



Sudanese Network for Democratic Elections and the Sudanese Group for Democracy and Elections

## 2011 Southern Sudan Referendum Voter Registration Statement

December 13, 2010

### INTRODUCTION

The Sudanese Network for Democratic Elections (SuNDE) is a coalition of over 75 civil society organizations in all the 10 States of Southern Sudan whose objective is to promote and protect citizens' participation in electoral and democratic processes.

SuNDE partnered with the Sudanese Group for Democracy and Elections (SuGDE) to assist with SuNDE's observation in the 15 Northern States. SuNDE and SuGDE also partnered to observe the 2010 General Elections. SuGDE is a joint effort of six independent, non-partisan civil society organizations working with community based organizations throughout North Sudan to encourage free, fair and non-violent elections.

In partnership with SuGDE, SuNDE organized the only nationwide domestic monitoring effort in Sudan.

SuNDE and SuGDE members and their grassroots volunteers are committed to the principles of non-partisanship. All SuNDE and SuGDE members and volunteers signed a pledge that commits them and their organizations to remain neutral and non-partisan throughout the referendum processes and not to actively campaign for either referendum option.

### EXECUTIVE SUMMARY

The registration process for the 2011 Southern Sudan Referendum was conducted free from violations that could significantly impact the integrity of the process, despite some shortcomings with key preparations and planning. SuNDE and SuGDE notes that the registration process as a whole showed marked improvement from the voter registration process of the 2010 General Elections in Southern Sudan<sup>1</sup>.

Although observers did record some problems with the process, Referendum Centers were largely prepared with adequate materials and capable staff who understood the rules and regulations in time for the process to start on November 15. Scattered incidents of intimidation and observer obstruction

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<sup>1</sup> SuNDE and SuGDE did not field observers in the North during the 2010 General Elections and are thus unable to compare the two registration processes.

were reported but did not seem to be part of a broader pattern, and potential registrants were generally able to participate in the process without constraint.

SuNDE and SuGDE did note that the process was significantly hindered by the late release of rules and procedures, which caused a delay in the start of voter education activities and other preparatory activities. Referendum Center lists were released late and never publicized widely. Accreditation procedures were also late, unclear and contradictory. There were attempts by the Southern Sudan Referendum Commission (SSRC) and Southern Sudan Referendum Bureau (SSRB) to mitigate the impact of the late release of procedures; however, it ultimately limited observers' ability to organize and access the process.

SuNDE and SuGDE are thankful for the cooperation and responsiveness shown by SSRC, SSRB and Referendum Center Officials and look forward to cooperating with all stakeholders for the remainder of the Referendum processes.

SuNDE and SuGDE understand the importance of the Referendum to the future of all Sudanese citizens and are encouraged that the process was primarily conducted peacefully and transparently.

## METHODOLOGY

This statement is prepared on the basis of reports compiled by SuNDE and SuGDE's non-partisan observers. SuNDE in partnership with SuGDE observed the voter registration process in Southern Sudan, Northern Sudan, and 5 out of 8 out-of-country voting locations including Kenya, Uganda, Australia, the United Kingdom, and the United States.

SuNDE and SuGDE's methodology is informed by globally accepted principles for non-partisan domestic election observation. Non-partisan domestic observation helps to promote confidence in the referendum process.

### Southern Sudan

SuNDE deployed over 500 observers in all ten states of Southern Sudan. SuNDE observers were deployed in 61 out of 79 counties during the registration process.

SuNDE used both stationary and mobile observers to observe the voter registration process. All observers were deployed in teams of two and observed for 6 days of the 24 day voter registration period. One team of mobile observers were deployed in each of the ten state capitals in Southern Sudan and visited an average of three centers during each day of observation. The rest of the observers in each state were static observers.

Observers observed the first two days of the process (November 15 and 16), two days in the middle of the process (November 22 and 23), and the final two days of the registration process (December 7 and December 8).

Observers were deployed proportionally according to the estimated number of eligible voters in each county in order to acquire more representative information. The exception was in Jonglei State where logistical issues and financial constraints limited the deployment of some observers. Observers were deployed in both urban and rural areas of every county where SuNDE observed.

