



*DRAFT*  
Internal Regulations  
of the  
Southern Sudan  
Referendum Commission

**Southern Sudan Referendum Commission**

**Internal Regulations**

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The following points require further discussion

- Organizational Structure - I think we need to review the organizational structure to create the Public Information Division Ray and Jose call for and to make sure lines of authority are clear. As it is now we have multiple issues of confusion between Directors/Deputy-Directors i.e. who is where and reporting to whom.
- Language - need to include a provision on the official language of the Commission and what language documents will be produced in;
- Role of the Media Committee - needs discussion and further consideration I would recommend putting in simply that the Commission will establish the Media Committee in accordance with the act and leave the definition of the role and responsibilities to the decision/directive establishing the Media Committee;
- Spokesperson - I recommend taking out the responsibilities for monitoring media and accrediting media and leave these responsibilities for the Media Committee;
- Complaints - the involvement of outside judicial structures in the complaint and appeals process;
- The overall specificity of the document - do we possibly want to be less detailed in certain provisions (i.e. meeting agendas and provisions on logistic arrangements);
- Need to include specific provisions on the distribution/publication of decisions and meeting minutes;
- Observer accreditation - rather than specifying how simply specify that the legal division will be responsible for preparing the necessary rules and procedures to be approved by the Commission for the accreditation of observers;

There are also some practical issues with certain provisions:

- Meeting Times and Days - don't really allow for travel of Commission member to Juba or Southern Sudan - particularly for the Deputy Chairperson to spend sufficient time in Juba;
- Absences - provisions for requesting permission to be absent from a meeting and what constitutes an absence;
- Numbering of decisions/minutes for ease in circulation and archiving;
- Absence of SG - who and how can take the SG's place;
  - Commission reviewing all observer accreditation applications;

**DRAFT**  
**Internal Regulations of the Southern Sudan Referendum Commission**

**CHAPTER I**  
**ESTABLISHMENT, STRUCTURES AND POWERS**

**The Commission**

- 1.1 The Southern Sudan Referendum Commission (SSRC, hereinafter referred to as “the Commission”) is an independent body with legal standing established under the Southern Sudan Referendum Act of 2009 (hereinafter called “the Act”) and is subject only to the power of the Interim National Constitution, Interim Constitution of Southern Sudan, and the Laws of the Republic of the Sudan.
- 1.2 The motto of the Commission shall be: *“Impartiality, Neutrality, Integrity, Justice and Transparency”*.
- 1.3 The Commission shall have the logo as hereunder:



- 1.4 The Commission shall have an official seal of a circular shape of 3 cm in diameter with the letters SSRC carved on it, and which contains the words “Southern Sudan Referendum Commission” around it.



- 1.5 The purpose of the Commission is to ensure that the people of Southern Sudan are able to exercise the right to self-determination through a referendum to determine their future status in accordance with the provisions of the Comprehensive Peace Agreement, the Interim National Constitution, the Interim Constitution of Southern Sudan and the Southern Sudan Referendum Act of 2009.

**Structure of the Commission**

- 1.6 The structure of the Commission consists of the following:

- a) Headquarters of the Commission located in Khartoum
- b) Southern Sudan Referendum Bureau located in Juba, Southern Sudan
- c) General Secretariat
- d) High Committees for Referendum in the States of Southern Sudan.
- e) Sub-Committees for Referendum in Counties
- f) Referendum Centers.

1.7 The Commission is structured along the lines of the organogram provided below in this Chapter. The different components of the Commission should comply with the lines of authority described in the organogram.

1.8 The administration of the Commission and its components falls under the authority of the General Secretariat.

**Membership of the Commission**

1.9 The Commission consists of nine members, including the Chairperson and Deputy-Chairperson, appointed by the President of the Republic with the approval of the First-Vice President in accordance with article 58 (2) (c) of the Constitution and with the consent of the members of the National Assembly by simple majority.

**Oath of Office**

1.10 The Chairperson, Deputy-Chairperson and all members of the Commission shall take the following oath of office before the President of the Republic:

*"I.....as a member of Southern Sudan Referendum Commission swear by Almighty God to perform my duties and responsibilities faithfully, impartially and independently without favor to any body and shall observe the Constitution and the present Act and God is my witness.*

**Resignation from Other Offices**

1.11 Immediately after being appointed, members of the Commission should:

- a) If he/she is a member of a political party, resign from that political party;
- b) if he/she holds a leadership position in a non-governmental organization or civil society, association or trade union, resign from that position.
- c) If he/she is a government official, apply to take a sabbatical leave from the public service until the end of his/her tenure of appointment.

**Full-Time Duty**

1.12 The Chairperson and Deputy-Chairperson must perform their duties on a full-time basis. As such, they must resign from any other post or function that could interfere with their functions.

1.13 The other members of the Commission are expected to assume their duties on a part-time basis. However they must attend all the regular and special meetings of the Commission and any committees to which they are assigned,

and other duties as required.

### Removal from Office

**1.14** The President of the Republic, with the approval of the First Vice-President, may decide to dismiss any member of the Commission on any of the following grounds:

- a) The absence for five consecutive meetings without permission or acceptable reason provided that the Commission submits a report to that effect to the Presidency of the Republic.
- b) When convicted of a crime related to honesty or moral turpitude, based on a report by the Commission;
- c) Upon a recommendation to dismiss made by the Commission, for reason of incompetence relating to functions, powers and procedures carried out by the Commission.

**Comment [MMF3]:** Need procedure for making such a recommendation – how many members need to agree, etc.

**Comment [MMF4]:** Wording is from the Act but alternatively: ...not complying with the duties, responsibilities and obligations assumed as a Commission member.

### Suspension from Office

**1.15** When a recommendation of the Commission to disqualify and remove a member is submitted to the Presidency of the Republic, that member shall stand suspended from the Commission.

**1.16** A member who is suspended is not entitled to attend or participate in any meeting of the Commission.

**1.17** The member shall remain suspended pending decision of the Presidency on the matter.

### Chairperson

**1.18** The Chairperson of the Commission shall:

- a) Ensure that all members of the Commission abide by the present internal regulations of the Commission;
- b) Chair all ordinary and special meetings of the Commission;
- c) Represent the Commission at public events and oversee the Office of the spokesperson;
- d) Ensure the implementation of the decisions of the Commission;
- e) Submit to the President of the Republic the recommendation of the Commission on the appointment of its Secretary General and determination of his/her remuneration and privileges;
- f) Supervise the activities of the Commission;
- g) Present the approved annual budget of the Commission to the Presidency;
- h) Perform any other duties as shall be assigned by the Commission.

### Deputy-Chairperson

**1.19** The Deputy Chairperson of the Commission shall:

- a) Act on behalf of the Chairperson in his absence;
- b) Assume the function of Chairperson of the Southern Sudan Referendum Bureau;
- c) Perform any other duties as shall be assigned by the Commission.

### Immunity

**1.20** No criminal proceedings shall be initiated against the Chairperson, the Deputy-Chairperson or other members of the Commission for any act related to the performance of their duties in accordance with the Referendum Act, except if a member is caught in *flagrante delicto* in the commission of a crime, in which case a written permission to prosecute must be obtained from the Presidency.

**Comment [JM5]:** In case of prosecution the member is suspended?

### General Responsibilities and Powers of the Commission

**1.21** The Commission must:

- a) implement the Referendum Act by adopting the regulations, procedures, directives, master-plan and other measures that give effect to the Act;
- b) ensure that these regulatory and other measures promote and guarantee that all voters, without discrimination, enjoy their right to express freely their opinion in the referendum to be held in accordance with:
  - i. the Comprehensive Peace Agreement, Interim National Constitution, the Interim Constitution of Southern Sudan, the Laws of the Republic of the Sudan, and the Laws of Southern Sudan; and
  - ii. international standards for a democratic public consultation process and all requirements mentioned in the “*Policy Statement for the Conduct of the Referendum*” provided in Annex A below as an integral part of the present internal regulations.

### Internal Regulations

**1.22** The Commission has the authority to adopt internal regulations that describe and regulate the structure, procedures and systems of the Commission and the General Secretariat including:

- a) meetings of the Commission;
- b) the powers, functions and duties of the Commission;
- c) the rights and responsibilities of members of the Commission;
- d) the composition and functioning of the General Secretariat; and
- e) any other matters required to give full effect to the Act.

### Plans and Budgets

**1.23** In the course of its work, the Commission will need to adopt:

- a) Staffing Plan;
- b) Timetables/calendars
- c) Information Technology Plan;
- d) Financial procedures and accounting system;
- e) Referendum budget;
- f) Referendum Master Plan;

- g) Operations Support Plan;
- h) Training programme
- i) Referendum Information Program;
- j) Media Access Plan; and
- k) any other arrangements.

### **Regulations**

- 1.24** The Commission will adopt regulations and procedures for:
- a) Determining eligibility and registering eligible voters;
  - b) preparation, review, approval and final publication of the referendum register;
  - c) Referendum Information Program
  - d) Ensuring equal access to media for advocates of the two options;
  - e) voting procedures;
  - f) counting procedures;
  - g) announcement of the results;
  - h) appeals and complaints procedures for each stage of the process;
  - i) referendum code of conduct for political parties and advocates of the two options;
  - j) campaigning;
  - k) use of public resources;
  - l) code of conduct for referendum officials;
  - m) code of referendum practice for the media;
  - n) accreditation procedures and code of conduct for observers;
  - o) safety and security of referendum material and equipment;
  - p) enforcement of regulations; and
  - q) any other matter that requires a regulation.
- 1.25** The regulations, procedures and plans shall be prepared by the Secretariat and presented to the Commission by the Secretary General for the Commission to examine, deliberate, amend and adopt.

### **Reports**

- 1.26** The Commission will receive and review regular reports on the management and implementation of all matters that are within the responsibility of the Secretariat, from the Secretary General and Heads of Departments of the Secretariat, through the Secretary General.
- 1.27** The Commission can call for additional reports from the Secretary General, or the Heads of Department through the Secretary General, at any time on any matter that is within its competence.

### **Monitoring and evaluation**

- 1.28** The Commission will monitor, review and evaluate:
- a) the general environment and conditions leading to the referendum;
  - b) any matter that might delay or undermine the referendum or any of its components, including the principles and practices for a free and fair democratic consultation process;
  - c) the effectiveness and efficiency of the General Secretariat;
  - d) that internal regulations, regulations, programs, procedures, action plans and other decisions are being implemented by the General



Secretariat;  
and take the appropriate corrective measures if required.

### **Appointment of Secretary General and Heads of Departments**

- 1.29 Within two weeks of its first meeting, the Commission shall recommend a candidate for the position of Secretary General to the President of the Republic who with the consent of the First Vice-President, is responsible for the appointment of the Secretary General.
- 1.30 Following a transparent and competitive recruitment process, within two weeks of the appointment of the Secretary General, the Commission shall appoint the Heads of Departments upon recommendation of the Secretary General. The Commission shall appoint individuals with adequate qualification and sufficient experience to fulfill their respective duties;
- 1.31 The Head of every Department is directly responsible and accountable to the Secretary General.
- 1.32 The Commission must advertise for all staff positions as per the procedures described in Chapter IX of the present regulations and appoint staff that is necessary to enable it and the Secretariat to carry out its responsibilities.
- 1.33 All staff shall disclose familial and political links prior to recruitment.

**Comment [JRK6]:** Needs to be more specific as to what needs to be disclosed.

### **Delegation of Authority**

- 1.34 The Commission shall delegate the powers and responsibilities that are deemed necessary to the Southern Sudan Referendum Bureau, the High Committees for referendum or to the Secretary General for them to fulfill their tasks in the most efficient and timely manner.

### **Ad hoc sub-commissions**

- 1.35 The Commission may establish *ad hoc* sub-committee(s) to investigate any special matter and to report to the Commission on that matter within the period specified by the Commission.
- 1.36 The Commission shall appoint at least three of its members to any sub-committee and determine its terms of reference.
- 1.37 An *ad hoc* sub-committee shall in no case:
- a) undertake, manage or direct any function or responsibility of the Secretary General or a Department;
  - b) supervise the Secretary General or a Department.
- 1.38 Every *ad hoc* sub-committee shall recommend to the Commission a specific course of action in respect of any matter that is under its consideration.

### **Exclusive Authority of the Commission**

- 1.39 The Commission exercises its powers and executive responsibilities by taking decisions as a legally constituted Commission.

