voted had returned to Southern Sudan after registering in northern Sudan.

The GOS and the GoSS hold the primary responsibility for protecting Internally Displaced Persons, ensuring they are able to exercise their political rights⁷⁹ and are not discriminated against as a result of their displacement in the enjoyment of these rights⁸⁰ Returnees have not been adequately protected en route to Southern Sudan and have been attacked and held hostage by armed groups as they exercise their right to return.⁸¹ Both the Government of Sudan and the Government of Southern Sudan should strive to create an environment that minimizes uncertainty and fear, coordinate to protect returnees in transit, and guarantee that Southerners in northern Sudan are able to exercise their internationally recognized civil and political rights.

Migratory populations

The Carter Center is concerned about the future of migratory populations in Sudan, in the post referendum period. Given that migratory populations rely on freedom of movement to sustain their livelihoods, the NCP and SPLM should ensure that the rights of migratory populations to move freely will be guaranteed regardless of the result of the polling. If there becomes an international border between north and Southern Sudan, the rights of migratory populations to move freely between these borders should be guaranteed.

⁷⁶ The Abyei Area Referendum Act calls for the participation of the Ngok Dinka and “other Sudanese residing in the Abyei Area in accordance with the criteria of residency, as may be determined” by the Abyei Commission. This description does not explicitly provide for the participation of the Misseriya tribes in an eventual referendum.

⁷⁷ Humanitarian Update: Returns to Southern Sudan, Office for the Coordination of Humanitarian Affairs, 13 January 2011. This number reflects the number of returns from Northern to Southern Sudan tracked by the International Organization for Migration between November 1, 2010 and January 11, 2011.

⁷⁸ Southern Sudan Referendum Commission Regulations for Polling, Sorting, Counting and Declaration of Results 2010, Art. 7 (December 29, 2010).

⁷⁹ Guiding Principles on Internal Displacement, Principle 3(1).

⁸⁰ UN, Guiding Principles on Internal Displacement, Principle 22(d). “[t]he right to vote and to participate in governmental and public affairs, including the right to have access to the means necessary to exercise this right.”

⁸¹ Humanitarian Update: Returns to Southern Sudan, Office for the Coordination of Humanitarian Affairs, 13 January 2011.



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The issue of migratory populations has been focussed on the tensions between Misseriya and Dinka Ngok in Abyei, but other migratory groups, such as the Rizeigat or the Ambororo, face uncertainty over which grazing grounds they will be able to access in the future as a result of the referendum.⁸² Ambororo groups and their cattle have for decades regularly crossed the border from South Darfur into Western Bahr el-Ghazal. Many Ambororo families have in the past years opted to settle in the South.⁸³ The status of Ambororo who have stayed in the South and identify themselves as Southerners remains murky. This has manifested itself during voter registration, when Ambororo were allowed to register in some areas, but not in others.

South-South Reconciliation

In October 2010 in his capacity as President of the GoSS and Chairman of the SPLM, Salva Kiir convened an all Southern Sudan Political Parties conference. Designed to overcome the distrust and anger of the southern opposition parties and Other Armed Groups (OAGs) in the wake of the April 2010 elections, it brought together twenty-four southern political parties and factions and started a process that is to continue into the post-referendum period. Key elements of the process include a meeting of the political parties' council after the announcement of the referendum results, and in the event of a vote for secession, the formation of an inclusive interim government which will establish the rules and procedures for a constituent assembly, a new census, and the holding of elections. Should this process unfold as planned it would go far to overcoming the opposition parties' grievances regarding abuses during the 2010 elections. More importantly, it would provide a path of political reform with stability during a time of considerable stress, and lay the ground for a genuine democratic transformation required in the CPA, but not yet fulfilled. The Carter Center encourages the southern parties to use this agreement to advance democratic and accountable government.

While the reconciliation of the southern parties provides reason for hope, the commitment to reconciliation of the SPLA and OAGs has not met expectations. Meetings arranged between Major General Gordon Kong's South Sudan Defense Forces and the SPLA have not to date taken place and this is a cause for concern.⁸⁴ General George Athor, who launched a rebellion in northern Jonglei, has signed a ceasefire with the SPLA, but as yet there has been no agreement or integration of his forces into the SPLA.

Conflict and insecurity

Regardless of the outcome of the referendum, it is likely that the spectre of conflict and insecurity will remain a daily challenge that many Sudanese will have to confront. The war in Darfur continues with no clear resolution in sight and the failure to resolve the impasse in Abyei threatens the security of the communities living in and around the area. There is also fear that security in the south will further deteriorate as armed groups, bandits, political interest groups or cattle raiders will clash. Insecurity usually manifests itself locally, but tends to be connected to broader national political and developmental challenges that need addressing. Without a resolution to the war in Darfur, an agreement on the future of Abyei and comprehensive south-south reconciliation, it is unlikely that the Sudanese people will be able

⁸² The northern Rizeigat, who regularly cross the border between Southern Darfur and Northern Bahr el-Ghazal in the dry season and the Dinka Malual, who live in Northern Bahr e-l-Ghazal have been engaged in a locally driven peace process for the last few years. On December 28, 2010, Northern Bahr el-Ghazal's governor Paul Malong oversaw the signing of a peace deal between Rizeigat, Dinka Malual and Misseriya groups who move in the area to allow cross-border movement into Northern Bahr el-Ghazal after the referendum. While he stressed that this agreement will stand regardless of decisions made on the national level, it is unclear whether this is feasible if tension in Abyei further increases.

⁸³ After escalating tension between the population of Western Equatoria and the Ambororo, the Ambororo leadership agreed to move all groups into Western Bahr el-Ghazal in 2010 where they have been assigned an area around Deim Zubeir. The citizenship issue affects this group in two ways: it makes unclear if they will still be able to move into Southern Darfur to trade cattle, as they have done in the past.