## North

SuNDE, with the assistance of SuGDE, deployed 200 observers in all 14<sup>2</sup> states of Northern Sudan. Given the smaller number of Referendum Centers in the North, SuNDE decided to deploy observers to a larger percentage of Centers in the North in order to ensure more comprehensive data. One hundred seventy four of the 200 observers were deployed as static observers and observed on the same 6 days as observers in the South.

Thirteen teams of mobile observers were deployed in Khartoum during days when static observers were not deployed.

## Out-of-Country Voting

SuNDE recruited and deployed one team of observers in 5 out of 8 Out-of-Country Voting locations. These included Kenya, Uganda, Australia, the United States, and the United Kingdom. Observers observed on the same days as static observers in Sudan.

## Observer Forms and Training

All observers used standardized forms to record their observations. These forms included an observer checklist and a critical incident form. A separate checklist was developed for out-of-country observers. Forms were entered into one database so that the data could be aggregated easily and results could be compared across regions and states.

All observers, supervisors and coordinators underwent thorough training on their roles and responsibilities before observing the voter registration process.

## GENERAL CONTEXT AND REFERENDUM PROCESS

The 2011 Southern Sudan Referendum represents one of the last and most important milestones of the 2005 Comprehensive Peace Agreement (CPA) which ended the civil war between Northern and Southern Sudan. The 2011 Southern Sudan Referendum will give Southern Sudanese the opportunity to decide through a democratic process whether to remain unified with the North or to secede. The Referendum will ultimately determine the future status of Sudan.

## Legal Framework

The legal framework is determined by the CPA, the Interim Constitutions of Sudan and Southern Sudan, the Southern Sudan Referendum Act of 2009, the Voter Registration Regulations, and other guidelines and directives published by the Southern Sudan Referendum Commission (SSRC).

The SSRC, based in Khartoum, oversees the Referendum and makes overall policy decisions regarding the conduct of the Referendum. The SSRC also manages the Referendum process in out-of-country voting locations with the assistance of the International Organization for Migration (IOM). The Southern Sudan Referendum Bureau (SSRB) is headquartered in Juba and is responsible for the management of the Referendum in the South.

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<sup>2</sup> SuGDE was unable to observe in South Darfur due to technical reasons.

Southern Sudanese could register to vote in either Northern or Southern Sudan or in one of 8 out-of-country voting locations. Those countries include Egypt, Ethiopia, Uganda, Kenya, Australia, the United States, the United Kingdom, and Canada.

SuNDE and SuGDE were encouraged that some of the recommendations the organizations put forward after the 2010 General Elections were included in the framework for the 2011 Southern Sudan Referendum. This included making the place where citizens register the same as where they vote, which will reduce confusion for voters during the polling days.

After some uncertainty of the start date, voter registration was scheduled from November 15 – 30. The SSRC extended the voter registration period by 7 days midway through the process. SuNDE and SuGDE welcomed the extension of the registration period which helped ensure that all eligible voters wishing to register had an equal opportunity. SuNDE also commends the Government of Southern Sudan for declaring a public holiday from November 26 to December 1 to give citizens ample chance to register.

One of the greatest concerns leading up to the voter registration process was the issue of how Referendum Officials would determine a voters' eligibility. The Southern Sudan Referendum Act of 2009 specifies that anyone who is 18 years of age, of sound mind, and is born to parents both or one of them belonging to one of the indigenous communities that settled in Southern Sudan on or before the 1st of January 1956, or whose ancestry is traceable to one of the ethnic communities in Southern Sudan is eligible to register.

Despite SuNDE's recommendations, the SSRC did not issue further clarifications on how Referendum Officials would accurately determine whether an applicant was Southern Sudanese such as providing a list of the indigenous and ethnic communities in Southern Sudan. The SSRC Legal Department did release a memo on November 24 entitled Eligibility Criteria but this document provided little guidance to Referendum Officials on how to practically apply the criteria. The registration manual did allow an identifier, such as a traditional leader, religious leader, or other community leader, to be present at Referendum Centers to assist in verifying an applicant's eligibility, including their ethnicity.