- 1.40 The Secretary General is administratively responsible and accountable for ensuring that the Heads of Departments and the Secretariat implement the decisions of the Commission.
- 1.41 Except for the Chairperson and Deputy-Chairperson of the Commission, an individual member of the Commission does not have executive authority over the Secretary General or any Heads of Departments and their staff.
- 1.42 However, individual members of the Commission have the power of oversight on all activities carried out by the different bodies of the Commission at all levels and should report their observations to the Commission for follow-up actions and corrections if required.

#### **Budget and Accounts**

- 1.43 Financial resources to carry out the responsibilities of the Commission come from funds appropriated by the Government of Sudan, the Government of Southern Sudan and the international community.
- 1.44 The Commission shall have an independent budget to be prepared according to the principles observed by the Government of National Unity and Government of Southern Sudan. The budget must be approved by the Commission and presented to the Presidency, Government of Southern Sudan and the International Community by the Chairperson of the Commission, in order to be included in respective budgets.
- 1.45 The Commission shall keep regular accounts and detailed records of the revenues and expenses according to approved accounting principles.
- 1.46 Notwithstanding the above, the Commission shall apply the Financial and Accounting Procedures Act 2007 and the regulations made thereunder.

#### **Auditing**

- 1.47 The National Auditing Chamber or whoever it may authorize shall, under its supervision, audit the accounts of the Commission at the end of each financial year and after the end of the referendum. Such auditing report shall be submitted to the National Assembly and the Southern Sudan Legislative Assembly.

#### **Media Committee**

- 1.48 The Commission shall appoint an independent and impartial Media Committee to be based in Juba.
- 1.49 The purpose of the Media Committee is to conduct a public awareness/information campaign to inform the Sudanese people in general and the Southerners in particular about the referendum procedures.
- 1.50 The Media Committee will perform the tasks of informing voters through the material it produces and through the Division of Public Information of the Department of Operations.

**Comment [MMF7]:** Media Committee role unclear from law and needs careful tailoring

#### **Spokesperson of the Commission**

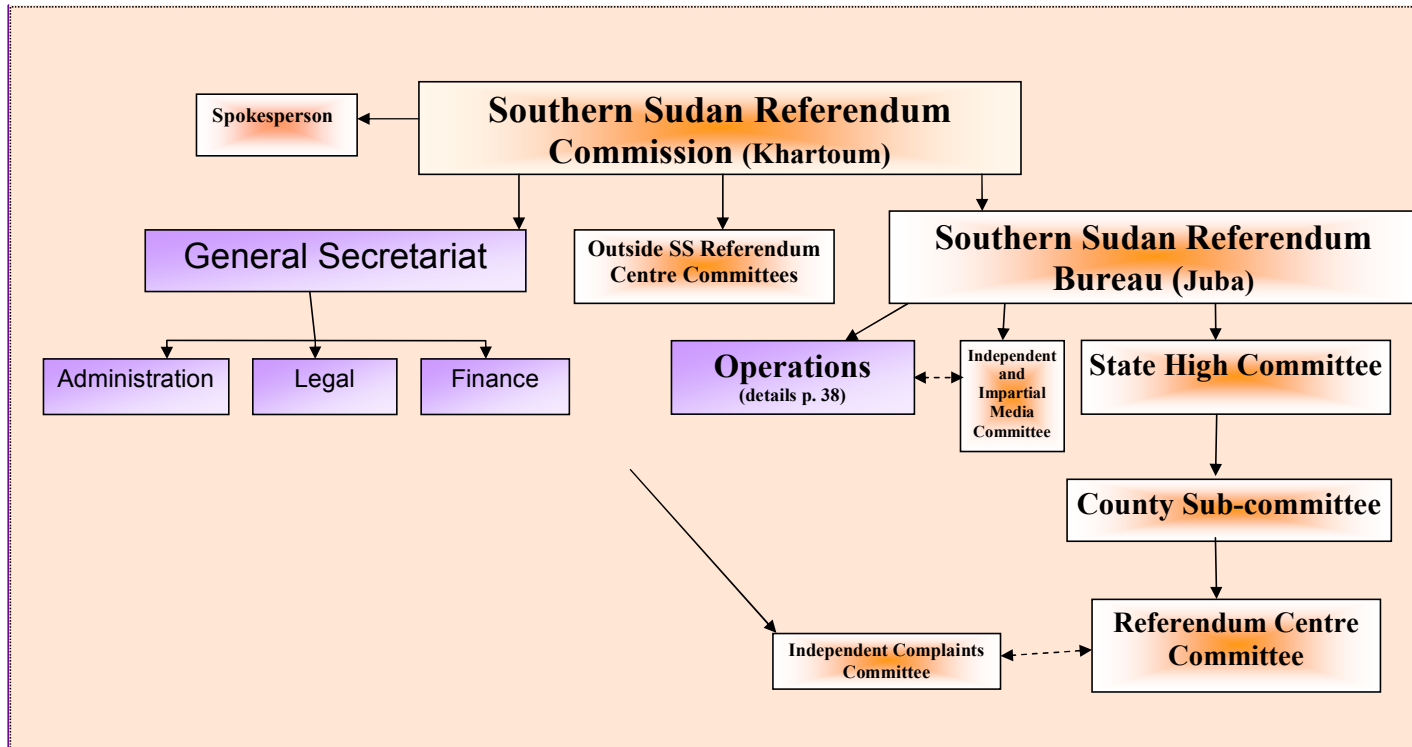
- 1.51** The Commission shall appoint a spokesperson to make public statements and notifications in the name of the Commission.
- 1.52** The General Secretariat collaborates with the spokesperson.
- 1.53** Individual members of the Commission other than the Chairperson shall not purport to represent or speak in the name of the Commission without permission from the Commission.
- 1.54** Under the supervision of the Chairman, the Office of the Spokesperson will:
- a) disseminate and distribute all official documents of the Commission,
  - b) issue all press releases;
  - c) monitor the dissemination of information relating to the Commission by the Media.
  - d) disseminate official documents of the Commission;
  - e) design and print the Commission information bulletins;
  - f) distribute press releases and official documents of the Commission that are intended for publication to the national and international press, political parties, NGOs and diplomatic corps.
  - g) organize press conferences on the referendum process;

**Safety and security of individuals and the public**

- 1.55** The security and safety of individuals, the public and private property is the responsibility of the Government of Sudan, the Government of Southern Sudan, and their respective law enforcing agencies including the national and Southern Sudan police forces and security agencies.
- 1.56** The Commission is not a government agency for public safety and security. However, the Commission must strive to ensure that the Government, the Government of Southern Sudan, and their agencies make necessary arrangements for the safety and security of people and property, and provide sufficient agents and equipments for this purpose.
- 1.57** The Commission will meet regularly with representatives of the Government and Government of Southern Sudan responsible for public safety and security and provide them with relevant information e.g. on timetables, movement and storage of materials and locations of referendum centers in order to facilitate the development of a comprehensive referendum security plan.
- 1.58** The Commission, as part of the comprehensive referendum security plan, will request information from the Government security agencies on the present and expected state of public safety and security in relation to the referendum including threats, intimidation, injury or damage to:
- a) the Commission, and all its components down to the polling station level;
  - b) citizens and voters;
  - c) political parties and advocates for the two options;
  - d) referendum premises, means and materials;

- 1.59** The Commission will evaluate:

- a) the impact of these security matters on the referendum;
- b) existing or proposed measures to be taken by the Government and the Government of Southern Sudan to maintain and improve safety and security for the referendum;
- c) appropriate remedies, if any, to be considered by the Commission.



**Comment [JM8]:** Liaison office for the North under the SSRB and a complaints section under Legal

**Comment [MMF9]:** No relation between the Secretariat and the SSRB could lead to SG recommending things that are not based on reality of SS. What if the SSRB has secretariat staff as well?

**Comment [DPK010]:** Move "Outside SS Referendum Centre Committees" under "Operations"  
Move "Independent and Impartial Media Committee" under "SSRC"

**CHAPTER II**  
**MEETINGS OF THE COMMISSION**

**SECTION 1: ORGANIZATION**

**Ordinary Meetings and Special Meetings**

- 2.1 The Commission exercises its powers and duties only through decisions duly adopted during ordinary and special meetings.

**Time of Ordinary Meetings**

- 2.2 The Commission will hold ordinary meetings at 10.00 a.m. on Tuesdays and Thursdays.

**Comment [JM11]:** More frequent meetings as referendum nears.

**Agenda of Ordinary Meetings**

- 2.3 The agenda of every ordinary meeting includes the following items:
- a) Attendance of members;
  - b) Quorum of the Commission;
  - c) Requests for permission to be absent;
  - d) Approval and signature of minutes of the previous meeting, and if necessary, any special meeting;
  - e) Matters arising from the minutes;
  - f) Report of the Secretary General, including any adjourned business;
  - g) General matters;
  - h) Closing.

**Place and Time of Ordinary Meetings**

- 2.4 Every ordinary meeting will be held at the seat of the Commission in Khartoum, unless stated at least forty-eight hours in advance by special notice to every member.

**Agenda of Special Meetings**

- 2.5 The Commission can hold a special meeting to consider any matter that needs special attention.
- 2.6 The chairperson may convene a special meeting at his/her own initiative.
- 2.7 The chairperson must convene a special meeting at the written request of not less than three members. The request for a special meeting must state the reason for the request and state the item for special consideration.
- 2.8 The notification of the agenda, place and time for a special meeting must be signed by the Chairperson and delivered to members not less than 24 hours before the meeting.
- 2.9 The agenda of every special meeting must be signed by the chairperson and include the following items:
- a) Attendance of members;
  - b) Quorum of Commission;

- c) Requests for permission to be absent;
- d) Item for Special Consideration;
- e) Report of the Secretary General;
- f) Closing.

**2.10** At a special meeting, no matters can be decided apart from the item(s) specified on the agenda for special consideration.

#### **Presiding Officers**

**2.11** The chairperson of the Commission shall convene and preside over all meetings of the Commission.

**2.12** The deputy-chairperson shall convene and preside over all meetings of the Commission in the absence of the chairperson.

#### **Absence of Chairperson and Deputy Chairperson**

**2.13** If both the chairperson and deputy-chairperson are absent from a meeting of the Commission and there is a quorum, the remaining members shall elect an acting chairperson from their among themselves.

#### **General Conduct of Meetings**

**2.14** The Chairman shall ensure that meetings of the Commission are conducted in a democratic manner, in good order and without disturbance.

**2.15** The Chairman shall treat all members equally in deciding the order in which members may speak, the length of time that is permitted for each speech, and the number of times a member may speak on the same item.

**2.16** Each member must have the opportunity to speak without fear, interruption or intimidation.

**2.17** The presiding officer can exclude from the whole or part of a meeting of the Commission any member who disturbs the good order of the meeting after being requested not to do so by the presiding officer.

## **SECTION 2: QUORUM**

#### **Quorum for Ordinary and Special Meetings**

**2.18** In order to be legally constituted, an ordinary meeting and a special meeting must have not less than five members present at all times.

#### **Postponed Ordinary and Special Meetings**

**2.19** If five members are not present at the opening of an ordinary or special meeting, then that meeting is automatically postponed, and must convene with the same agenda on the following business day at the same time and place. This postponed meeting is known either as a postponed ordinary meeting or as a postponed special meeting, as the case may be.

**2.20** If an ordinary meeting or a special meeting loses its quorum during a meeting

for more than 30 consecutive minutes, then the meeting is automatically suspended, and must convene with the same agenda on the following business day at the same time and place, in order to deal with remaining matters that were not decided at the first meeting. This is also known as a suspended ordinary meeting or known as a suspended special meeting.

### Adjourned Meetings

2.21 The Commission can decide:

- a) to adjourn any legally constituted meeting for a specified period, or
- b) to adjourn consideration of an item on the agenda of that meeting for a specified period.

## SECTION 3: DECISIONS AT ORDINARY AND SPECIAL MEETINGS

### Decisions Need a Quorum

2.22 A decision of the Commission must be taken in a meeting that is legally constituted with not less than the required number of members (or quorum).

2.23 A proposal is introduced by one member and seconded by another.

2.24 A decision must be supported and adopted by not less than a majority of the number of members that are present in a meeting that is legally constituted. In case of equality, the Chairperson shall have a casting vote.

### Adoption or Amendment to Regulations

2.25 A proposal to adopt, repeal or amend any regulation of the Commission cannot be decided at the first meeting to which it is submitted.