⁸⁴ SSDF refers to the rump faction remaining after the mainstream SSDF led by Paulino Matiep signed the Juba Declaration of January 2006.



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to live without fear of armed conflict. In addition, residents of East Sudan and marginalized political groups in all of the North expressed the need to establish a forum to engage with the Khartoum government in a constructive way, something that is desperately needed to prevent conflict in the north.

The presence of OAGs remains another major security challenge and brings the lack of reliable protection of civilians into sharp focus. This is particularly true in areas under threat of the Lord's Resistance Army (LRA) in Western Equatoria, where civilians have been employed as local defence units which, in defending the community against LRA attacks, have also openly turned against groups that are resented by some communities.

It is important to note that the referendum process will have a great impact on many people's lives, and may bear potential for conflict and insecurity. As returnees seek out livelihoods and constituency borders are drawn that separate communities, it will be important to focus on conflict mitigation mechanisms.

The Carter Center was founded in 1982 by former U.S. President Jimmy Carter and his wife, Rosalynn, in partnership with Emory University, to advance peace and health worldwide. A not-for-profit, nongovernmental organization, the Center has helped to improve life for people in more than 70 countries by resolving conflicts; advancing democracy, human rights, and economic opportunity; preventing diseases; improving mental health care; and teaching farmers to increase crop production. The Carter Center began working in Sudan in 1986 on the Sasakawa-Global 2000 agricultural project and for more than 20 years its health and peace programs have focused on improving health and preventing and resolving conflicts in Sudan. Please visit www.cartercenter.org to learn more about The Carter Center.



APPENDIX F

CARTER CENTER OBSERVER DEPLOYMENT PLAN

Observer Deployment for Voter Registration





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Observer Deployment for Referendum





APPENDIX G OBSERVER CHECKLISTS

Voter Registration Checklist - Sudan 2010

| | | | | | |
|---|---------|-----------------|----------|--|---|
| Observer Names: | | Team #: | Date: | | THE CARTER CENTER  |
| State: | County: | | Village: | | |
| Ref. Center Name: | | Ref. Center #: | | | |
| Arrival Time: | | Departure Time: | | | |
| INSTRUCTIONS | | | | | |
| <p>Based on your observations, put an "X" in the appropriate box on the right side of the page. Only put an X in the "N/A" box if you cannot answer the question, or it is not relevant. Where you have the options "A/N/S", mark the frequency of occurrence - always, never, or sometimes. If any complaints, problems, or irregularities occur, provide details in the "Comments" section. Where possible, strive to verify the data yourself. If that is impossible and you must rely on others for answers, always mark "I.O." (indirect observation) on the far right side of the page. Record others' answers <i>even if they differ</i> from your direct observations. (Record both.) Always clearly distinguish between your direct observations and reports that you receive from others.</p> | | | | | |
| | | | | | YES NO N/A I.O. |
| OPENING & SETTING | | | | | |
| 1 What time did the center open today? By: <input type="checkbox"/> 8:15h <input type="checkbox"/> 10:00h <input type="checkbox"/> 12:00h <input type="checkbox"/> 14:00h <input type="checkbox"/> not at all | | | | | |
| 2 Are the following registration officials present? (check if YES) <input type="checkbox"/> chairperson <input type="checkbox"/> registrar 1 <input type="checkbox"/> registrar 2 | | | | | |
| 3 How many registration officials are women? _____ | | | | | |
| 4 Did registration officials correctly fill in the necessary information on the registration book cover page? | | | | | |
| 5 Is the notice on exhibition displayed at the center? | | | | | |
| 6 Is the registration center physically accessible to persons with disabilities (using minimal assistance)? | | | | | |
| QUESTIONS TO ASK REGISTRATION STAFF | | | | | |
| 7 How many people have registered at this center since it started operating? _____ | | | | | |
| 8 Have the registration officials been receiving their correct salaries without delays? | | | | | |
| 9 How many registration books did the center receive from referendum authorities to use in VR? _____ | | | | | |
| 10 Does the center have enough of all of the following necessary registration materials? (check if YES) <input type="checkbox"/> registration books <input type="checkbox"/> laminates <input type="checkbox"/> indelible ink <input type="checkbox"/> thumb print pads <input type="checkbox"/> registration journal <input type="checkbox"/> seals | | | | | |
| 11 Prior to opening today, did registration officials compare the serialized numbers on the registration kit seals against the numbers recorded on their record of seals form? | | | | | |
| REGISTRATION PROCEDURES | | | | | |
| 12 Is the referendum center using only one registration book at a time? | | | | | |
| 13 How frequently were applicants checked for ink residue on fingers from previous registration? | | | | | A N S |
| 14 How frequently were people allowed to register without proof of identity? (ID docs or affirmation of identifier) | | | | | A N S |
| 15 Were the names of identifiers recorded in the registration journal? | | | | | |
| 16 Who served as identifiers? (check all that apply) <input type="checkbox"/> chief <input type="checkbox"/> religious leader <input type="checkbox"/> other _____ | | | | | |
| 17 If only some people were asked for proof of eligibility, on what basis? _____ | | | | | |
| 18 For registered voters, how frequently did the registration officials properly: | | | | | A N S |
| a Complete the necessary information in the entry part of the registration book | | | | | |
| b Complete the necessary information on the registration card | | | | | |
| c Affix the registrant's right thumb print in the entry part of the registration book and on the registration card | | | | | |
| d Detach and laminate the voter registration card | | | | | |
| e Give the voter registration card to the registrant | | | | | |
| f Ink the registrant's left index finger (between fingers for women with henna) with indelible ink? | | | | | |
| 19 Does the information in the entry section of the book generally appear to match the information on the card? | | | | | |
| 20 Were errors in the registration book and spoiled reg. cards properly voided (by cutting and/or canceling)? | | | | | |
| 21 How frequently did registration officials inform registered voters of their following rights and responsibilities? | | | | | A N S |
| a That they must return to the same location during the polling period in order to vote | | | | | |
| b The importance of keeping their voter registration cards as proof of eligibility | | | | | |
| Were there technical or logistical problems with any of the following? (check all that apply and explain) | | | | | |
| 22 <input type="checkbox"/> with registration books <input type="checkbox"/> with lamination <input type="checkbox"/> with ink <input type="checkbox"/> other _____ Comment _____ | | | | | |
| 23 Was anyone other than the registration officials actively involved in registering voters? If so, comment: _____ | | | | | |
| | | | | | YES NO N/A I.O. |



