

# INTERGOVERNMENTAL AUTHORITY ON DEVELOPMENT



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## ELECTION OBSERVER MISSION TO THE SOUTHERN SUDAN REFERENDUM

**INTERIM STATEMENT, KHARTOUM 16<sup>TH</sup> JANUARY 2011**

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### 1. Introduction

Following the invitation by the Southern Sudan Referendum Commission (SSRC) the Intergovernmental Authority on Development (IGAD) sent a Referendum Observer Mission (ROM) to observe the Referendum of January 2011. This is the interim Statement of the IGAD mission. The IGAD Observer Mission arrived in Juba starting with the core team on 27<sup>th</sup> December 2010 and the main team on 2<sup>nd</sup> January 2011. The Mission observed the Referendum preparation process and the polling process from 3<sup>rd</sup> January to 16<sup>th</sup> January 2011.

IGAD is a regional body with membership of Djibouti, Ethiopia, Eritrea, Kenya, Uganda, Somalia and Sudan and was the midwife of the negotiations that culminated in the signing of the Comprehensive Peace Agreement (CPA) in Nairobi in 2005. IGAD's mandate includes the promotion of Good Governance, Democracy, Free and Fair elections and promotion of peace and security in the region.

The Office of the IGAD Special Envoy to the Assessment and Evaluation Commission of the CPA and the IGAD Liaison office in Juba were established pursuant to a decision of the IGAD Summit in June 2008 and March 2010 respectively to follow up on the implementation of the CPA. The two offices will continue to closely follow the outstanding aspects of the process in order to evaluate the post Referendum phase that will enable IGAD produce a more comprehensive and detailed account of the entire referendum process. The final report will contain recommendations to consolidate democracy and good governance not just in Southern Sudan but in the region as a whole.

## **Objectives of the Mission:**

- To assess whether there were favourable conditions for the conduct of the Referendum that would allow the people of Southern Sudan to freely express their will;
- Assess and determine whether the Referendum was conducted in accordance with the Constitution, legal and institutional framework of Southern Sudan;
- Determine whether the final results of the process as a whole reflect the wishes of the people of Southern Sudan ;
- Assess whether the Referendum met international benchmarks set out in the African Union Declarations on the principles governing democratic elections in Africa (African Charter on Democracy, Elections and Governance) and the Declaration of principles for international observers adopted by the UN in October 2005 in the context and circumstances prevailing in Southern Sudan; and
- Observe the Referendum and provide positive and constructive feedback that would help to improve similar processes in the region.

## **2. Mission Composition**

This mission was composed of 40 observers from Member States led by Ambassador Yusuf Nzibo, a Commissioner of the Independent Interim Electoral Commission of Kenya, National Parliaments, Ministries of Justice, Electoral Commissions, Civil Society and elections experts.

## **3. Deployment**

The mission was deployed in 19 locations namely Juba, Malakal, Wau, Khartoum Central, Omdurman, Khartoum Bahri, Demazin, Kurmuk, Kosti, El-Fasher, Kadugulu, Avail, Yambio, Bentiu, Rumbek, Kapoita, Torit, Bor and Renk. The Deployment started on 5<sup>th</sup> and ended on 8<sup>th</sup> January 2011.

## **4. Method of Work**

- Participants were selected from amongst those who had received training on elections/referendum observation;
- A tool kit conforming to International Observation standards was developed and agreed upon by all observers.
- An advance team arrived on 27<sup>th</sup> December 2010 to finalize the preparations and logistics arrangements followed by the main group on 2<sup>nd</sup> and 3<sup>rd</sup> January 2011.

- Several briefings were done as part of the preparations. Discussions were held with the officials of the Southern Sudan Referendum Bureau (SSRB) and received detailed briefing on the level of the preparedness by the SSRB.
- Meetings were held with both the UN Secretary General's Panel on the Referenda in The Sudan led by President Benjamin Mkapa; President Jimmy Carter and Koffi Annan to share views on the Referendum process
- The Mission also consulted with Observers from the EU, AU and the Carter Centre and the Consulates Generals from IGAD member states represented in Juba to share some useful information.
- Further the Mission joined the International Observers Forum established in Khartoum and continuously consulted.
- The Executive Secretary of IGAD Eng. Mahboub Maalim visited both Khartoum and Juba and met with SSRC officials.
- Daily briefs from the field were transmitted twice to the IGAD coordinators in Juba and Khartoum.

## **5. Assessment tools**

An assessment tool and a check list consisting of the pre-election day activities, the poll opening activities on day one to the last day, counting, tallying of votes and announcement of results developed by IGAD were used. The assessment tool kit conforms to international observation standards.

## **6. Findings of the Mission**

### **i) Legal and Regulatory Framework**

The main instrument regulating the conduct of the Referendum of Southern Sudan includes the CPA, the Interim National Constitution of the Republic of The Sudan, the Interim Constitution of Southern Sudan, The Southern Sudan Referendum Act of 2009 and the relevant regulations promulgated by the SSRC for polling, sorting, counting and declaration of results, and rules for referendum observations and Code of Conduct of observers.