2.26 The proposal can be discussed at length but must be adjourned to be decided at a later meeting of the Commission.

**Comment [DPK012]:** Need an emergency provision -- perhaps that a consensus decision can be taken, but any member can request for decision to be postponed until the following meeting

## SECTION 4: CONSENSUS AND VOTING

### Consensus

2.27 The Commission shall strive to reach an agreement and obtain the consensus of all members for its decisions. All decisions shall be recorded in the minutes.

### Voting

2.28 Where consensus is not possible, decisions will be taken by majority vote every member must vote in person for or against the proposal.

**Comment [MMF13]:** No abstaining?

2.29 Members vote by open show of hands.

2.30 The number of votes cast in favour of a proposal and against a proposal must be announced immediately, and must be recorded in the minutes.

**Comment [MMF14]:** Can be condensed into one: "All decisions for which there is no consensus must be voted on by all members in an open show of hands and duly recorded in the minutes."

### Secret Vote



- 2.31** At the request of not less than three members, the vote shall be secret.
- 2.32** Each member in the meeting must immediately record his/her vote for or against the proposal on a piece of paper supplied by the Secretary General, fold the paper, and put it in a suitable container supplied by the Secretary General.
- 2.33** After all members have voted, the Secretary General must shake and empty the container in front of the meeting, unfold each piece of paper, count and announce the result.
- 2.34** The number of votes cast in favour of a proposal and against a proposal must be announced immediately, and must be recorded in the minutes.

**Additional Vote by Presiding Official**

- 2.35** In the event of an equal number of votes being cast openly or in secret in favour of and against a proposal, the presiding officer of the meeting must break the tie by casting a second or additional vote.

**SECTION 5: ATTENDANCE AND PERMISSION TO BE ABSENT**

**Entitlement and Obligation to Attend**

- 2.36** Every member of the Commission is obliged to attend every ordinary meeting and every special meeting of the Commission.
- 2.37** All meetings shall be organized in accordance with these regulations to allow all Commissioners the opportunity to vote unless suspended.
- 2.38** The Commission can invite other persons to attend a meeting. Invited persons can participate in the discussion when requested to do so by the presiding member, but cannot vote.

**Absence During Meeting**

- 2.39** A member who is absent from a meeting for more than 30 consecutive minutes is regarded as being absent from the entire meeting.

**Comment [JRK15]:** This might require votes taken prior to absence to be revisited.

**Request to be Absent**

- 2.40** A member must apply for permission to be absent from a meeting of the Commission or for a particular item before that meeting is scheduled to start. The member must state the date or dates or time of his/her absence, and the reason for his/her absence.
- 2.41** A member shall give his/her application in writing to the Chairperson, who shall immediately have the request circulated to the other members of the Commission.
- 2.42** The Commission can give a member permission to be absent:
- a) from a limited number of meetings;
  - b) for a particular item on the agenda of a meeting; or
  - c) for the whole or part of the requested period.

**2.43** The Commission can approve a request for absence that does not eliminate the quorum of the Commission for the applicable meeting.

**2.44** The Commission must approve a request for absence that is essential. A request is essential where:

- a) the member has a conflict of interest;
- b) the member is away at the request of the Commission on business for the Commission;
- c) the member is seriously ill or injured;
- d) the member is delayed or prevented from attending because of an accident; or a close member of the member's family dies, or is seriously ill or injured, or involved in a serious accident;
- e) Court Appearance.

**Comment [DPK016]:** Should not require a request for permission

**2.45** The Commission must decide every request for leave of absence in advance of the proposed date or dates or time of absence. However, the Commission can approve a request or leave of absence after the date or dates or time of absence, where the request is essential because of illness, accident, injury or death.

## **SECTION 6: OBLIGATION TO WITHDRAW FROM A MEETING**

### **Conflict of Interests**

**2.46** A member must not be present, cast a vote, or participate in any meeting of the Commission during the discussion of any matter in which he/she:

- a) has any financial interest, or
- b) has any other interest that might prevent him/her from carrying out his/her responsibilities in a fair, impartial and proper manner, or
- c) Has a close relative with financial interest.

**Comment [DPK017]:** Define close relative (relative by blood or marriage)

**2.47** If, at any time during a meeting of the Commission, a member has, or may have a conflict of interest of this kind, the member must immediately disclose the full nature of his/her interest and leave the meeting. Failure to do so is a cause for suspension of membership and investigation.

### **Decision by the Commission**

**2.48** The remaining members must then discuss the matter and decide whether the member has a conflict of interests.

**2.49** If the members decide that the member has a conflict of interests then he/she must not be present, cast a vote, or participate during the discussion of the item.

**2.50** The nature and extent of the disclosure, the decision taken by the remaining members, and the withdrawal of the member must be recorded in the minutes of the meeting.

### **Misconduct**

**2.51** If a member fails to disclose an interest as required, or is present, casts a vote,

or participates at a meeting of the Commission when he/she must not be present, vote or participate, then the member is guilty of misconduct.

Comment [MMF18]: Consequence?

- 2.52** A decision by the Commission in respect of which there is misconduct of this kind, must be reviewed immediately and can be changed by a vote of the Commission in the absence of the member with a conflict of interest.

## **SECTION 7: MINUTES OF MEETINGS**

### **Commission Affairs must be Recorded**

- 2.53** The Secretary General is responsible for the recording and keeping of the minutes of every meeting of the Commission. The minutes must record every decision of the Commission.

- 2.54** All meetings and decisions shall be recorded in English and translated into Arabic.

- 2.55** The following matters must be recorded in minutes of every meeting of the Commission:

- a) Date, place and time of the meeting;
- b) Confirmation that the meeting was legally constituted (quorum);
- c) Applications for permission for absence;
- d) Names of members present and absent;
- e) Name of any member affected by a disclosure of interest and details of his/her withdrawal from the meeting;
- f) Approval and signature of minutes of the previous meeting and any special meeting;
- g) Matters arising from the minutes;
- h) Report of the Secretary General, including any postponed business;
- i) General matters;
- j) Names and title of other people present;
- k) Time of closing the meeting.

### **No Record or Summary of Speeches**

- 2.56** The minutes shall not generally contain record of speeches or the discussion, or summary of speeches or the discussion.

- 2.57** A particular phrase or particular content of the discussion must be recorded in the minutes if requested by three or more members at the time it is made.

### **Approval and Signature of Minutes**

- 2.58** The draft minutes of an ordinary meeting or a special meeting must be submitted to the next ordinary meeting for approval.

- 2.59** The draft minutes must be approved, or must be changed immediately and then approved, by a majority of the members that were present at the subject meeting.

- 2.60** The chairperson must sign the minutes immediately after approval by the Commission.

### **Distribution of Minutes**

- 2.61** The Secretary General must give a copy of the signed minute to every member of the Commission and ensure the distribution of minutes and decisions to the SRSB and all Commission offices.

### **Safekeeping of Minutes**

- 2.62** The Secretary General must ensure that the signed minutes of every meeting are kept in a secure place.
- 2.63** All minutes and decisions shall be numbered in a manner to ensure accurate filing and proper distribution.

### **Privileges of the Commission Members**

- 2.64** The Commission Chairperson may appoint a number of personal advisers and assistants as necessary.
- 2.65** The Commission Deputy Chairperson may appoint a number of Assistants as necessary.

## CHAPTER III

### GENERAL SECRETARIAT OF THE COMMISSION

- 3.1 The Commission, for its proper functioning and discharging of its duties shall have its General Secretariat (hereby referred to as “the Secretariat”) which is responsible for carrying out the executive, administrative and financial work of the Commission in accordance with its regulations.

#### Composition of the Secretariat

- 3.2 The Secretariat is composed of:

- a. the Secretary General;
- b. three departments:
  - i. Administration (see Chapter VI)
  - ii. Finance (see Chapter VII)
  - iii. Legal Service (see Chapter VIII)
- c. Staff of the Secretariat, of its Departments, their branches and sections falling under its jurisdiction

**Comment [MMF19]:** Nothing said about N/S balance in Secretariat (was a problem in NEC). Relation to Bureau? Organogram indicates that they are not related. How will ops issues be incorporated in SG reports and decisions presented to SSRC?

- 3.3 Every staff member of the Secretariat must conduct him/herself in a manner that is consistent with principles for a free and fair democratic consultation process and in accordance with the Code of Conduct for Referendum Officials.

#### Duties and Powers

- 3.4 The Secretary General is the senior executive of the Commission. He has those functions and powers that are given to him/her by the Law and by the internal regulations of the Commission and other directives or decisions of the Commission.

#### Head of the Secretariat and Adviser to the Commission

- 3.5 The Secretary General is –

- a) the head of the Secretariat;
- b) an adviser to the Commission on all matters within its competence;
- c) accountable to the Commission for ensuring that the Secretariat carries out its duties and responsibilities;
- d) the official channel of communication between the Commission and the Bureau or their individual members, and the Secretariat and its Departments.

#### Preparations for Referendum

- 3.6 The Secretary General must prepare and submit appropriate recommendations to the Commission to ensure that all administrative and financial preparations are made for holding the referendum.

#### Administration of Referendum

- 3.7 The Secretary General must:

- a) ensure that the Secretariat understands and implements all regulations, plans, programs and other arrangements resulting from the Commission's decisions;
- b) supervise and monitor the activities and needs of the Secretariat.

### **General Review and Assessment**

#### **3.8** The Secretary General must:

- a) review and assess conditions and requirements to be met to hold a referendum that meets international democratic standards;
- b) inform the Commission of any administrative or other matter or event that can delay or undermine the referendum or its preparations.

### **Finances**

#### **3.9** The Secretary General shall open and manage an account in the Central Bank of Sudan and/or Bank of Southern Sudan in accordance with generally accepted accounting practices. All funds allocated or contributed to the Commission shall be deposited without delay in the Commission's account. Under no circumstances any amount of money shall be withdrawn from the Commission's account without prior permission from the **competent authority**.

**Comment [MMF20]:** =SG but what happens in case of absence/illness/death

#### **3.10** The Secretary General is the guardian and manager of the Commission's financial records and accounts. In such capacity, the Secretary General must perform his/her duties in accordance with standard accepted accounting practices.

### **Internal Regulations, Rules, and Procedures**

#### **3.11** The Secretary General must oversee the proper preparation and submission to the Commission of any internal rules and procedures in additions to these necessary to further describe and regulate the structure, procedures and systems of the Commission and the Secretariat, including:

- a) meetings of the Commission;
- b) the powers, functions and duties of the Commission;
- c) the rights and responsibilities of members of the Commission;
- d) the composition and functioning of the Secretariat, its Departments, Divisions or Units; and
- e) any other matters.

### **Plans**

#### **3.12** The Secretary General must submit to the Commission the plans prepared by the Bureau for all referendum operations taking place in Southern Sudan. These plans should include, non limitatively:

- a) Staffing plan;
- b) Information Technology plan;
- c) Financial Procedures and the Accounting System;
- d) Referendum Budget;
- e) Referendum Master plan;

- f) Operations Support plan;
- g) Training plan for officials and staff;
- h) a voter education plan;
- i) a public information plan;
- j) the media access plan; and
- k) any other arrangements.

### **Regulations**

**3.13** The Secretary General must submit to the Commission all regulations for the referendum, including all requirements and procedures for:

- a) the registration of voters;
- b) the preparation and adoption of the referendum register;
- c) the referendum campaign, including equal access to the media by advocates of the two options and campaign rules;
- d) voting procedures;
- e) counting procedures;
- f) the tabulation and announcement of the results;
- g) appeals and complaints;
- h) a code of conduct for political parties and advocates of the two options;
- i) a code of conduct for referendum officials;
- j) a code of practice for the media;
- k) accreditation for observers and a code of conduct for observers;
- l) safety and security of referendum material and equipment;
- m) complaints and appeals; and
- n) any other matter that requires a regulation.

### **Control and Safety of Documents**

**3.14** The Secretary General must ensure that all Laws and regulations, documents, correspondence, minutes and files of the Commission and the Secretariat are safely recorded, numbered, published and archived.

### **Control and Safety of Assets**

**3.15** The Secretary General must ensure the safety and maintenance of all assets and inventory of the Commission.

### **Meetings of Commission**

**3.16** The Secretary General is entitled and obliged to attend every meeting of the Commission and to ensure that the Commission receives timely reports and information on every matter that requires its attention.