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Voter Registration Checklist – Sudan 2010

| SECURITY ISSUES | | | | |
|--|---|--|--|--|
| 24 | Is registration being conducted in an orderly manner? | | | |
| 25 | Are people able to register free from intimidation? If not, comment: _____ | | | |
| 26 | How many of the following security forces/police present <i>outside</i> the registration center? Natl Police _____ SSPS _____ SAF _____ SPLA _____ Natl. Security _____ Military Intel. _____ | | | |
| 27 | How many of the following security forces/police present <i>inside</i> the registration center? Natl Police _____ SSPS _____ SAF _____ SPLA _____ Natl. Security _____ Military Intel. _____ | | | |
| 28 | If <i>inside</i> the registration center, what are they doing? _____ | | | |
| 29 | Did any security forces/police interfere with registration in any way? If so, how? _____ | | | |
| OBSERVATION | | | | |
| 30 | How many domestic observers are present from the following organizations? SuGDE (NS) _____ SuDeMop (SS) _____ SuNDE (SS) _____ other _____ | | | |
| 31 | How many domestic observers are women? _____ | | | |
| 32 | How many political party representatives are present from the following parties? NCP _____ SPLM _____ other (please specify) _____ | | | |
| 33 | How many political party representatives are women? _____ | | | |
| 34 | Are there any restrictions preventing the following groups from performing their duties? (circle for each) Y / N / NA domestic observers Y / N / NA members of the media Y / N / NA party representatives If so, comment: _____ | | | |
| COMPLAINTS PROCEDURES | | | | |
| 36 | How many applicants have been refused reg. based on eligibility since this center started operating? _____ | | | |
| 37 | How many applicants did you see refused reg. based on eligibility during your observation? _____ | | | |
| 38 | For what reason? _____ | | | |
| 39 | If anyone was refused, were his/her personal details <i>and</i> reason for rejection recorded in the journal? | | | |
| 40 | Were rejected applicants given a stamped rejection form? | | | |
| 41 | Were applicants rejected on the basis of location of registration told that they could register in the South? | | | |
| 42 | Do applicants understand the procedure for filing an appeal of a rejection? | | | |
| 43 | Did rejected applicants appeal the decision to the Consideration Committee? If not, why not? _____ | | | |
| 44 | How many previously-rejected applicants did you see successfully register? _____ | | | |
| 45 | Has anyone made complaints since this center started operating? If so, who and regarding what? _____ | | | |
| CLOSE OF REGISTRATION | | | | |
| 46 | Were all individuals who were in line by 17:00h allowed to register? | | | |
| 47 | Were any individuals who arrived after 17:00h allowed to register? | | | |
| 48 | Did registration officials record the serial numbers of the first and last registration cards issued today? | | | |
| 49 | After the close of registration, did registration officials collect all registration materials and seal them? | | | |
| 50 | What is your OVERALL evaluation of the registration process at this RC? <input type="checkbox"/> Very Poor <input type="checkbox"/> Poor <input type="checkbox"/> Good <input type="checkbox"/> Very Good | | | |
| COMMENTS | | | | |
| Provide details regarding any of the questions above. In particular, please provide details of any complaints, problems, or irregularities that occurred at the registration center that you observed. | | | | |
| | | | | |