The lack of clarification on how to determine an applicant's eligibility raised fears among stakeholders that ineligible voters could be registered or eligible voters denied in order to manipulate the outcome of the referendum.

#### Regulations, Procedures and Referendum Center Information

SuNDE issued a statement on the eve of the voter registration process on November 13, 2010. Among SuNDE's concerns was the inability of the SSRC to issue relevant and necessary rules and regulations for the voter registration process or release Referendum Center lists in a timely manner.

Rules and regulations for the voter registration process were released on November 14, one day before the process began. The SSRC did publish a Voter Registration Manual which described the voter registration procedures, but the late release of the procedures caused a delay in the start of necessary voter education activities. In some instances, the rules that were finally released were subject to confusion among the various referendum bodies, and even changed midway through the process.

The SSRC also did not release a list of Referendum Centers until just before the start of registration and never publicized them widely which meant that citizens depended largely on word of mouth to find out where they needed to register.

#### Distribution of Referendum Centers

SuNDE conducted an analysis of the distribution of Referendum Centers in Southern Sudan based off of census data. The analysis compared the percentage of Referendum Centers allocated to counties and states with the percentage of estimated eligible voters for that county or state. These percentages should be relatively equal to one another in order to ensure that all voters in Southern Sudan have the same access to Referendum Centers.

SuNDE would like to congratulate the SSRB for distributing Referendum Centers in a relatively proportional manner in the majority of states and counties in the South. However, the difference between the percentage of eligible voters and the percentage of Referendum Centers allocated is large for Jonglei (-4.7%) and Upper Nile (-2.7%) suggesting that these states were allocated less Centers than they should have been.

State	Percentage of Eligible Voters	Percentage of Referendum Centers	Variance
Central Equatoria	13.4%	12.0%	1.4%
Eastern Equatoria	11.0%	13.8%	2.8%
Western Equatoria	7.5%	7.1%	-0.4%
Unity	7.1%	10.9%	3.8%
Upper Nile	11.7%	9.1%	-2.6%
Jonglei	16.6%	11.9%	-4.7%
Lakes	8.5%	9.9%	-.6%
Northern Bahr Ghazal	8.8%	10.1%	1.3%
Western Bahr Ghazal	4.1%	4.5%	0.4%
Warrap	11.2%	12.9%	1.7%

SuNDE also estimated the average number of voters per Referendum Center using census data. The average number of eligible voters per Referendum Center in Southern Sudan was 1,791. This number should be relatively consistent throughout all counties and states to guarantee that voters across Southern Sudan have the same ability to cast their ballot. With the exception of some counties, the SRRB was able to distribute centers so that the average number of voters per center generally agreed to the overall average.

In the North and in Out-of-Country locations registration was only targeting Southern Sudanese subsets of the general population. However, observers in the North reported that some Centers moved and in some Out-of-Country locations centers were added mid-way through the registration, creating confusion and suggesting that the locations for some Centers had been poorly planned.

#### Observer Accreditation

To ensure the Referendum process is as transparent as possible, it is important that observers have the ability to observe the entire process from beginning to end. Accreditation of observers was a significant problem during the voter registration period. Accreditation rules were released on November 1, giving

organizations little time to submit the necessary documentation for their observers. The SSRC and SSRB also did not set-up accreditation committees in a timely fashion.

In the South, SuNDE would like to thank the SSRB for issuing a letter which instructed officials to allow SuNDE observers to enter Referendum Centers until accreditation badges could be issued. In the North, SuGDE and SuNDE would like to thank the SSRC for issuing instructions to Referendum Officials to allow observers into Centers without accreditation. However despite these instructions, some SuNDE and SuGDE observers in the North experienced difficulty in accessing Centers during the first two days of the registration process. SuNDE and SuGDE would like to thank the SSRC for waiving some accreditation requirements for observers to expedite the process.