**Comment [MMF21]:** Absence of SG?

### **Availability of Regulations**

**3.17** The Secretary General must make available to every member and office of the Commission a copy of the regulations. If the regulations are amended, the Secretary General must distribute the amendment to every member of the Commission and all offices of the Commission.

**3.18** The Secretary General must ensure the timely publication of the regulations and any amendments in widely circulated publications in Northern and Southern Sudan.

### **Decisions of the Commission**

**3.18** The Secretary General must:

- a) Ensure, in consultation with the Department of Legal Services, that all decisions and actions of the Commission and of the Secretariat are lawful;
- b) ensure that the Secretariat implements all decisions of the Commission in a lawful and competent manner.

### **Support to Commission and Members**

**3.19** The Secretary General must ensure that appropriate secretarial and clerical services and facilities are provided by the Department of Administration to the members of the Commission and for meetings of the Commission;.

### **Reporting through the Secretary General**

**3.20** The Secretariat must report to the Commission through the Secretary General or his delegate. The Secretary General must state in writing his/her agreement or disagreement with the recommendations of every report to the Commission originating from the components of the Secretariat.

### **Acting Secretary General**

**3.21** Whenever the Secretary General is absent or unable to perform his/her functions, or whenever there is a vacancy in the office of Secretary General, the Commission can designate a person on its staff to act as Secretary General, until the Secretary General resumes his/her functions, or a Secretary General is appointed.

### **Heads of Departments**

**3.22** Each Head of Department of the Secretariat is directly responsible and accountable to the Secretary General.

### **Dismissal of the Secretary General**

**3.23** The Secretary General shall be dismissed from his/her position as a result of a decision from the President of the Republic with the approval of the First Vice-President following a recommendation of the Commission taken by an absolute majority of the entire membership of the Commission.

**Comment [MMF22]:** Use the same for Commission member dismissal!

**3.24** The Secretary General can be dismissed if:

- a) he/she refuses, after a warning, to comply with or implement a decision of the Commission;
- b) he/she doesn't perform his/her duties in an impartial and neutral manner;
- c) he/she is caught in "*flagrante delicto*" committing a crime;
- d) he/she violates the Referendum Act;
- e) he/she does not fulfill his/her functions duties and obligations with sufficient competence to ensure the proper organization of the referendum.



**CHAPTER IV**  
**THE SOUTHERN SUDAN REFERENDUM BUREAU**  
**High Committees, Sub-Committees and Referendum Centers**

**4.1** The Southern Sudan Referendum Bureau (hereunder referred to as “the Bureau”) is the principal office of the Commission located in Southern Sudan.

**Membership of the Bureau**

**4.2** The Bureau is composed of five members. The Deputy Chairperson of the Commission constitutes the Chairperson of the Bureau. The Chairperson of the Bureau recommends to the Commission the nomination of the four remaining members of the Bureau.

**4.3** Prospective members of the Bureau must meet the following conditions:

- a) be a Sudanese by birth,
- b) be recognized as competent, non-partisan and neutral,
- c) be at least forty years-old,
- d) mentally competent,
- e) able to read and write,
- f) Not have been convicted of a crime relating to honesty, moral turpitude even if he/she has received a pardon.

**Comment [JM23]:** Duty to disclose interests

**Duties of the Bureau**

**4.4** The Bureau is an executive component of the Commission established in Southern Sudan. As such, it is tasked to carry out all operations required as per the Referendum Act, in accordance with the regulations and directives issued by the Commission. More specifically, it should:

- a) Advise the Commission on the appointment of the High Committees for referendum in the Southern States.
- b) Directly supervise the actions of the High Committees for Referendum in Southern Sudan and ensure the integrity and transparency of the referendum operations regarding voter registration, ballot sorting and counting, compilation and announcement of results;
- c) Ensure the coordination between the Commission and the High Committees for referendum in Southern Sudan;
- d) Disseminate information on the referendum.
- e) Appoint referendum staff as well as heads and members of the Sub-Committees in each County in Southern Sudan on recommendation of the chairperson of the High Committee of each State following a competitive recruitment process;
- f) Ensure the availability and receipt of all logistic requirements, supplies, equipment and tools and their delivery to the High Committees for referendum so as to guarantee their delivery to Sub-Committees, registration or ballot centers as required;
- g) Compile the results of the referendum received from High Committees for referendum, publicize and dispatch these results to the Commission;
- h) Any other functions delegated by the Commission.

**Comment [MMF24]:** Good to have at Bureau level but will need preparations and facilities for announcement of results in Juba.

## **Organization of the Bureau**

- 4.5 The Bureau has the responsibility of the organization and conduct of referendum operations in Southern Sudan. As such it centralizes referendum operations under its Department of Operations headed by a Head of Operations.
- 4.6 The Commission delegates to the Bureau the power to recruit and appoint its own staff with consideration to Chapter IX of the present internal regulations.
- 4.7 The Bureau has the power to adopt directives and guidelines necessary to facilitate the execution of its operational mandate from the Commission.

## **High Committees for Referendum**

### **Appointment of the High Committees**

- 4.8 The Commission, upon recommendation from the Southern Sudan Referendum Bureau creates, a High Committee for referendum in each State of Southern Sudan.
- 4.9 Each High Committee for Referendum is composed of a Chairperson and four members. Its members shall be selected in accordance with the Referendum Act and the present regulations from among citizens, civil servants and other officials who are eligible to vote and who should meet the following conditions:
  - a) be a Sudanese by birth,
  - b) be recognized as independent and competent, non-partisan with a sense of impartiality and integrity;
  - c) be at least forty (40) years-old,
  - d) mentally competent,
  - e) able to read and write,
  - f) Not have been convicted of a crime involving honesty, moral turpitude even if he/she has received a pardon.
- 4.10 The Bureau makes recommendations to the Commission, which decides on the appointment of the Chairperson and members of each High Committee for Referendum.
- 4.11 The appointed Chairperson and members of the High Committees for Referendum should perform the following solemn oath before the Chairperson of the Bureau.

*“I, ..... swear by Almighty God to perform my duties in the referendum with justice, impartially, honestly, with transparency and integrity without fear, malice or favor to anybody and God is my witness.”*
- 4.12 Members of the High Committees should be available on a full time basis and resign from all other positions.

### **Duties of the High Committee**

**4.13** The High Committee for referendum is accountable to the Bureau for fulfilling the following duties and responsibilities within its State:

- a) plan, implement and manage the organization of the referendum in its State in a manner to ensure the freedom, fairness and transparency of the whole process;
- b) manage and implement the referendum master plan at the State level;
- c) constitute a Sub-Committee for referendum for each county of the State and recommend its staff to be approved by the Bureau;
- d) supervise the tasks of the Sub-Committees for referendum and implement any directive issued by the Bureau, in conformity with the regulations of the Commission and the Referendum Act.
- e) Issue instructions and guidance to the Sub-Committees at all stages of the referendum;
- f) establish referendum centers and appoint their staff upon recommendation of the Sub-Committees;
- g) cooperate with the relevant authorities to ensure security and safety of the referendum operations;
- h) report to and prepare suggestions for the Bureau to improve referendum operations;
- i) perform all other tasks delegated by the Bureau or the Commission

**4.14** Every decision of the High Committee shall be made in a meeting of its members by consensus or an absolute majority votes of members present in the meeting

### **Role of Chairperson of the High Committee**

**4.15** The Chairperson has the overall responsibility for the organization and management of the referendum in the State and ensures that it is conducted in accordance with the Referendum Act, its regulations and the instructions of the Commission.

The Chairperson of the High Committee assumes the following duties and responsibilities:

- a) design plans and manage daily operations of the High Committee;
- b) implement the referendum master plan;
- c) recruit and/or recommend the staff for the High Committee, Sub-Committees and referendum centers based on the directives and regulations issued by the Commission and Chapter IX of these Regulations;
- d) supervise the staff under its responsibility;
- e) in cooperation with the Sub-Committees prepare a plan on the establishment and location of the referendum centers for registration and polling;
- f) in cooperation with the Sub-Committees prepare a plan for the delivery and collection of referendum material and of the referendum results;
- g) collect the voter register and other documents from the Sub-Committees to be delivered to the Bureau;
- h) consolidate the referendum results received from the Sub-Committees and send their result statement to the Bureau in accordance with

- Commission instructions and directives;
- i) administer the budget of the High Committee, Sub-Committees and referendum centers in accordance with the regulations and the directives of the Commission;
  - j) implement the system on the settlement of complaint and appeals in collaboration with the relevant judicial authorities;
  - k) ensure the training of the staff and members of the High Committee, Sub-Committees and referendum centers;
  - l) put in operation the public information plan;
  - m) liaise and cooperate with the State and local authorities at all levels to enable the referendum process to proceed without risks to security;
  - n) liaise and cooperate with the political parties, groups of interest and NGOs working in the State to inform voters about the two options of the referendum;
  - o) prepare the weekly progress report to the Bureau;
  - p) protect and guarantee the independence and neutrality of the High Committee, Sub-Committees and referendum centers;

Comment [MMF25]: Issued by?

### Structure of the High Committee

- 4.16** In the execution of their tasks, the members of the High Committee should be supported and working with the specialized staff delegated by the Bureau through its Departments and Divisions.

The High Committee is supported by five administrative units:

- a) Operations unit;
- b) Administration/finance unit;
- c) Training unit;
- d) Public Information unit;
- e) Legal Affairs/Complaints and Appeals unit.

The units are staffed by the corresponding Departments/Divisions of the Bureau.

- 4.17** In a meeting of the High Committee, it should be decided to assign, among its members, the following duties:

- a) one member as Deputy-chairperson to support the Chairperson;
- b) one member as Secretary-Treasurer in charge of administrative and financial duties;
- c) one member overseeing legal affairs/complaints and appeals;
- d) one member overseeing training
- e) one member overseeing public information

- 4.18** The Secretary-treasurer of the High Committee is the head of the Administrative Unit within the High Committee and assumes the following responsibilities:

- a) implement the finance system determined by the Commission;
- b) control the budget;
- c) co-sign with the Chairperson the disbursement authorizations;
- d) justify the documents for each disbursement;
- e) prepare the monthly financial report of the High Committee;
- f) in collaboration with the Training Unit, train the staff members in charge

- of finance in accordance with the Commission instructions;
- g) safekeeping and control the High Committee funds;
- h) pay the salary of the staff and members of the High Committee;

**Sub-Committees for Referendum**

- 4.19** A Sub-Committee is created for each county in the State. They are supervised by the High Committee for referendum in the State.
- 4.20** Each Sub-Committee is composed of a Chairperson and two members selected by the High Committee from among citizens, civil servants or/and the individuals who are eligible to vote and who should meet the following conditions:
  - a) be Sudanese by birth,
  - b) be recognized as independent and competent, non-partisan with a sense of impartiality and integrity;
  - c) be at least forty (40) years-old,
  - d) mentally competent,
  - e) able to read and write,
  - f) Not have been convicted of a crime involving honesty, moral turpitude even if he/she has received a pardon.

**4.21** The Chairperson and members of each Sub-Committee are appointed by the High Committee with the consent of the Bureau.

**4.22** The appointed Chairperson and members of the Sub-Committee for referendum should perform the following solemn oath before the Chairperson of the High Committee:

*“I, ..... swear by Almighty God to perform my duties in the referendum with justice, impartially, honestly, with transparency and integrity without fear, malice or favor to anybody and God is my witness.”*

**4.23** Member of the Sub-Committees should be available on a full time basis.

**Duties of the Sub-Committee**

- 4.24** The Sub-Committee for the referendum is accountable to the High Committee for fulfilling the following tasks at the County level:
  - a) plan, implement and manage the organization of the referendum in its County in a manner to ensure the freedom, fairness and transparency of the whole process;
  - b) implement the master plan at the county level;
  - c) determine the locations and number of referendum centers required to satisfy the needs of the County and make recommendation to the High Committee accordingly;
  - d) initiate staff recruitment procedures for referendum centers;
  - e) under the guidance and support from the High Committee, organize the training of referendum centers staff;
  - f) cooperate with the relevant authorities to ensure security and safety of the referendum operations;

- g) report to and prepare suggestions for the Bureau to improve referendum operations;
- h) Perform all other tasks delegated by the Bureau or the Commission

Each member of the Sub-Committee has specific responsibilities to be executed for the referendum as determined below:

**Role of the Chairperson of the Sub-Committee**

**4.25** Under the supervision of the High Committee, the Chairperson of the Sub-Committee has the responsibility to organize and manage the referendum at the County level.