2011 REFERENDUM ON SOUTHERN SUDAN SELF-DETERMINATION

VOTER REGISTRATION DATA CENTER CHECKLIST SUDAN 2010

| | | | | | | | |
|--|---|-----------------|-------|-----------------------|----|-----|------|
| Observer Names: | | Location: | Date: | THE CARTER CENTER | | | |
| Arrival Time: | | Departure Time: | | | | | |
| | | | | YES | NO | N/A | I.O. |
| Data Center Procedures | | | | | | | |
| 1 | What is the tabulation at the start of your observation? _____ | | | | | | |
| 2 | What is the tabulation at the end of your observation? _____ | | | | | | |
| 3 | Are the following officials present? (check if YES) <input type="checkbox"/> Data Entry Technicians <input type="checkbox"/> Quality Control 1 <input type="checkbox"/> Quality Control 2 <input type="checkbox"/> Data Center Manager | | | | | | |
| 4 | Did Data Center processing officials appear to understand their jobs and do them without confusion? | | | | | | |
| 5 | Was the management of the Data Center orderly? | | | | | | |
| 6 | Are all materials arriving directly from the State High Referendum Committees? | | | | | | |
| 7 | Are all materials arriving in sealed Tamper Evident Bags? | | | | | | |
| 8 | Were Data Entry forms that include the following checked by Quality Control? | | | | | | |
| | Registration Centers with less than 10 VR books. | | | A | N | S | |
| | Registration Centers with more than 10 VR books. | | | A | N | S | |
| | Registration Centers whose numbers of complete registration cards and spoiled card do not match up. | | | A | N | S | |
| | Registration Centers whose Data Entry forms were entered differently into the computer by Data Center staff? | | | A | N | S | |
| 9 | At the end of the day, how many of each case were quarantined? (i.e. put aside for quality control review) | | | | | | |
| | # of quarantined cases of Registration Centers with less than 10 VR books: _____ | | | | | | |
| | # of quarantined cases of Registration Centers with more than 10 VR books: _____ | | | | | | |
| | # of quarantined cases of RCs whose #s of complete registration cards & spoiled card do not match: _____ | | | | | | |
| | # of quarantined RCs whose Data Entry forms were entered differently in computer by Data Center staff? _____ | | | | | | |
| 10 | Was anyone other than the Data Center officials actively involved in the process? | | | | | | |
| | | | | YES | NO | N/A | I.O. |
| SECURITY ISSUES | | | | | | | |
| 11 | How many of the following security forces/police present <i>outside</i> the Data Center? Natl Police _____ SSPS _____ SAF _____ SPLA _____ Natl. Security _____ Military Intel. _____ | | | | | | |
| 12 | How many of the following security forces/police present <i>inside</i> the Data Center? Natl Police _____ SSPS _____ SAF _____ SPLA _____ Natl. Security _____ Military Intel. _____ | | | | | | |
| 13 | Did any security forces/police interfere with the Data Center procedures in any way? | | | | | | |
| 14 | Did Data Center officials appear intimidated by the presence of security forces? | | | | | | |
| OBSERVATION | | | | | | | |
| 15 | How many domestic observers are present from the following organizations? SuGDE (NS) _____ SuDeMop (SS) _____ SuNDE (SS) _____ other _____ | | | | | | |
| 16 | How many political party agents are present from the following parties? NCP _____ SPLM _____ other (please specify) _____ | | | | | | |
| 17 | Are there any restrictions preventing the following groups from performing their duties? (circle for each) Y / N / NA domestic observers Y / N / NA media agents Y / N / NA party agents | | | | | | |
| 18 | Did any political party agents interfere with the Data Center procedures in any way? | | | | | | |
| 19 | Did Data Center officials appear intimidated by the presence of political party agents? | | | | | | |
| SHORT NARRATIVE | | | | | | | |
| Please provide a short narrative (less than 1 page, unless an incident requires a longer explanation) about the operation of the Data Center during your observation. Please focus on how well Data Center officials are trained, how smoothly the process runs, and how closely the officials are following procedures. Please discuss the context in which observers, party agents, & security are operating. Please note if other unauthorized people are at the Data Center. Please discuss the process the Data Center is using when information on the Data Entry form is unclear or incorrect and any difficulties officials encounter during this process. Please provide details of any complaints, problems, or irregularities that occurred at the Data Center. Please discuss anything that arises during your observation that impacts the Data Center processing, even if we have not asked about it directly. Please use this space to make notes and then submit a typed, word document via email to sudantcc@gmail.com at the end of each day of observation. | | | | | | | |



2011 REFERENDUM ON SOUTHERN SUDAN SELF-DETERMINATION

REFERENDUM POLLING CHECKLIST - SUDAN 2011

| | | | | | | | | | |
|---------------------------------------|--|-----------------|--|---|--|--|-----------------------|--------------------------|-----------------------|
| Team #: | | Observers: | | Date: | | | | | |
| State: | | County: | | Village: | | | | | |
| RC#: | | RC Name: | | <input type="radio"/> Urban <input type="radio"/> Rural | | | | | |
| Arrival Time: | | Departure Time: | | Form Type: <input type="checkbox"/> Opening <input type="checkbox"/> Polling <input type="checkbox"/> Closing | | | | | |
| OPENING & SETTING | | | | | | | | | |
| 1 | What time did the RC open today? <input type="radio"/> 8 - 8:15 <input type="radio"/> 8:15 - 10:00 <input type="radio"/> 10:00 - 12:00 <input type="radio"/> 12:00 - 14:00 <input type="radio"/> Never | | | | | | | | |
| 2 | Are the following referendum officials present? (check if YES) <input type="checkbox"/> Chairperson <input type="checkbox"/> Queue Controller <input type="checkbox"/> ID Officer <input type="checkbox"/> Ballot Paper Issuer <input type="checkbox"/> Ballot Box Controller/Inker | | | | | | | | |
| 3 | How many of the above referendum officials are women? | | | | | | | | |
| 4 | Is the Referendum Center physically accessible to persons with disabilities (using minimal assistance)? | | | | | | <input type="radio"/> | <input type="radio"/> | |
| 5 | Is this Referendum Center fixed in one location (i.e. NOT mobile)? | | | | | | <input type="radio"/> | <input type="radio"/> | |
| 6 | Is the polling place free from campaign materials within 50m of the Referendum Center? | | | | | | <input type="radio"/> | <input type="radio"/> | |
| QUESTIONS TO ASK POLLING STAFF | | | | | | | | | |
| 7 | Does the Referendum Center have a final voter registry? | | | | | | <input type="radio"/> | <input type="radio"/> | |
| 8 | How many voters are registered at the center? If unable to determine, please explain below. | | | | | | | <input type="checkbox"/> | |
| 9 | Were adequate polling materials available to accommodate all registered voters at the site? If not, please select what is missing from the list and comment about the problem. <input type="checkbox"/> ballot paper booklets <input type="checkbox"/> stamp pads <input type="checkbox"/> indelible ink <input type="checkbox"/> thumbprint pads <input type="checkbox"/> polling journal <input type="checkbox"/> seals <input type="checkbox"/> voting screens <input type="checkbox"/> security stickers Comment: | | | | | | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 10 | How many ballot paper booklets did the center receive from referendum authorities for polling? | | | | | | | <input type="checkbox"/> | |
| 11 | Were the ballot boxes and materials secured overnight? <input type="checkbox"/> N/A | | | | | | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 12 | Prior to opening today, did polling officials compare the serialized numbers on the polling kit seals against the numbers recorded on their record of seals form? | | | | | | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 13 | Have the polling officials been receiving their salaries properly? | | | | | | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 14 | How many voters were recorded in the Referendum Center Journal as having voted yesterday? <input type="checkbox"/> N/A | | | | | | | <input type="checkbox"/> | |
| 15 | Approximately how many voters have voted up to this point? | | | | | | | <input type="checkbox"/> | |
| 16 | Are polling officials completing the Daily Account of Ballot Papers Form each day? <input type="checkbox"/> N/A | | | | | | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| POLLING PROCEDURES | | | | | | | | | |
| 17 | How many people voted while you were present at the Referendum Center? | | | | | | | | |
| 18 | Are polling officials checking applicants for ink residue on their fingers from previous voting? | | | | | | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 19 | Does the ID Officer confirm that the voter's registration card number matches the copy in the registration book? | | | | | | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 20 | Are those voters not found in the voter registry turned away? | | | | | | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 21 | Are voters without registration cards turned away? | | | | | | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 22 | Is the ID Officer crossing out each voter's name and marking the box in the registration book? | | | | | | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 23 | Do voters apply their thumbprint to their entry in the registration book? | | | | | | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 24 | Are voters' registration cards hole-punched? | | | | | | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 25 | Are the ballots stamped on the back when issued to voters? | | | | | | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 26 | Are voters able to cast their ballots in secret? | | | | | | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 27 | Are physically incapacitated, blind, or elderly voters receiving help to mark their ballot? If so, by whom? <input type="checkbox"/> Escort of their choice <input type="checkbox"/> RC Official <input type="checkbox"/> Party agent <input type="checkbox"/> Police/security <input type="checkbox"/> Other Comment: | | | | | | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 28 | Are the illiterate voters casting their ballots without assistance? If no, by whom? <input type="checkbox"/> Escort of their choice <input type="checkbox"/> RC Official <input type="checkbox"/> Party agent <input type="checkbox"/> Police/security <input type="checkbox"/> Other Comment: | | | | | | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 29 | Are polling staff marking voters' left index fingers (or between fingers for women with henna) with indelible ink? | | | | | | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 30 | Are spoiled ballot papers properly voided (by tearing)? | | | | | | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 31 | Is anyone other than the referendum officials actively involved in the voting process? <input type="checkbox"/> Domestic Observers <input type="checkbox"/> Party Observers <input type="checkbox"/> Government <input type="checkbox"/> GOSS taskforce <input type="checkbox"/> Religious Leaders <input type="checkbox"/> Security Forces <input type="checkbox"/> Police <input type="checkbox"/> SSRC/B Officials <input type="checkbox"/> Chief <input type="checkbox"/> Other Comment: | | | | | | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 32 | Is polling being conducted in an orderly manner? If no, explain: | | | | | | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |



THE CARTER CENTER

2011 REFERENDUM ON SOUTHERN SUDAN SELF-DETERMINATION

| | | YES | NO | D/K |
|--|--|-----------------------|-----------------------|-----------------------|
| SECURITY ISSUES | | | | |
| 33 | Are people able to vote free from intimidation? If not, comment: _____ | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 34 | How many of the following security forces/police are present <i>outside</i> the referendum center? National Police <input type="checkbox"/> SSPS <input type="checkbox"/> SAF <input type="checkbox"/> SPLA <input type="checkbox"/> National Security <input type="checkbox"/> Military Intel. <input type="checkbox"/> Other <input type="checkbox"/> | | | |
| 35 | How many of the following security forces/police are present <i>inside</i> the referendum center? National Police <input type="checkbox"/> SSPS <input type="checkbox"/> SAF <input type="checkbox"/> SPLA <input type="checkbox"/> National Security <input type="checkbox"/> Military Intel. <input type="checkbox"/> Other <input type="checkbox"/> | | | |
| 36 | Are security forces fulfilling their role without negatively interfering in the process? If not, are they <input type="radio"/> inside or <input type="radio"/> outside the Referendum Center? Comment: _____ | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| OBSERVATION | | | | |
| 37 | Were domestic observers present? If yes, from which of the following organizations? SuNDE <input type="checkbox"/> SuDeMop <input type="checkbox"/> SuGDE <input type="checkbox"/> KACE <input type="checkbox"/> NCF <input type="checkbox"/> Al-Massar <input type="checkbox"/> Other <input type="checkbox"/> | <input type="radio"/> | <input type="radio"/> | |
| 38 | How many domestic observers are women? | | | |
| 39 | Were political party observers present? If yes, from which of the following parties? NCP <input type="checkbox"/> SPLM <input type="checkbox"/> Other <input type="checkbox"/> | <input type="radio"/> | <input type="radio"/> | |
| 40 | How many political party observers are women? | | | |
| 41 | Were the following groups allowed to perform their duties without restrictions? If not, mark below and explain. <input type="checkbox"/> domestic observers <input type="checkbox"/> members of the media <input type="checkbox"/> party observers Comment: _____ | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 42 | Have domestic observers or others reported to you that the process was free from serious irregularities? Comment: _____ | <input type="radio"/> | <input type="radio"/> | |
| COMPLAINTS | | | | |
| 43 | Is there a Consideration Committee at the Referendum Center? | <input type="radio"/> | <input type="radio"/> | |
| 44 | Has the Referendum Center received any complaints (even if successfully resolved without process)? | <input type="radio"/> | <input type="radio"/> | |
| 45 | Did complainants appeal the Chairperson's decision to a Consideration Committee? <input type="checkbox"/> N/A If not, why?: _____ | <input type="radio"/> | <input type="radio"/> | |
| CLOSING | | | | |
| 46 | Were all individuals who were in line by 17:00h allowed to vote? | <input type="radio"/> | <input type="radio"/> | |
| 47 | Were all individuals who arrived after 17:00h turned away without voting? | <input type="radio"/> | <input type="radio"/> | |
| 48 | After the close of polling, did polling officials seal the slot of the ballot box? | <input type="radio"/> | <input type="radio"/> | |
| 49 | Did referendum officials record the number of the seal on the slot of the ballot box? | <input type="radio"/> | <input type="radio"/> | |
| 50 | Did polling officials collect all other sensitive materials and seal them? | <input type="radio"/> | <input type="radio"/> | |
| STAFF PERFORMANCE AND VOTER UNDERSTANDING | | | | |
| 51 | How would you evaluate the overall performance of the polling staff? <input type="radio"/> Very good <input type="radio"/> Good <input type="radio"/> Poor <input type="radio"/> Very poor Comment: _____ | | | |
| 52 | How well do voters appear to understand the polling procedures? <input type="radio"/> Very well <input type="radio"/> Well <input type="radio"/> Not well <input type="radio"/> Not at all Comment: _____ | | | |
| OVERALL | | | | |
| 53 | What is your overall evaluation of the Referendum Center? <input type="radio"/> Very good <input type="radio"/> Good <input type="radio"/> Poor <input type="radio"/> Very poor Comment: _____ | | | |
| COMMENTS | | | | |
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2011 REFERENDUM ON SOUTHERN SUDAN SELF-DETERMINATION