In addition, different and contradictory sets of accreditation rules and procedures were released by the SSRC which further confused the process. The originally approved accreditation procedures released on November 1 did not require domestic observers to submit photographs to be accredited. However, Accreditation Form 1, posted on the SSRC website on November 7, required that every domestic observer submit 2 color passport photos to be accredited. Requiring that every single domestic observer submit photos puts an excessive burden on domestic observation groups, particularly in the South where access to photography studios and equipment is difficult in many areas.

Accreditation in out-of-country voting locations also suffered from late release of rules and a lack of clear accreditation procedures, which significantly stalled observation of the out-of-country voter registration process.

In the week leading up to the start of the registration, there were still no rules in place for out-of-country accreditation. On November 12, SuNDE was finally informed that all accreditation applications would need to be processed through the SSRC in Khartoum and not the in-country registration offices. The late release of these directions made it logistically impossible to submit applications from 5 different countries to Khartoum, receive accreditation badges, and then send the badges back to observers in each country in time for the start of registration. Because of the delay in releasing the rules none of SuNDE's Out-of-Country observers received full access to OCV Referendum Centers, except in Uganda and Kenya.

SuNDE would like to thank the IOM offices and SSRC officials in Uganda and Kenya who worked with our observers on the ground to allow OCV observer's access to Referendum Centers during the process.

## FINDINGS AND ANALYSIS

### Election Planning, Preparation and Administration

Overall administrative procedures for the 2011 Southern Sudan Referendum improved over the last registration process in Southern Sudan for the 2010 elections, despite the short timeframe the SSRC and SSRB had to prepare for the registration process. SuNDE and SuGDE observers reported that Referendum Centers generally did not have a problem in receiving critical materials on time, a serious problem in the previous voter registration exercise, and that Referendum Center Officials understood and followed the registration procedures, such as inking voters' fingers, accepting the presence of observers and preventing voters from registering for others.

SuNDE and SuGDE observers observed that Referendum Centers opening on-time was an issue. Centers in the North generally experienced more problems with opening on-time than Centers in the South. On the first day of the registration process, observers reported that 18 percent of the Centers observed in the North did not open before 8:30am. Centers opening on-time on the first day was a particular problem in Khartoum where 27 percent of the Centers observed did not open before 8:30am. Observers reported that Centers opening on-time did improve as the process continued.

The registration process overlapped with Eid, meaning many centers in the North did not open or opened very late on November 16. Fully 64 percent of the Centers observed in the North did not open or opened late during the Eid holiday. By holding voter registration over a major holiday, eligible voters in the North lost a day to register, which is a concern given the relatively short time frame of registration. Observers reported that some Centers closed completely for Eid, others opened late, while others stayed open for the entire process. This demonstrates that Referendum Centers did not receive clear instructions about what times Centers should be open during holidays.

Suspension of the registration process was the most reported type of incident by observers. Overall 59 incidents of the registration process being suspended were reported by observers. Suspension of the process occurred for a variety of reasons including Referendum Officials closing for lunch, rain disrupting the process, particularly in the Greater Equatoria region, and Centers running out of critical materials. In most cases, Center officials were able to resume the registration process within a short amount of time.

As noted above, how officials would accurately determine the eligibility of an applicant was a significant question in the lead up to the registration process. SuNDE and SuGDE observers did not notice significant problems or confusion regarding eligibility requirements, such as applicants who appeared to be eligible being denied registration or instances of applicants who did not appear to be eligible being registered at the Centers observed. At ninety-six percent of Centers observers reported that Referendum Officials applied eligibility criteria fairly and consistently for all applicants at the Centers observed.

SuNDE did receive more reports of confusion over the eligibility of voters in border states, such as Western Bahr El Ghazal and Blue Nile, where eligibility may have been more difficult to discern based simply on an applicant's appearance or family name.

Identifiers were not present at any time during the process in 8 percent of all the Referendum Centers observed, and at almost 18 percent of the Centers observed in the North. The lack of an identifier could have presented challenges to confirming identity and eligibility. Observers reported an increase in identifiers over the course of the process indicating that more were added over time.