The Chairperson of the Sub-Committee assumes the following duties and responsibilities:

- a) design, plan and manage the daily operations of the Sub-Committee in accordance with the operational plan;
- b) implement the referendum master plan at his level;
- c) find and ascertain the locations to establish referendum centers and propose adjustment where necessary;
- d) take the necessary steps to recruit the staff required for the referendum centers;
- e) train and supervise the staff under its responsibility;
- f) ensure the safe delivery and retrieval of all referendum material to and from the referendum centers;
- g) support and disseminate the Public information material to inform voters on the period and time of registration, polling and ballot counting as well as other measures and procedures
- h) consolidate the results received from the referendum centers and send the results statement to the High Committee
- i) in coordination with relevant authorities receive and process complaints and appeals at its level, rectify any irregularity within his/her competence and report to High Committee.
- j) monitor and follow up on threats, intimidation or violence made against any individual or group advocating for one of the two options;
- k) make a recommendation on sanctions, suspension or dismissal of any member or staff member who violates the Referendum Act or its regulations;
- l) ensure that the Sub-Committee members and staff implement their work in neutral and impartial manner;

**Comment [DPKO26]:** Add elsewhere maybe a separate provision for all staff under misconduct/removal/suspension

**Role of the Members**

**4.26** The other two members of the Sub-Committee must support the Chairperson in the execution of the duties set out in Section 4.24, and share the following duties:

- a) Facilitate the referendum observation work by accredited observers;
- b) Ensure that the voter register, public notices and all document intended for the public are posted for easy consultation within the time prescribed;
- c) cooperate with the High Committee training unit to plan and organize the training of referendum centers staff;

- d) cooperate with the High Committee public information unit to ensure the proper dissemination of information;
- e) verify that the training of the members/staff of the referendum centers was well understood, that all training material was received and reinforce training where necessary.
- f) assist in investigation and settlement of complaints;
- g) assist in the security and public order of the referendum,
- h) assist in the monitoring and coordinating of the referendum campaign;

**4.27** Other functions and powers of Sub-Committees are determined by the High Committee.

**Referendum Centers**

**4.28** The High Committee creates referendum centers upon recommendation from the Sub-Committees. Referendum centers are supervised by their Sub-Committee.

**4.29** Each referendum center is composed of a Chairperson and two members who should meet the following conditions:

- a) be Sudanese by birth,
- b) be recognized as independent and competent, non-partisan with a sense of impartiality and integrity;
- c) be at least forty (40) years-old,
- d) mentally competent,
- e) able to read and write,
- f) Not have been convicted of a crime involving honesty, moral turpitude even if he/she has received a pardon.

**Comment [JRK27]:** This could perhaps be 30 in the case of the Referendum Centers

**4.30** The appointed Chairperson and members of the referendum center should perform the following solemn oath before the Chairperson of the Sub-Committee:

*“I, ..... swear by Almighty God to perform my duties in the referendum with justice, impartially, honestly, with transparency and integrity without fear, malice or favor to anybody and God is my witness.”*

**4.31** All members of the referendum centers have the obligation to attend the training provided by the Sub-Committee or the High-Committee on all procedures relating to their duties and obligations.

**4.32** The members of the referendum centers must be available on a full time basis for the period of time determined by the Commission.

**4.33** The Chairperson of the referendum center is responsible for referendum operations in the center and shall assume the following duties and responsibilities:

- a) organize and conduct all voter registration operations in strict conformity with the instructions provided;
- b) organize and conduct the referendum polling, counting and sorting operations in strict conformity with the instructions provided;

- c) disseminate information provided by the Public Information Division to inform the populations about the date, time, location and procedures to register and vote in the referendum;
- d) receive and process complaints and appeals at its level, rectify any irregularity within his/her competence and report to Sub-Committee;
- e) ensure and facilitate observation by accredited observers in accordance with instructions received.
- f) ensure the safe transmission of registration documents and referendum results to the Sub-Committee as well as the return of all material;
- g) maintain security and public order with the support of the security units

**4.34** At the time determined by the Commission before referendum voting, the High Committee, at the suggestion of the Sub-Committee, should appoint two or more committee members, as required to receive training and carry out polling/counting operations. The additional temporary staff does not have to meet the requirements of art. 4.29 above.

**4.35** Duties, length of employment and remuneration of the members of the referendum centers shall be determined by the Commission.



**CHAPTER V**  
**THE BUREAU'S DEPARTMENT OF OPERATIONS**

- 5.1** The Department of Operations is responsible and accountable for:
- a) planning, organizing and managing the conduct of voter registration, voting, counting and transmission of results procedures;
  - b) the receipt, storage, transportation, distribution and recovery of referendum material and equipment;
  - c) the safety and security of referendum premises, material and equipment; and
  - d) training of the referendum staff at all levels.

- 5.2** The Director of Operations is the Head of the Department of Operations; he/she is directly responsible to the Bureau for all matters within his Department.

**Structure of the Department of Operations**

- 5.3** The main office of the Department of Operations is located in Juba, within the premises of the Southern Sudan Referendum Bureau.
- 5.4** The secondary office is located with the Commission in Khartoum and headed by the Deputy-Director of operations.
- 5.5** The Deputy Director for Operations is located in the Commission's headquarters in Khartoum to liaise with the General Secretariat and to manage the referendum operations taking place outside Southern Sudan.

- 5.6** The Department of Operations is composed of five divisions:

- a) Field Coordination (see 5.25 below)
- b) Logistics (see 5.27 below)
- c) Information Technology (see 5.29 below)
- d) Training (see 5.31 below)
- e) Public Information (see 5.XX below)

**Comment [JM28]:** Who deals with observers? Security?

Each division is headed by a Chief of division located in the main office.

- 5.7** Each High Committee at the State level has staff members from the above divisions constituting the Operations Team. The Operations teams are headed by an Assistant-Director of Operations in each High Committee.
- 5.8** The Assistant-Director of Operations, in consultation with the Director of Operations, recommends the recruitment of Operations Section Chiefs to support operations in each Sub-Committee at the County level.
- 5.9** Each Sub-Committee at the County level has at least one staff from the division of Field Coordination, Logistics and Training/Public Information.
- 5.10** The structure of the Department of Operations is illustrated through the organogram provided below in this Chapter.

**Referendum Master Plan**

**5.11** The Director of Operations must prepare the Referendum Master Plan. The Referendum Master Plan must specify all components and preparations for the administration, financing and implementation of the referendum including:

- a) regulations;
- b) budgets and financial requirements;
- c) staffing;
- d) technical training;
- e) public awareness, education and orientation;
- f) identification of registration, polling/counting stations;
- g) arrangements for accreditation of observers;
- h) consultations with and between political parties;
- i) arrangements for registration of voters;
- j) voters' register;
- k) referendum campaign;
- l) observer facilitation;
- m) voting arrangements;
- n) counting arrangements;
- o) announcement of results;and
- p) public security arrangements.

**5.12** The components and preparations in the Master Plan must be identified in sequence, in an appropriate timeframe, and allocated expenditures that establish cash flow on a weekly basis. Resources and responsibilities must be allocated to each component.

**5.13** The Director must monitor and evaluate the Master Plan and its implementation on a weekly basis and revise it as required.

#### **Operations Requirements**

**5.14** Operations include preparations and procedures for:

- a) referendum premises, equipment, materials and forms;
- b) training of staff
- c) voter registration, voting and counting.

**5.15** The Director must:

- a) Provide operational guidance, supervision and support to the Bureau and to all High Committees and Sub-Committees for referendum in Southern Sudan as well as all Referendum Centers in Northern Sudan and abroad.
- b) Compile the information relating to the number and location of the registration centers, and polling stations;
- c) ensure that voters' register is correctly compiled and maintained;
- d) specify, design, and ensure the timely supply of all equipment, material and forms, including ballot papers, to High Committees for referendum in Southern Sudan and to Referendum Centers in Northern Sudan and abroad;
- e) ensure that registration/polling centers are properly established, staffed and equipped;
- f) determine staffing requirements for registration/polling centers;

- g) ensure the proper administration, control and conduct of registration, voting, counting, and compilation of results; and
- h) draft all regulations and guidelines that fall within his/her area of responsibility

### **Operations Support Plan**

**5.16** The Director must ensure the preparation and implementation of a document known as the Operations Support Plan which details all logistic requirements, procedures and systems, including warehousing and inventory control and the distribution, storage and recovery of referendum material.

**5.17** The Operations Support Plan must state how it is to be applied to:

- a) High Committees and Sub-Committees;
- b) referendum/polling centers.

**5.18** The Commission must approve the Operations Support Plan. The Plan must be open and available to the Commission and the Secretariat at all times.

### **Warehousing and Inventory Control**

**5.19** The Operations Support Plan must include proposals and specifications, including costs, for:

- a) the location and leasing of required warehouses for the Commission, the Bureau and High Committee.
- b) preparing and fitting the warehouses;
- c) arrangements for storing referendum materials and equipment;
- d) the safety and security of every warehouse, and referendum materials and equipment in it;
- e) an inventory and asset control and management system prepared in consultation with the Department of Finance;
- f) the delivery and receipt of referendum materials and equipment to warehouses;

### **Distribution, Storage and Recovery of Referendum Materials**

**5.20** The Operations Support Plan must also include proposals and specifications for:

- a) the timely, safe and secure transportation and delivery of referendum materials and equipment to the High Committees, Sub-Committees and Referendum Centers and/or other designated places, as required by the Operations Department;
- b) arrangements for the safe and secure storage of referendum material and equipment in the High Committees, Sub-Committees, Referendum Centers and/or other designated places;
- c) training of staff to implement the management procedures and inventory control; and
- d) the recovery, return and storage of any surplus or unused material and equipment.

### **Safety and Security**

**Comment [MMF29]:** Re-word so not to contradict previous provisions

**5.21** The Director must work with security authorities to make arrangements, from the start of the registration of voters to the announcement of the final results of the referendum, to:

- a) safeguard all officials and staff working for the referendum, and
- b) protect the safety and security of all referendum premises, materials and equipment.

**5.22** The Commission must approve all safety and security arrangements.

**5.23** The Director must arrange for consultations with, and strive to obtain the support of, the appropriate security committees constituted of the Southern Sudan police and the National Security Services operating in Southern Sudan and of the security committees constituted of the National police and the National Security Services operating in Northern Sudan for security arrangements that are outside the Director's powers and functions.

#### **Training of Staff**

**5.24** The Director must ensure that the staff of Southern Sudan Referendum Bureau, the High Committees, Sub-Committees, registration centers and polling stations are appointed and trained in:

- a) all operations for the referendum;
- b) the Operations Support Plan and Program;
- c) all approved safety and security arrangements.

#### **Division of Field Coordination**

**5.25** Under the supervision of the Director of Operations, the Chief of the Field Coordination Division shall be responsible to identify the number and location of the registration/polling stations, organize and plan the supply of materials as well as manage and maintain the information transmitting and receiving system of the Commission.

**5.26** The Chief of Field Coordination Division shall have the specific responsibilities as follows:

- a) assist the Director of Operations;
- b) propose a staffing plan to the Operations Division;
- c) make the projection of the statistics of citizens eligible to vote;
- d) identify the number and location of registration/polling stations;
- e) provide materials to other divisions;
- f) monitor and coordinate all the referendum processes;
- g) manage, maintain, use, receive and transmit the information through the information receiving and transmitting system of the Commission.

#### **Division of Logistics**

**5.27** Under the supervision of the Director of Operations, the Chief of the Division of Logistics shall be responsible to plan, organize, store and maintain and deliver the logistical support and referendum material for the referendum operations.

**5.28** The Chief of Logistics Division shall have the specific responsibilities as follows:

- a) assist the Director of Operations;
- b) design and implement the national logistical plan;
- c) propose a staffing plan for the logistics division;
- d) prepare a warehouse system for the storage of the referendum material and equipment;
- e) locate the national warehouses for the Commission;
- f) arrange and manage the protection, security and safety of the warehouse, material and equipment in the warehouse in coordination with the responsible security authorities;
- g) design the transportation plan for material and equipment for voter registration, voting and ballot-counting to be transported to provinces/municipalities;
- h) plan the supply of registration and voting materials and equipments;
- i) plan the supply of registration and voting materials and equipments;
- j) design the model kit for registration and voting materials in conjunction with the Training Division;
- k) monitor the distribution of referendum materials for all levels;
- l) secure the means, times and safety of distribution and delivery of referendum material and equipment to the provinces/municipalities and their return;
- m) arrange the storage of the returned material and equipment;
- n) make a periodic inventory and examine the quality of referendum materials and equipment under his/her control jointly with the Department of Administration and Finance and Operations Division;
- o) ensure that the High Committee logistics units are trained and follow the logistic and warehousing procedures;

#### **Division of Information Technology**

**5.29** Under the supervision of the Director of Operations, the Chief of Information Technology Division is in charge of the Referendum Data Center. As such he/she is responsible to supervise and manage the staff and manage the materials for the preparation and production of the voter registers and the transmission and compilation of referendum results.