RECONCILIATION AND COUNTING PROCESS - SUDAN 2011

| | | | | | | | |
|--|---|---|--|-----------------------|-----------------------|-----------------------|-----------------------|
| Team #: | Observers: | Date: | | | | | |
| State: | County: | Village: | | | | | |
| RC #: | RC Name: | <input type="radio"/> Urban <input type="radio"/> Rural | | | | | |
| Arrival Time: | Departure Time: | | | | | | |
| RECONCILIATION AND COUNTING PROCESS | | | | YES | NO | N/A | D/K |
| 1 | Did you observe this count from the beginning? If NO, at what time did the count start? | | | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 2 | Did polling officials check that ballot box seals were intact and compare them to the recorded seal numbers prior to opening the ballot box? | | | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 3 | Were invalid ballots held up for all to see? | | | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 4 | Did everyone present accept decisions regarding a ballot declared for unity, secession, invalid, or unmarked? If NO, please comment. | | | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 5 | Were all invalid ballots determined and counted correctly? If NO, how many ballots did you see counted as invalid that you believe were valid? Please comment. | | | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 6 | Were all ballots counted as valid properly determined as valid and counted correctly? If NO, how many ballots did you see counted as valid that you believe should have been invalid? Please indicate number and explain: | | | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 7 | Was the intent of the voter respected during the count? | | | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 8 | Were all the numbers on the Results Form recorded accurately? If NO, please comment. | | | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 9 | Do the numbers recorded on the Results Form reconcile accurately? If NO, please comment. | | | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 10 | Were all ballots received accounted for (used, unused, and spoiled)? If NO, please comment. | | | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 11 | Did the RC chairperson sign the Results Form (1 original and 4 copies)? If NO, please comment. | | | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 12 | Did observers sign the Results Form? If YES, please comment if it was controversial. | | | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 13 | Were the results posted at the RC? | | | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 14 | Were materials packed for safe transport to the Sub-Committee (South) or SRC (North) according to procedure? | | | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 15 | What is the distance from this RC to the Sub-Committee (South) or SRC (North)? | | | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| ENVIRONMENT | | | | | | | |
| 16 | Are domestic observers present? If so, how many? (Answer NO if there are none) SuNDE <input type="text"/> SuDeMop <input type="text"/> SuGDE <input type="text"/> KACE <input type="text"/> NCF <input type="text"/> Al-Massar <input type="text"/> Other <input type="text"/> | | | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 17 | Are political party observers present? If so, how many? (Answer NO if there are none) NCP <input type="text"/> SPLM <input type="text"/> Other <input type="text"/> | | | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 18 | Were observers free to observe the process without obstruction? If NO, please comment. | | | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 19 | Are security forces / police present at the RC? If so, how many? (top row for INSIDE, bottom row for OUTSIDE) National police <input type="text"/> SSPS <input type="text"/> SAF <input type="text"/> SPLA <input type="text"/> National Security <input type="text"/> Military Intelligence <input type="text"/> Other <input type="text"/> | | | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 20 | Are security forces fulfilling their role without negatively interfering in the process? If NO, are they <input type="checkbox"/> inside or <input type="checkbox"/> outside the RC? | | | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 21 | Were only authorized persons allowed during the RC during the count? If NO, who was present? | | | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 22 | Was the counting environment peaceful? If NO, please comment. | | | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 23 | Was the reconciliation and counting process free from disruption? If NO, please comment. | | | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 24 | Was the counting environment free of any interference? If NO, please comment. | | | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 25 | Was the process free from any complaints? If NO, please comment. | | | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 26 | Was a consideration committee present? | | | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 27 | Have the RC staff members received their salaries? | | | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |



2011 REFERENDUM ON SOUTHERN SUDAN SELF-DETERMINATION

RECONCILIATION AND COUNTING PROCESS - SUDAN 2011

| OVERALL ASSESSMENT | | | |
|--|--|----------------------------------|--|
| 28 | What is your overall evaluation of the reconciliation and counting process at this Referendum Center? <input type="radio"/> Very good <input type="radio"/> Good <input type="radio"/> Poor <input type="radio"/> Very poor | | |
| Comment: | | | |
| RESULTS | | | |
| Total number of voters registered at this RC: | | Number of votes for "Unity": | |
| Total number of voters who voted at this RC: | | Number of votes for "Secession": | |
| How many ballots were received: | | Number of invalid ballots: | |
| Total number of spoiled ballot papers: | | Number of unmarked ballots: | |
| Total number of unused ballot papers: | | Total number of ballots cast: | |
| Total number of ballots issued to voters: | | | |
| Total number of ballots taken from the ballot box(es): | | | |
| COMMENTS | | | |
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THE CARTER CENTER