#### Security, Intimidation and Violence

SuNDE and SuGDE are pleased to report that there were no significant trends in violence or intimidation at the Centers observed. However, observers still reported isolated incidents of intimidation and harassment throughout the country. Of the incidents reported, many were caused by people appearing to be advocating for unity or secession. Observers in Khartoum and Blue Nile filed substantially more reports of intimidation and harassment than other states in the North. In the South, incidents of intimidation and violence were reported in 5 states. Overall though, SuNDE would like to note that the registration process was relatively peaceful at the Centers observed.

Uniformed security personnel were present at 91 percent of the Centers observed. SuNDE observers reported that in 92 percent of the Centers observed uniformed security personnel performed their duties responsibly; SuNDE commends them for their efforts.

#### Observer Access

Most of the problems SuNDE and SuGDE observers encountered pertaining to observer access related to the late release of accreditation rules and poor execution of the accreditation procedures. In the North, the majority of cases of observer obstruction occurred during the first two days of registration because observers did not receive proper accreditation in a timely manner. While the SSRC attempted to make accommodations to assist observers in participating in the process, they were not comprehensively implemented by the Center Officials. Moreover, OCV observers never received proper accreditation and could not fully observe the process in the US, Canada and UK.

#### Party Agents

SuNDE and SuGDE observers did not note the presence of accredited advocates or party agents in 55 percent of the Referendum Centers they observed. The lack of unique accreditation badges or other visible identification documents likely made it difficult for observers to distinguish party agents and partisan advocates from non-partisan observers.

#### Turnout

SuNDE would like to congratulate the large number of citizens who turned out to register in the South. Observers in the South noted that turnout was significantly higher at the beginning of the registration process than at the end.

In the North, SuNDE and SuGDE noted a much lower turnout at the Centers observed. The SSRC is estimating that approximately 100,000 voters were registered in the North. This is less than half of the SSRC's estimated population of 271,062 eligible Southern Sudanese living in the North. In contrast to the South, SuNDE and SuGDE observers noticed an increase in registrants in the North as the process progressed, suggesting the voter registration extension did allow more people to participate in the process.

#### Recommendations

SuNDE with its partner SuGDE respectfully put forward the following recommendations to the SSRC, SSRB, and other election stakeholders.

For the upcoming Referendum, SuNDE and SuGDE recommend:

- The SSRB and SSRC carry out all the necessary preparations for the polling days in a timely manner, including ensuring Centers receive enough polling materials for the entire 7 day process;
- Referendum Centers remain in their current locations. If there are any necessary changes to the locations of the Centers these should be communicated clearly, early and widely to avoid confusion on the polling days;
- Rules and regulations for polling, counting, and tabulation be released as soon as possible;

- The SSRC and the SSRB continue to work with domestic observers to ensure that all impartial observer organizations receive accreditation in a timely manner and are able to observe the polling process in all voting locations;
- Security personnel be assigned to all Referendum Centers for the full 7 day polling process and continue to receive thorough training on their roles and responsibilities;
- Voter education efforts to ensure that citizens understand the timing, duration and official procedures of the referendum begin and soon as possible;
- Party agents and advocates for unity or secession should be visibly or verbally distinguished from nonpartisan observers at Centers;
- That Parties respect and abide by the Common Code of Conduct for the Referenda and Popular Consultations which was signed by over twenty national and Southern Sudan political parties;
- Advocates for unity and for succession should be given equal opportunity to campaign in all parts of Sudan without fear of interference or violence;
- The SSRC, SSRB, and all stakeholders encourage a conducive and inclusive polling environment, including patience regarding the referendum results; and
- The two signatories of the CPA continue to commit themselves to maintain peace during the polling and post-referendum period.

For the Exhibition and Objections period, SuNDE and SuGDE recommend:

- All objections to registrants be resolved in a transparent and timely manner; and
- Concerted efforts be made to ensure that the Referendum Register is complete and accurate and remains with the appropriate Referendum Center.

For future electoral efforts, SuNDE and SuGDE recommend:

- Registration sites be more accessible to applicants, particularly in low population areas; and
- Clearer and more simplified domestic observation accreditation procedures be developed, such as repealing photo requirements for domestic observers.