**Comment [JRK30]:** Only if the register is computerized

**5.30** The Chief of Information Technology Division shall have the specific responsibilities as follows:

- a) assist the Director of Operations;
- b) design the staffing plan to work for and to operate the Data Center of the Commission;
- c) be responsible for training and advising inspecting officers, chief of work-in-shift-group and data entry/input colleagues on their work in each field;
- d) oversee and manage the operations of data input, printing and packing of the extracts of the voter register to serve for in each polling centers;
- e) manage and supply the material and equipment serving the production and packing of the lists of voters;
- f) ensure the secure storage of all records relating to the voter registration and its revision;
- g) collaborate with outside resources if needed to solve problems which may arise in the process of data input;
- h) ensure the security and safety of the Data Center;
- i) be responsible for and maintain the confidentiality of any registration

**Comment [JRK31]:** Only if the register is computerized

- material that enters the Data Center;
- j) prepare the weekly reports and consolidated reports on the results of the registration of voters to be submitted to the Commission;
- k) develop plans to ensure secure transmission and accurate compilation of referendum results
- l) carry out all duties related to the use of Data Center based on the instruction of the Director of Operations;
- m) manage the aggregation of referendum results;
- n) establish and maintain communication equipment for all Commission offices.

**Comment [JRK32]:** Only if the register is computerized

### Division of Training

**5.31** Under the supervision of the Director of Operations, the Chief of Division of Training is responsible for ensuring the effective training of the Staff of the entire Commission at all levels. .

**5.32** The Chief of the Division of Training has the following specific responsibilities :

- a) design and implement training programs for the members and staff of the Commission;
- b) design and produce the training program and its materials for registration officials, polling and ballot counting officials;
- c) design the model kit for registration and voting materials in conjunction with the Logistics Division;
- d) provide guidance and assistance to the High Committees on staff training on referendum operations;
- e) Follow-up on the training programs in the States and Counties to ensure the uniformity of the training and the application of the procedures;
- f) provide training reinforcement where necessary;

### Division of Public Information

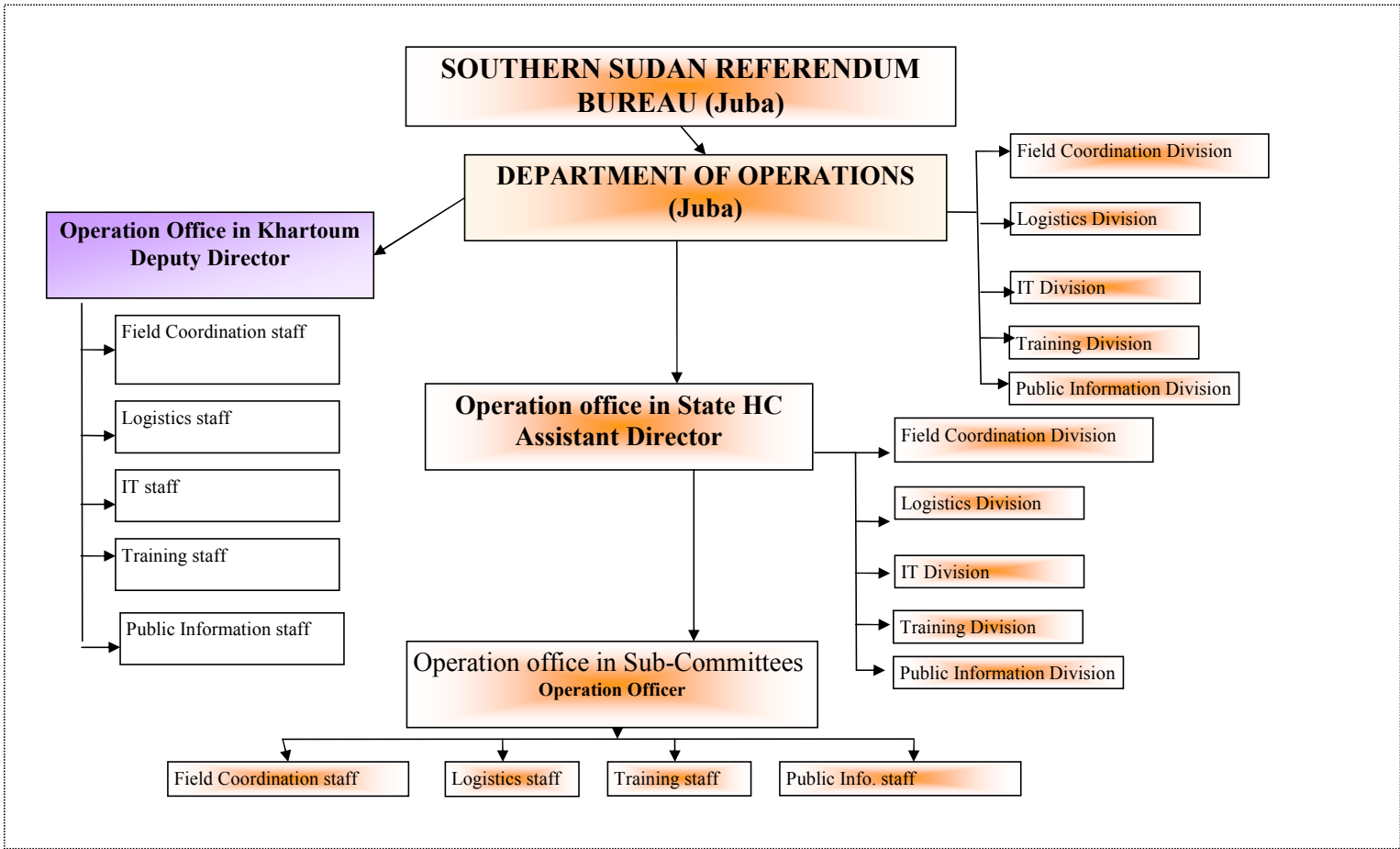
**5.33** Under the supervision of the Director of Operations, the Chief of Division of Public Information is responsible for carrying out the public information programme on referendum procedures.

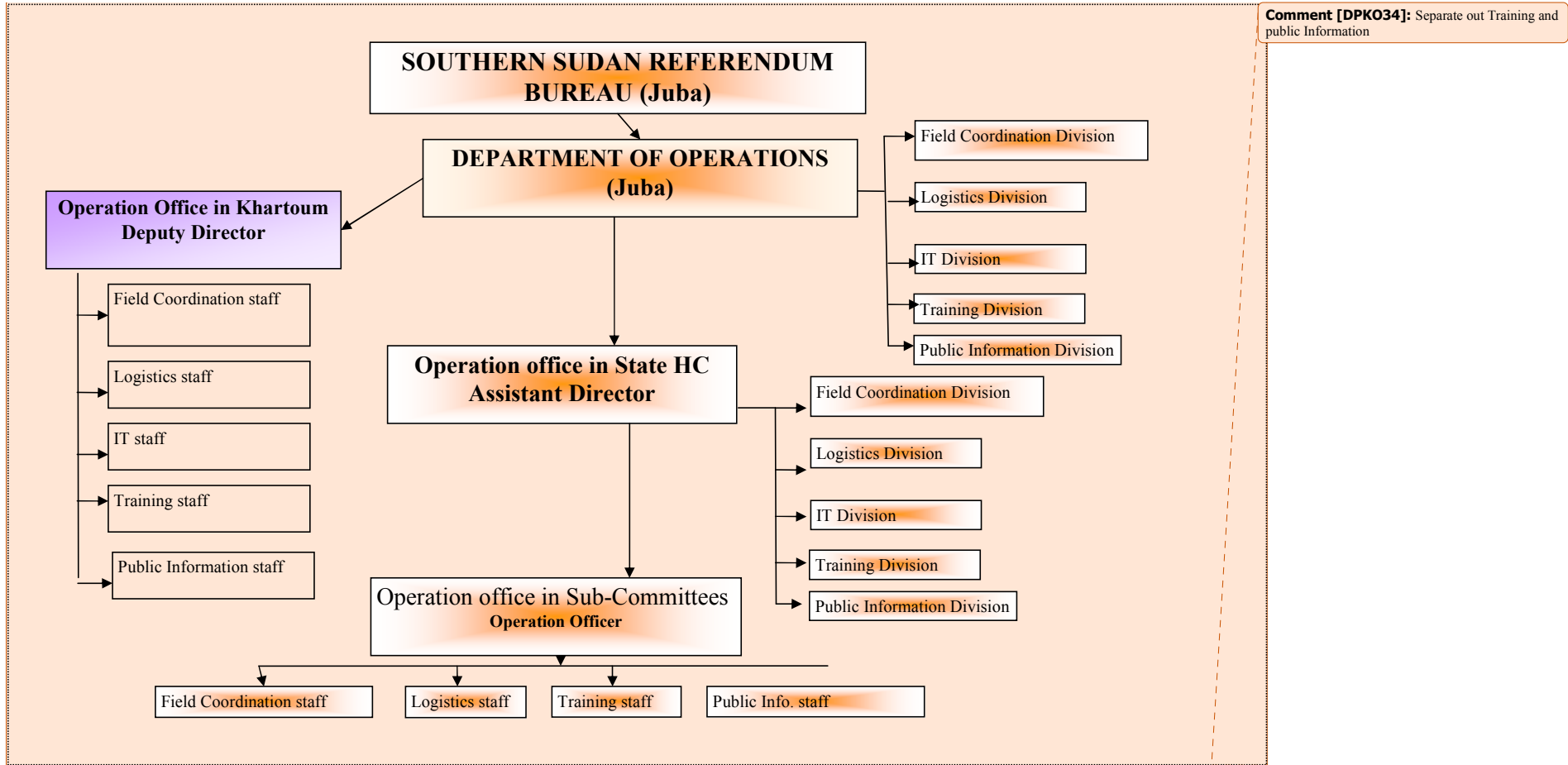
**5.34** The Chief of the Division of Public Information has the following specific responsibilities :

#### Public Information:

- a) under the guidance of the Media Committee, design and implement the referendum information program;
- b) raise the awareness among the public on the organization and stages of the referendum process and its procedures;
- c) disseminate referendum information through media;
- d) oversee and coordinate the referendum information program;
- e) design and produce support materials for the voters' information program (posters, pamphlet, leaflets, video and audio cassettes, etc.);
- f) design and conduct workshops for political parties and observers;
- g) jointly with the High Committees, conduct regular assessment of the voters' degree of understanding of the referendum;

**Comment [MMF33]:** Reconcile with section on Media Cmte and Spokesperson









**CHAPTER VI**  
**THE DEPARTMENTS OF THE GENERAL SECRETARIAT:**  
**ADMINISTRATION**

- 6.1** The Department of Administration is responsible and accountable for:
- a) Clerical and secretarial support for the Commission
  - b) Human resources (recruitment and management)
  - c) maintaining and managing the building, property, material and equipment of the Commission;
- 6.2** The Director of Administration is the Head of the Department of Administration. Under the supervision of the Secretary General, the Director of Administration is directly responsible for all matters within the Department of Administration.
- 6.3** The Department has three divisions:
- Administration Division
  - Human Resources Division
  - Facilities and Asset Management Division

Each division is headed by a Chief of division. All divisions have their main office in the Southern Sudan Referendum Bureau, and a sub-office in Khartoum. All divisions provide staff members to the High Committees. At the level of Sub-Committee, only one staff from the Human Resources Division and one from Facilities and Asset Management Division are required.

**Administration Division**

- 6.4** The Director must ensure that the department provides appropriate secretarial and clerical services to:
- a) the Commission for the conduct of its meetings including all secretarial services and the preparation of agendas and minutes;
  - b) individual members of the Commission; and
  - c) the Secretary General.

**Protocol Officer**

- 6.5** The Director also serves as protocol officer of the Commission.