2011 REFERENDUM ON SOUTHERN SUDAN SELF-DETERMINATION

REFERENDUM TABULATION CHECKLIST - SUDAN 2011

| | | | | | | | |
|---------------------------|---|--------------|-------------------|-----|----|-----|-----------------------|
| Team #: | Observers: | Date: | THE CARTER CENTER | | | | |
| State: | County: | Arriv. Time: | Dept. Time: | | | | |
| | | | | YES | NO | N/A | D/K |
| TABULATION | | | | | | | |
| 1 | When did the first materials start to arrive to the sub committee (South Sudan) or SRC (North Sudan)? Date: _____ Time: _____ | | | | | | |
| 2 | Was the sub-committee open to receive the materials during the day? <input type="radio"/> Always <input type="radio"/> Sometimes <input type="radio"/> Never | | | | | | |
| 3 | How would you describe the process? <input type="radio"/> Orderly <input type="radio"/> Somewhat orderly <input type="radio"/> Somewhat chaotic <input type="radio"/> Chaotic | | | | | | |
| 4 | Did all ballot boxes arrive unopened with the seals intact? If NO, please comment. | | | | | | <input type="radio"/> |
| 5 | Were all materials (balot boxes, polling kits, TEBs) checked and recorded by the intake officer? | | | | | | <input type="radio"/> |
| 6 | Were any missing materials written in the intake journal? If YES, please note the RC numbers. | | | | | | <input type="radio"/> |
| 7 | Did the Tamper Evident Bags (TEB) marked A remain sealed? If NO, please comment. | | | | | | <input type="radio"/> |
| 8 | Were TEBs A and C packed correctly in separate boxes? | | | | | | <input type="radio"/> |
| 9 | Were the ballot boxes stored properly by the logistics officer? | | | | | | <input type="radio"/> |
| 10 | Did the Tamper Evident Bags (TEB) marked A remain sealed? If NO, please comment. | | | | | | <input type="radio"/> |
| 11 | Were TEBs A and C packed correctly in separate boxes? | | | | | | <input type="radio"/> |
| 12 | What were the total votes today for the following: Unity _____ Secession _____ Invalid _____ Unmarked _____ | | | | | | |
| 13 | How many RC results were aggregated to date by the time you left? | | | | | | |
| 14 | How many total RCs are there in the county (South Sudan) or state (North Sudan)? | | | | | | |
| 15 | Were the results displayed for public viewing? | | | | | | <input type="radio"/> |
| 16 | Was it explained to all present that the results are preliminary and will be finalized in Juba and Khartoum? | | | | | | <input type="radio"/> |
| 17 | Was the process free of problems? If NO, please check any that occurred: <input type="checkbox"/> Disruption <input type="checkbox"/> Incorrect aggregation <input type="checkbox"/> Changing results <input type="checkbox"/> Poor understanding of procedures <input type="checkbox"/> Insufficient staff <input type="checkbox"/> Interference by others | | | | | | <input type="radio"/> |
| 18 | Were TEBs A and C as well as county results forms D and E sent immediately to the State High Committee? (South) | | | | | | <input type="radio"/> |
| ENVIRONMENT | | | | | | | |
| 19 | Are any domestic observers present? If YES, from which of the following organizations and how many? SuNDE _____ SuDeMoc _____ SuGDE _____ KACE _____ NCF _____ Al-Massar _____ Other _____ | | | | | | <input type="radio"/> |
| 20 | Are any political party observers present? If YES, from which of the following parties and how many? NCF _____ SPLM _____ Other _____ | | | | | | <input type="radio"/> |
| 21 | Were observers free to observe the process without obstruction? If NO, please comment: _____ | | | | | | <input type="radio"/> |
| 22 | Are security forces / police present at the RC? If so, how many? (top row for INSIDE, bottom row for OUTSIDE) National police _____ SSPS _____ SAF _____ SPLA _____ National Security _____ Military Intelligence _____ Other _____ | | | | | | <input type="radio"/> |
| 23 | Are security forces fulfilling their role without negatively interfering in the process? If NO, are they <input type="checkbox"/> inside or <input type="checkbox"/> outside the tabulation center? | | | | | | <input type="radio"/> |
| 24 | Were only authorized persons allowed inside the tabulation center? If NO, who was present? _____ | | | | | | <input type="radio"/> |
| 25 | Was the environment peaceful? If NO, please comment: _____ | | | | | | <input type="radio"/> |
| 26 | Were only sub committee staff (South Sudan) or SRC staff (North Sudan) involved in the aggregation process? If NO, please comment: _____ | | | | | | <input type="radio"/> |
| 27 | Was the process free of complaints? If NO, please comment: _____ | | | | | | <input type="radio"/> |
| OVERALL ASSESSMENT | | | | | | | |
| 28 | What is your overall evaluation of the tabulation process at this sub-committee today? <input type="radio"/> Very good <input type="radio"/> Good <input type="radio"/> Poor <input type="radio"/> Very poor Comment: _____ | | | | | | |
| COMMENTS | | | | | | | |
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THE CARTER CENTER