**It's the Missions observation that the existing legal and regulatory framework for the referendum of Southern Sudan is generally conducive to the holding of a credible referendum.**

### **ii) Referendum Commission (SSRC)**

The Mission noted that according to the provisions of the Southern Sudan Referendum Act, 2009 on the appointments of the Commissioners to the SSRC, the Commissioners are appointed by the President of the Republic with the consent of the First Vice President and approved by the members of the National Legislature with a simple majority taking into consideration inclusiveness of women and civil society groups (Article 10). This provision does not give the incumbent any opportunity to make unilateral appointments to the Commission meaning that the Commissioners have legitimacy and independence having been appointed through an open process of checks and balance.

The mission observed that the SRCC was financially, administratively and technically independent. That it performs all its duties as provided for in the ACT with the utmost degree of independence, impartiality, transparency and integrity. No one has the right to interfere in its affairs, duties, competence, or limit its powers and this enabled it to execute its financial needs expeditiously and independently. **In spite of the fact that the Commission did not receive its funding on time, it has exhibited a very high degree of preparedness and the said delay did not affected its performance.**

The IGAD Mission is gratified that the Sudanese Authorities undertook reforms in broadening stakeholder participation in referendum management which took into consideration the inclusion of women and the civil society groups.

### **iii) Campaign Process**

The IGAD Mission, though of a short term, had an opportunity to observe the last campaign process including the visit by H.E President Hassan Omar El Bashir to Juba. The mission is satisfied at the messages sent across especially on the need to preach and maintain peace irrespective of the outcome. **IGAD commends the leadership of the Government of National Unity of the Republic of the Sudan and the Government of Southern Sudan (GOSS) for providing the people of Southern Sudan with an environment to freely exercise their democratic rights in an atmosphere of peace and non-interference.**

### **iv) Registration of Voters and voters Roll**

A major exercise of voter registration had been carried out in the last quarter of 2010 and a total of 3.9 million voters were registered including those who participated in the Out of Country Voting (OCV). The exercise that was partially observed by IGAD aimed at creating an accurate and comprehensive register that was all inclusive. **The mission notes that this was achieved and that despite the short period of registering voters, we were impressed by the**

**accuracy in the voters roll. IGAD commends the commission for successfully achieving this task.**

During the Referendum process, the Mission observed no anomalies in the voter's role as names were all found in the right locations which helped save the voters time.

**v) The Voting Process**

The Mission observed the polling day activities before the opening time to the closing on all the seven days and noted the following:

- Most polling centres opened at 8.00 am as scheduled (even though voters were already waiting outside the stations as early as 5am) and closed at 5pm. Voting time was later on extended to 6 pm in the South and 7 pm in the North;
- Voters expressed enthusiasm and excitement to cast their votes;
- Surprisingly and in comparison with the elections of April, the mission neither witnessed any cases of ballot papers mix up for different polling centres nor experienced any cases of late arrival of materials;
- The SSRC staff were competent, professional, courteous, and doing their work with a lot of commitments to ensure the process is not flawed;
- The police are to be commended for their civility in ensuring the peace and orderliness at polling centres, and the SPLM Military Headquarters for its openness, efficiency and cooperation at its polling centre at BILPAM where voters' registers were posted on the walls for all to see and examine.
- There was a major improvement on the essence of secret ballot as compared to the April 2010 elections notwithstanding the fact that in some centres the rooms were too small and crowded.
- Voter education appeared not to have been carried out effectively but this did not have any significant effect on the voters' choice.
- The free movement of international observers to various polling centres without any hindrance was a clear indicator of the SSRCS intention to be clear and open in the whole process.

**vi) The Counting Process**

The Mission observed counting process since yesterday. The process went on smoothly and no incidents of disruption were observed and we have faith that it will end well. The process was very transparent for all practical purposes as both the polling officials, the agents and observers agreed on the figures.

## 6. Conclusion

Taking into account that the excitement and anxiety created by this important exercise, the vast size of the country the levels of literacy and the challenges of all aspects of infrastructure and in the context of position of this country in the region, **our preliminary assessment is that the Referendum process was free, fair and credible. This is a major milestone in promoting peace and democratic transformation of Southern Sudan.**

The Mission observed that the SSRC despite the magnitude of work and the short period that was availed between the conclusion of the voter registration and the Referendum date, it made all efforts to ensure the process proceeds as planned. The mission commends SSRC for the good work and encourages them to improve on the few areas that need attention. The IGAD Mission encourages the SSRC to continue demonstrating transparency with the view to addressing any complaints and timely tabulations and announcing the final results.

We commend the Southern Sudanese people for the very high turnout and the participation of women across the age in the whole process and more important for the prevailing peace and tranquillity throughout the polling period. As IGAD, our hope is that you will continue in the same spirit irrespective of the final outcome of the Referendum. The process is clear evidence that there exists capacity in Southern Sudan to conduct a highly professional Referendum that not only meets International standards, but can be emulated elsewhere in the world.

IGAD extends its deepest gratitude and appreciation to the people of the Sudan for the warm welcome and hospitality accorded to the mission since its arrival and to UNMIS and UNAMID for their logistic support.

Thank you.

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