**Commission Agendas and Minutes**

- 6.6** The Director must work with the Secretary General to ensure that:
- a) agendas for meetings of the Commission are properly prepared and distributed;
  - b) minutes for meetings of the Commission and its sub-commissions are properly confirmed, signed and distributed;
  - c) decisions of the Commission are conveyed as required by the Secretary General to the Secretariat, and to any other person, institution or agency for which they are intended and properly publicized.

### **Correspondence and Records**

- 6.7** The Director, in cooperation with the Secretary General, must ensure the:
- a) receipt, registration and transmission to the proper person, of all documents and letters delivered to the Commission;
  - b) recording and sending of all documents and letters from the Commission;
  - c) receipt of all regulations, directives and decisions of the Commission by all its offices;
  - d) safekeeping of records and documentation of the Commission, including the records and documentation of all Departments, High Committees and Sub-Committees.

### **Facilities and Asset Management Division**

- 6.8** Under the responsibility of the Director, the Chief of the Facilities and Asset Management Division must:
- a) manage, maintain and ensure the safety and security of all buildings, furniture, vehicles, telephones, computers, supplies and other equipment of the Commission.
  - b) Maintain an inventory and asset management and control system in consultation with the Department of Finance, including procedures and systems for the allocation, use and control of all vehicles of the Commission.

### **Human Resources Division**

- 6.9** Under the responsibility of the Director and under the authority of its Chief of Human Resources, the Division ensures that the procedures mentioned in the regulations are implemented at all levels to ensure a transparent and efficient staff recruitment system.
- 6.10** The Division manages the Staff Recruitment Committee mentioned in Chapter IX of the present regulations and its procedures.

### **Chief of Human Resources Division and Assistants**

- 6.11** The Chief of Human Resources Division must prepare and implement the Staffing Plan for the Commission. To assist the Chief in its duties, there is a Deputy-Chief of Human Resources Division in Khartoum and designated assistants in each High Committee and Sub-Committee.
- 6.12** The Staffing Plan must include an evaluation of the required:
- a) staff structure;
  - b) number of staff;
  - c) categories of staff;
  - d) contractual arrangements considering the temporary nature of the employment;
  - e) estimated costs
  - f) payroll;

**6.13** The Chief of Human Resources Division, in consultation with the relevant departments, is responsible for:

- a) implementing staffing procedures according to regulations;
- b) preparing job descriptions for all positions;
- c) ensuring the proper and timely recruitment of all the staff of the Commission at all levels;
- d) preparing contract documents for all staff including:
  - i. description of tasks to be performed,
  - ii. salary,
  - iii. period and termination of employment,
  - iv. causes for termination of employment,
  - v. rights and obligations,
  - vi. code of conduct for referendum officials, and
  - vii. any and other necessary conditions of employment.

**6.14** The Chief of Human Resource Division must issue I.D cards to all the staff of the Commission .

#### **Staff Records, Attendance and Payment**

**6.15** The Chief of the Human Resources Division must:

- a) keep staff records;
- b) control and authorise travel claims and any other expense claims before submitting them to the Department of Finance for payment;
- c) control, record, and enforce attendance, absence, work hours, and leave;
- d) confirm the proper payroll for the Department of Finance; and
- e) authorize the payment of salaries by the Department of Finance.

#### **Computerised Staff Records**

**6.16** The Human Resource Division must establish a computerized staff and resource management system in the Secretariat, including salaries and allowances, attendances and absences, performance evaluations, accredited qualifications, payrolls and other payments.

**CHAPTER VII**  
**THE DEPARTMENTS OF THE GENERAL SECRETARIAT:**  
**FINANCE**

**7.1** The Department of Finance is responsible and accountable for:

- a) the purchase of equipment and materials needed for the referendum, on the basis of specifications provided by the Department of Operations;
- b) establishing the Commission's financial system;
- c) designing the financial procedures;
- d) managing and controlling of all financial matters of the Commission;
- e) managing and controlling of assets of the Commission in cooperation with the Department of Administration;
- f) disbursing the budget for the referendum.

**7.2** The Director of Finance is the Head of the Department of Finance. Under the supervision of the Secretary General, the Director is responsible and accountable for all matters within the responsibility of the Department of Finance.

**Referendum Budget**

**7.3** The Director must ensure:

- a) preparation of a comprehensive budget for the referendum;
- b) the submission of the budget to the Commission for approval;
- c) financial implementation, management and control of the approved budget.

**Financial Reports**

**7.4** The Director must prepare and submit to the Commission:

- a) a weekly cash flow report;
- b) a monthly financial report;
- c) a final financial report not later than one month after the referendum;
- d) the audited accounts to the Commission for review and approval;
- e) an immediate report on any financial irregularity;
- f) other financial reports that are required or appropriate.

**Control of Income and Expenditure**

**7.5** The Director must control and verify:

- a) all income and expenses;
- b) the issue and receipt of cheques and cash.

**Irregularity or Unauthorised Expenditure**

**7.6** The Director must immediately investigate and report any financial irregularity to the Commission, Secretary General, and the Department of Legal Services

**Financial Information Technology**

**7.7** In consultation with the Department of Administration, the Director must establish and maintain a computerized system for the financial requirements of the

Commission, including systems for budgets, financial controls and management, and inventory and assets.

#### **Instructions to all levels**

- 7.8 The Director must ensure that High Committees and Sub-Committees are properly instructed in the relevant elements of financial procedures and accounting.

#### **Salaries**

- 7.9 The Director must ensure the payment of the salary of members and staff on time as authorized by the Director of the Department of Administration.

#### **Donor Agreements**

- 7.10 The Director must cooperate closely with the international donors to fulfill their financial and administrative requirements and to provide timely and complete information.

#### **Signing Powers**

- 7.11 The Director and Deputy Director can approve disbursement below 10,000 SDG;

- 7.12 The Director must:

- a) co-sign all cheques with the Secretary General;
- b) co-sign with the Chairperson any financial agreement between the Commission and any other organization or institution.

- 7.13 The Deputy Director must:

- a) co-sign all cheques with the Chairperson of the Bureau
- b) co-sign with the Chairperson any financial agreement between the Bureau and any other organization or institution.

#### **Deputy Director of Finance and assistants**

- 7.14 There is a Deputy Director of finance appointed in the Southern Sudan Referendum Bureau and an assistant-director in each High Committee to assist the Director.

#### **Area of Responsibility**

- 7.15 The Deputy Director of Finance is responsible for the financial affairs of the Bureau. The assistant-directors are responsible for the financial affairs of the High Committees for referendum and the Sub-Committees in the State where he/she is appointed.

#### **Procurement**

- 7.16 The Deputy Director of Finance is responsible for the preparation and implementation of procedures for procurement (buying goods or services) as required by the Department of Operations

#### **Financial Procedures and Systems**

7.17 The Deputy Director must prepare requirements, procedures and systems within his/her area of responsibility for:

- a) the purchase of all materials and equipments for the referendum
- b) the maintenance and safety of all assets and inventory;
- c) effective financial management and control over:
  - the referendum budget and the annual budget,
  - all income and expenditure,
  - all assets and inventory;
- d) internal and independent auditing;
- e) any other financial matters.

7.18 All procedures and systems must be based on and compatible with the standards established in the Financial and Accounting Procedures Act.

### **Budgets**

7.19 The Deputy Director must ensure within his/her area of responsibility:

- a) preparation of the referendum budget;
- b) financial implementation, management and control of the approved budget.

### **Financial Reports**

7.20 The Deputy Director must prepare, within his area of responsibility, and submit to the Director:

- a) A weekly cash flow report;
- b) a monthly financial report;
- c) a final financial report for adoption not later than three weeks after the referendum;
- d) an immediate report on any financial irregularity;
- e) other financial reports that are required or appropriate.

### **Control of Income and Expenditure**

7.21 The Deputy Director must control and authorise within his area of responsibility:

- a) all income and expenses;
- b) the issue and receipt of cheques and cash.

### **Irregularities and Unauthorised Expenditures**

7.22 The Deputy Director must immediately investigate and report within his area of responsibility any financial irregularity to the Director and the Department of Legal Services.

**Comment [DPK035]:** And the Bureau depending on reporting lines

### **Field Control**

7.23 The Deputy Director must undertake regular Inspection and control field visits at the Sub-Committee and referendum centers levels.

### **Financial Information Technology**

**7.24** The Deputy Director must assist the Director to establish and update a computerized system for the financial requirements of the Commission within his/her area of responsibility.



## CHAPTER VIII

### THE DEPARTMENTS OF THE GENERAL SECRETARIAT:

#### LEGAL SERVICES

- 8.1 The Department of Legal Services is responsible and accountable for:
- a) legal advice and assistance to the Commission and the Secretariat on the referendum, and on their decisions and actions in general;
  - b) in coordination with the relevant authorities applying and implementing the system of complaints and appeals according to the Referendum Act and its regulations;
  - c) with the agreement of the Commission, prosecuting offenders and seeking relevant sanctions from the competent Court of Law for the transgressions mentioned in art. 48 to 59 of the Referendum Act as well as sanctioning any other transgression of the Law under art. 68 of the Referendum Act;
  - d) managing the process of observer accreditation
- 8.2 The Director of Legal Services is the head of the Department of Legal Services. The Director must ensure the proper management and control of all matters within the responsibility of the Department.

#### **Legal Advice and Assistance**

- 8.3 The Director must:
- a) ensure and review the legality of all decisions and actions of the Commission;
  - b) advise the Commission and the Secretary General on the interpretation and application of the Referendum Act and the regulations adopted by the Commission.
  - c) report and make recommendations to the Commission regarding every contravention to the Law or its regulations.
  - d) report to the Commission for its consideration of further action any contravention to the Referendum Act and its regulations committed by the any member of the Commission, or any staff member of the Commission at all levels;

#### **Regulations and Publications**

- 8.4 The Director must review all regulations and all official documents for legality before publication. He also supports the Secretariat in the drafting of the regulations if required.

#### **Investigation of Offences**

- 8.5 The Director in coordination with relevant authorities must ensure the investigation of and make recommendations to the Commission regarding every contravention to the Act or Commission regulations and request permission to refer any offender for prosecution as prescribed by the Act.

8.6 When required by the Secretary General, the Director must investigate any contravention to the Referendum Act and its regulations by a member of the Commission, or an official of the Secretariat or any staff member.

#### **Deputy Director of Legal Services and Assistants**

8.7 There is a Deputy-Director of Legal Services appointed in the Southern Sudan Bureau of Referendum and an Assistant-Director in each High Committee to assist the Director.

#### **Complaints and Appeals**

**Comment [MMF36]:** Use of existing legal structures in the management of complaints/appeals

8.8 For Northern Sudan and other locations, the Director shall:

- a) ensure that every complaint or appeal is received, processed, investigated and decided without fear or favour;
- b) process all complaints or appeals according to the regulations;
- c) ensure that the Commission, and all relevant staff in the Bureau, the High Committees and Sub-Committees are trained to implement the procedure for complaints and appeal;
- d) with the support of the public information office, ensure that advocates of the two options, political parties, voters, the public, NGOs and observers have appropriate knowledge of their right to bring a complaint and appeal a decision and the requirements and processes thereof.

8.9 For Southern Sudan, the tasks mentioned above are performed by the Deputy Director.

#### **Accreditation of International Observers**

8.10 The Legal Department shall assist the Commission in the development of procedures for the application and review of applications for accreditation as international and domestic observers and shall implement those procedures approved by the Commission.

**Comment [MMF37]:** The Commission may wish to consider decentralization of this process to High Committee or Sub-Committee level. Also the law stipulates that the commission is to create observer committees from members of judiciary, civil servants, etc.

#### **Report**

8.11 The Deputy Director must report regularly on his/her responsibilities, including:

- a) the number of the complaints and appeals received;
- b) the status of those complaints and appeals;
- c) accreditation of international observers;
- d) any other matters.

**Comment [DPK038]:** To whom? Bureau & Director?

**CHAPTER IX**  
**RECRUITMENT OF REFERENDUM STAFF**

**Staffing plan**

- 10.1** The Chief of the Human Resources Division, in consultation with the Director of Administration and the Secretary General, shall prepare the staffing plan to be presented to the Commission for approval.
- 10.2** The staffing plan shall indicate the positions, number of positions, length of employment and the remuneration.
- 10.3** Attached with the plan, the Human Resources Division shall compile the structure of each division and job description of each staff of the Commission.