2011 REFERENDUM ON SOUTHERN SUDAN SELF-DETERMINATION

REFERENDUM DATA CENTER TABULATION CHECKLIST - SUDAN 2011

| | | | | | | | | | | |
|--|---|--------------|-------------------|--|--|-----|-----------------------|--------------------------|--------------------------|--------------------------|
| Team #: | Observers: | Date: | THE CARTER CENTER | | | | | | | |
| State: | County: | Arriv. Time: | Dept. Time: | | | | | | | |
| | | | | | | YES | NO | N/A | I/O | |
| DATA CENTER PROCEDURES | | | | | | | | | | |
| 1 | What is the number of results (votes) processed at the start of your observation? Unity: <input type="text"/> Secession <input type="text"/> | | | | | | | <input type="checkbox"/> | <input type="checkbox"/> | |
| 2 | What is the number of results (votes) processed at the start of your observation? Unity: <input type="text"/> Secession <input type="text"/> | | | | | | | <input type="checkbox"/> | <input type="checkbox"/> | |
| 3 | What is the number of forms (referendum centers) processed at the start of your observation? | | | | | | | <input type="checkbox"/> | <input type="checkbox"/> | |
| 4 | What is the number of forms (referendum centers) processed at the end of your observation? | | | | | | | <input type="checkbox"/> | <input type="checkbox"/> | |
| 5 | Are any of the following officials NOT present? (check if NOT PRESENT) <input type="checkbox"/> Data entry Techs <input type="checkbox"/> Quality Control <input type="checkbox"/> Quarantine Team <input type="checkbox"/> Data Center Manager <input type="checkbox"/> Archiving | | | | | | | | | <input type="checkbox"/> |
| 6 | Are Data Center processing officials doing their jobs according to the regulations? | | | | | | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="checkbox"/> |
| 7 | Was the management of the Data Center orderly? | | | | | | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="checkbox"/> |
| 8 | Are all materials arriving directly from the State High Referendum Committees? | | | | | | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="checkbox"/> |
| 9 | Are all materials arriving in sealed Tamper Evident Bags? | | | | | | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="checkbox"/> |
| 10 | At the end of the day, how many forms were rejected? (i.e. before any data entry began). Please comment on reasons for rejection and relevant RC numbers on the short narrative. | | | | | | | | | <input type="checkbox"/> |
| 11 | At the end of the day, how many forms were quarantined? (i.e. put aside for quality control review). Please comment on reasons for quarantine and relevant RC numbers on the short narrative. | | | | | | | | | <input type="checkbox"/> |
| 12 | Was senior shift manager responsive to questions? | | | | | | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="checkbox"/> |
| 13 | Was anyone other than the Data Center officials actively involved in the process? | | | | | | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="checkbox"/> |
| ENVIRONMENT | | | | | | | | | | |
| 14 | Are any domestic observers present? If YES, from which of the following organizations and how many? SuNDE <input type="text"/> SuDeMop <input type="text"/> SuGDE <input type="text"/> KACE <input type="text"/> NCF <input type="text"/> Al-Massar <input type="text"/> Other <input type="text"/> | | | | | | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="checkbox"/> |
| 15 | Are any political party observers present? If YES, from which of the following parties and how many? NCP <input type="text"/> SPLM <input type="text"/> Other <input type="text"/> | | | | | | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="checkbox"/> |
| 16 | Were observers free to observe the process without obstruction? If NO, please comment: <input type="text"/> | | | | | | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="checkbox"/> |
| 17 | Are security forces / police present at the RC? If so, how many? (top row for INSIDE, bottom row for OUTSIDE) National police <input type="text"/> SSPS <input type="text"/> SAF <input type="text"/> SPLA <input type="text"/> National Security <input type="text"/> Military Intelligence <input type="text"/> Other <input type="text"/> | | | | | | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="checkbox"/> |
| 18 | Are security forces fulfilling their role without negatively interfering in the process? If NO, are they <input type="checkbox"/> inside or <input type="checkbox"/> outside the tabulation center? | | | | | | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="checkbox"/> |
| 19 | Were Data Center officials able to perform their duties free from interference? If NO, please comment: <input type="text"/> | | | | | | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="checkbox"/> |
| OVERALL ASSESSMENT | | | | | | | | | | |
| 20 | What is your overall evaluation of the Data Center? <input type="radio"/> Very good <input type="radio"/> Good <input type="radio"/> Poor <input type="radio"/> Very poor | | | | | | | | | |
| Comment: <input type="text"/> | | | | | | | | | | |
| SHORT NARRTIVE | | | | | | | | | | |
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APPENDIX H
INVITATION TO THE CARTER CENTER FROM THE
SOUTHERN SUDAN REFERENDUM COMMISSION



August 5, 2010

President Jimmy Carter

Dear Mr. President,

The Comprehensive Peace Agreement and the Interim Constitution require the conducting of a referendum to enable the Southern Sudanese to determine whether they prefer to secede or to continue with the system of government established by the interim Constitution six months before the end of the interim period.

The Southern Sudan Referendum Act, 2009 has established the Southern Sudan Referendum Commission, which is charged with the overall responsibility of taking and overseeing such steps as shall be necessary to ensure a fair, free, credible, and transparent referendum.

This responsibility, as difficult as it is important, marks a historical milestone in Sudan's constitutional development. In order to be able to cope with it the Commission requires the assistance of Sudan's friends, governments, and institutions.

The Commission, therefore, hereby invites the Carter Center to deploy international observers to monitor the referendum. If the Carter Center agrees, the plan and timetable for such involvement should be finalized in consultation as soon as is conveniently possible.

This memorandum of understanding is signed by:

Prof. Mohamed Ibrahim Khalil
for The Southern Sudan Referendum Commission

President Jimmy Carter
for The Carter Center

THE CARTER CENTER AT A GLANCE

Overview: The Carter Center was founded in 1982 by former U.S. President Jimmy Carter and his wife, Rosalynn, in partnership with Emory University, to advance peace and health worldwide. A nongovernmental organization, the Center has helped to improve life for people in more than 70 countries by resolving conflicts; advancing democracy, human rights, and economic opportunity; preventing diseases; improving mental health care; and teaching farmers to increase crop production.

Accomplishments: The Center has observed more than 85 elections in 34 countries; helped farmers double or triple grain production in 15 African countries; worked to prevent and resolve civil and international conflicts worldwide; intervened to prevent unnecessary diseases in Latin America and Africa; and strived to diminish the stigma against mental illnesses.

Budget: \$96.0 million 2011–2012 operating budget.

Donations: The Center is a 501(c)(3) charitable organization, financed by private donations from individuals, foundations, corporations, and international development assistance agencies. Contributions by U.S. citizens and companies are tax-deductible as allowed by law.

Facilities: The nondenominational Cecil B. Day Chapel and other facilities are available for weddings, corporate retreats and meetings, and other special events. For information, (404) 420-5112.

Location: In a 35-acre park, about 1.5 miles east of downtown Atlanta. The Jimmy Carter Library and Museum, which adjoins the Center, is owned and operated by the National Archives and Records Administration and is open to the public. (404) 865-7101.

Staff: 160 employees, based primarily in Atlanta.



Martin Frank

THE
CARTER CENTER



THE CARTER CENTER

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