**Creation of Staff Recruitment Committees**

- 10.4** The Commission shall create a Staff Recruitment Committee in Khartoum composed of at least three (03) members, of which at least one member is from the Department of Administration, one member from the Secretary General's office and one member from the Commission to manage the recruitment of staff that should be approved by the Commission
- 10.5** The Southern Sudan Bureau shall create a Recruitment Committee to manage the recruitment that should be carried out at the Bureau level, of which one member is from the Department of Administration, one member is from the Department of Operations, and one member from the Bureau.
- 10.6** The High Committee in each State shall create a State Recruitment Committee to manage the recruitment that should be executed at their level, of which one member is from the Department of Administration, one member from the Department of Operations and one member from the High Committee.

**Role of the Staff Recruitment Committees**

- 10.7** The Recruitment Committees ensures that all staffing positions are filled in a transparent and timely manner to ensure the preparations for the referendum are done in advance and that all referendum staff receive proper training on their tasks.
- 10.8** As an indicator, it is recommended that all the recruitment procedures be completed at least three weeks before the starting of the activity for which the staff is recruited.
- 10.9** The High Committee or the Bureau can decide to waive the application of the present Chapter partially or completely for the recruitment of temporary staff for the referendum centers in areas where there is a shortage of skilled human resources or in circumstances where these procedures cannot be implemented for reasons of *force majeure*.

**Job advertisement**

**10.10** The recruitment committees at all levels shall advertise the job openings publicly and broadly through media such as newspapers, radios, TVs and news bulletins for at least five days. In the States or Counties where the media is not accessible, the job advertisement shall be posted at the offices of the Referendum Commission, Sub-committees, town cewnters, and public places.

**10.11** The job advertisement should specify the positions, number of positions, qualifications, length of employment, working conditions and remuneration, the date of distribution and receipt of application and the closing date for applications.

### **Assessment of applications**

**10.12** The recruitment committees at all levels shall distribute the application forms to applicants free of charge on the date, place and at the time determined.

**10.13** The recruitment committee at all levels shall receive the application forms within the timeline mentioned in the advertisement. The applications received shall be registered, compiled and dated for each job opening.

**10.14** After the closing date of application, the recruitment committee shall meet to screen and check that applications are complete and that the technical requirements are being met by the candidates. Any application that is not complete or does not meet the technical requirements shall be rejected.

**10.15** During the deliberations, the recruitment committee shall select the three best candidates to be interviewed for the position.

**10.16** The recruitment committee informs the selected candidates that they will be interviewed at a place and time to be determined. The list of candidates short-listed for interviews shall be posted publicly with the mention of the position, names, sexes, ages as well as the place, date and time of interviews.

**10.17** The interview of the three best candidates is conducted to rank them according to their answers during the interview.

**10.18** Each member of the recruitment committee shall rate each candidate depending on the quality of their answers as per the following:

- rating **A** for any candidate who has best answered the questions;
- rating **B** for any candidate who has the second best answers;
- rating **C** for any candidate who has the worst answers.

**10.19** The recruitment committee determines the best of the three candidates accordingly and sends the name of the selected candidate with a recommendation for recruitment.

**10.20** The Commission, the Bureau and the High Committee reserve their right to accept or reject the recommendation of their respective recruitment committee, and shall state the reasons for such rejection in writing.

### **Recruitment of the Commission officials and staff shall be transparent:**

**10.21** The recruitment committee at all levels shall ensure that the recruitment at all stages follow all regulations and procedures of the Commission and shall be just, fair and transparent, without any undue influence, nepotism, corruption or partisanship of any kinds. In addition, all recruitment should be conducted without discrimination based on gender, age or ethnic origin.

**10.22** Any violation of the above article shall be investigated by the Commission and if sufficient evidence is found, the Commission shall terminate the employment of the person(s) involved.

### **Working conditions**

**10.23** After being appointed, each official and staff member shall sign an employment contract prepared by the Human Resources Division.

**10.24** Working conditions, remuneration and other benefits for the Secretary General, officials and staff members of the Commission shall be determined by the Commission.

**10.25** Every staff member shall work eight (08) hours a day and six days a week except during the periods of preparation for and conduction of voter registration, polling and counting where they shall work as necessary to ensure timely preparation and conduct of the referendum.

**10.26** the tasks mentioned above are performed by the Director Employees shall not work overtime if not authorized by the Director of Human Resources.

**10.27** Every staff member shall have their attendance taken every working day in the attendance sheet and this sheet will be given to the Department of Administration in the first week of each month. Two verbal warnings and a written warning shall be made for unauthorized absence(s) before reporting to the Commission, the Bureau or the High Committee for decision.

**10.28** Regular working hours shall start from 8:00h to 16:00h.

**10.29** The Division of Human Resources shall recommend to the Director of Administration the schedule of religious observances and holidays to be observed by the Commission or any of its offices.

### **Remuneration:**

**10.30** The remunerations of the officials and staff members of the Commission shall be determined by the Commission upon the recommendation of the Secretary General and the Director of Administration.

**10.31** The remuneration of the Secretary General shall be recommended to the Presidency for approval.

**10.32** Officials and staff members of the Commission shall be paid in Sudanese Pounds at the end of each calendar month.

**10.33** Staff members of the Commission hired on a temporary basis for a limited time or task can be paid on the pro rata basis for the time they worked, as determined by the Commission.

## CHAPTER X

### FINAL PROVISIONS AND AMENDMENT OF THE INTERNAL REGULATIONS

#### Procedures for the Internal Regulations

- 10.1** A proposal to adopt, repeal, modify or amend the internal regulations of the Commission cannot be decided at the first meeting to which it is submitted  
;
- 10.2** The proposal can be discussed but must be adjourned to be decided at a later meeting of the Commission  
.
- 10.3** The Commission may modify or amend the present internal regulations through an absolute majority vote of all voting members.
- 10.4** The Secretary General must distribute to every member of the Commission a copy of the internal regulations:

**POLICY STATEMENT FOR  
THE CONDUCT OF THE REFERENDUM**

**UNDERTAKING BY COMMISSION**

1. The Commission accepts and adopts the following principles, standards and practices of a free and fair referendum:

**Members are Trustees of the Referendum**

2. Every member of the Commission holds a position of trust and undertakes to:
  - a) obey the letter and spirit of the Referendum Act, the Interim National Constitution, the Interim Constitution of Southern Sudan, the Laws of the Republic of Sudan, the Laws of Southern Sudan, and the principles of the Comprehensive Peace Agreement.
  - b) obey the regulations adopted by the Commission;
  - c) be impartial and independent and carry out his/her responsibilities in good faith and without fear, favour or prejudice;
  - d) ensure that the principles and practices of a fair and free referendum are respected and applied in the preparation of the referendum;
  - e) protect the credibility, impartiality, independence and integrity of the Commission and its bodies.

**Bias or Self-interest**

3. A member of the Commission must not in any way:
  - a) support or oppose any of the two options presented in the referendum;
  - b) support or oppose any political party, group or individual advocating for one of the two options;
  - c) jeopardise his/her own credibility, impartiality, independence or integrity;
  - d) make private use of any confidential information, or profit from any confidential information, gained as a result of his/her membership on the Commission;
  - e) divulge any information gained as a result of his/her membership to any third party, except as part of his/her official responsibilities.

**Registration**

4. Considering that every person who is eligible in terms of the Referendum Act has the right to register as a voter and to vote in the referendum;

Considering that every person is entitled to do so peacefully, and without fear, intimidation, coercion or violence;

Considering that every person has the right to unhampered access to a registration station and to clear, effective, impartial and non-discriminatory procedures for the registration of voters.

The Commission undertakes to:

- a) ensure unhampered access to every registration station;
- b) establish effective, impartial and non-discriminatory procedures for the registration of voters;
- c) ensure voters are provided sufficient information to understand where, when and how to register;
- d) ensure that these provisions are applied without discrimination of any kind;
- e) ensure that the register of voters is compiled accurately and verified independently.

### **Voting and Counting**

5. Considering that every registered voter has the right to get unhampered access to a voting station, to clear, effective, impartial and non-discriminatory procedures for getting a ballot paper and voting;

Considering that the right to vote in secret is absolute and cannot be restricted in any way;

Considering that every voter is entitled to have his/her valid vote counted and given equal weight to every other valid vote.

The Commission undertakes to:

- a) ensure unhampered access to every voting station;
- b) establish clear and effective procedures for voting;
- c) ensure voters are provided sufficient information to understand where, when and how to cast their vote;
- d) establish and administer procedures for voting so that only the persons who are entitled to vote can do so;
- e) prevent multiple voting or any other voting fraud or illegality;
- f) ensure that the secrecy of the ballot is upheld, and that voters are able to cast their ballots safely, and without fear or intimidation.

And the Commission further undertakes to:

- a) ensure that counting of ballots is undertaken by trained personnel subject to observation by independent observers;
- b) administer, regulate and audit the process for counting of votes so that only valid votes cast by registered voters are counted, and any other fraud or illegality will be avoided or detected;
- c) ensure that the count is accurate and correct.
- d) ensure that the security and integrity of the entire process is maintained.

### **Voter Information / Education**

6. Considering that every person has the right to express political opinions during the referendum without interference and to seek, receive and give information on the procedures and issues for the referendum, and to make an informed choice;



Considering that every person has the right to appeal against any disregard or contravention of his/her rights to an objective authority that can correct any error promptly and effectively.

The Commission undertakes to:

- a) facilitate and monitor national programs of voter information / education to ensure that all citizens are familiar with the issue to be decided in the referendum.
- b) specifically ensure that clear and coherent procedures and requirements are established and made known to all citizens, especially for registration and voting.

### **Right to Promote Opinions**

7. Considering that every political party and advocates of the two options has an equal right to voice its opinion and to campaign for or against one of the two options, they are authorized:
  - a) to seek, receive and give information about the options to be decided in the referendum;
  - b) to move freely within the Republic of the Sudan.

Considering that every political party or group advocating for one of the two options must have an equal opportunity of access to the State-owned communications media, in order to put forward their views.

The Commission will ensure that:

- a) freedom of movement, assembly and expression by all political parties and advocates of the two options is respected and maintained within the limits of the Interim National Constitution;
- b) all political parties and advocates of the two options have reasonable opportunity to present and communicate their views to eligible voters regarding the options presented in the referendum;
- c) all political parties and advocates of the two options get equality of access to State-owned communications media;
- d) necessary steps are taken to obtain appropriate coverage of the two options in State-owned communications media.

**The Commission further states the following:**

### **Responsibilities of Advocating Groups and Political Parties**

8. Advocating groups and political parties have responsibilities towards the community. In particular, no one is permitted to incite hatred and violence or to provoke or take part in intimidation, coercion or violence.
9. Advocating groups and political parties must also respect the rights and freedoms of groups or political parties with opposing views on the two options.

### **Right to Observe**

10. Independent observers are essential and welcome as necessary, effective and constructive participants in the referendum.
11. Effective participation requires that observers can have access to all processes, see all processes, and record and inquire about all processes without directly interrupting or interfering in those processes.
12. The Commission undertakes that it will ensure and facilitate the effective participation of accredited domestic and international observers throughout all referendum processes.

## **FURTHER SUPPORTIVE ACTION BY THE COMMISSION**

### **Neutral and Impartial Regulations and Mechanisms**

13. The Commission undertakes to:
  - a) Adopt, implement and publicize neutral and impartial regulations, guidelines and mechanisms to ensure the transparency, safety and integrity of the entire referendum process.
  - b) ensure that people who are responsible for various aspects of the referendum are trained and act impartially;
  - c) guarantee that all procedures can be witnessed by accredited national and international observers; and
  - d) strive to ensure that the mass media adopts and implements a Code of Media Practice for the referendum.

### **Timely Responses**

14. The Commission undertakes that complaints relating to the referendum will be dealt with effectively and within the timeframe of the referendum process through appropriate mechanisms set in place by the Commission with a right to appeal to the competent Court of Law through its prosecutor.

### **Intimidation and Violence**

15. The Commission will strive to ensure that:
  - a) the National Government and the GoSS provide sufficient security resources to maintain a peaceful climate, to prevent intimidation, coercion and violence; and
  - b) any violation of rights relating to the referendum will be dealt with effectively and within the timeframe of the referendum process through appropriate mechanisms set in place by the Commission or will be submitted directly to a Court of Law through its prosecutor.

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