



UNMIS - Joint Mission Analysis Centre

**SOUTHERN SUDAN REFERENDUM VOTER REGISTRATION RISKS**

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**SUMMARY**

This JMAC paper assesses security and credibility risks of the Southern Sudan Referendum focusing on the voter registration phase. The assessment is based on information provided by the UNIREC and Rule of Law Section, as well as on previous JMAC products.

**I. CONTEXT**

1. On 14 September 2010 President Bashir formalized the CPA parties' agreement on the appointment and function of the Southern Sudan Referendum Commission's (SSRC) Secretary General. Provided that decisions on the procurement of the registration materials are taken without delay, the budgeting for the relevant staff recruitment can be completed soon and no developments on the ground including heavy rains hamper logistically challenging referendum operations, it is assumed that realistically a fully-fledged registration may start in November 2010.

2. The progress of the post-referendum negotiations with respect to the NCP's demands particularly concerning economic resources is likely to determine the extent to which the registration phase may be intentionally obstructed. The standing of an agreement on citizenship and cross-border matters will affect voting patterns and therefore influence strategic considerations of the CPA parties in the registration phase. A continuing stalemate on the Abyei Area Referendum, while the registration for the Southern referendum proceeds, may trigger an escalation of the Abyei Area conflict with insecurity implications for the wider area in Southern Sudan.

3. All these contextual factors will influence the risks related to the Southern Sudan Referendum voter registration phase.

**II. VOTER REGISTRATION RELATED RISKS**

**A. Strategic interpretations of the voter eligibility criteria**

4. As stipulated in the 2009 Southern Sudan Referendum Act, voter eligibility is determined by the belonging to one of Southern Sudan's "ethnic" or "indigenous" groups, as

well as by the residence status in Southern Sudan before or since Sudan's independence in 1956<sup>1</sup>. Many Sudanese particularly in the South do not have identity or residency documents<sup>2</sup>. In particular in the North identity claims cannot always be supported by community structures, while in the South positions of local authorities and tribal chiefs on the eligibility criteria may be influenced by political agendas. These factors provide registration actors with an ample opportunity for manipulation.

5. The Northern authorities' restrictive or liberal interpretation of voter eligibility may be defined by the North's perception of the voting patterns for secession or unity of the Southerners residing in the North. The North's strategic resolution on the desired outcome of the referendum, combined with a perceived success at the post-referendum modalities talks will be an overarching decisive factor. For a restrictive approach, the IDP camps particularly around Khartoum are most vulnerable, as the relevant authorities may assume that a considerable portion of their residents will vote for secession. However, voting patterns will likely remain a factor of uncertainty. Therefore it might be in the perceived Northern strategic interests to encourage a high registration turn-out in the North. Depending on the North-South ratio of the voter registration a restrictive interference or intimidations of Southerners may be applied in the voting phase in order to endanger the required 60% turn-out in the referendum.

6. The South might develop a strong interest in monitoring the registration exercise in the North. Regular and irregular observers might become subject to restrictions, intimidations and human rights abuses by the Northern security forces. A considerably high voter registration turnout in the North could also lead to a contestation by the GoSS arguing that the census results established a much lower Southern presence in the North. It can be expected that resulting political tensions will be limited to the post-registration time only for the GoSS has no intention to endanger the timeline of further referendum phases.

7. The GoSS / SPLM has an interest in securing a high voter registration among the communities expected to vote for secession, hence avoiding the registration of those with uncertain voting patterns. Registration authorities may capitalize on practical implications of the voter eligibility criteria to exclude communities of mixed North-South origin and family links with the North. These communities can be predominantly found in the northern states in Southern Sudan and the former SAF garrison towns. The Southern authorities might also attempt to limit voter registration in the few communities supporting the NCP. Intimidations and human rights abuses of these communities cannot be ruled out.

8. Moreover, the Southern registration authorities might tolerate the registration of Ugandan, Kenyan, Ethiopian and the DRC nationals, who share tribal and ethnic similarities with communities in the respective border area in Southern Sudan. These individuals can be expected to vote for secession based on their interests including the economic ones. This may give room for contesting the credibility of the referendum process.

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<sup>1</sup> In Southern Sudan, related eligibility criteria include whether an individual belongs to an "indigenous" group which had settled in the South prior to 1956 as well as the criteria of "uninterrupted" residency since 1956. In Northern Sudan eligibility criteria include whether an individual belongs to an "ethnic" or "indigenous" community of Southern Sudan and if belonging to an "ethnic" group whether the individual had been a permanent resident prior to 1956.

<sup>2</sup> The Act does not specify proofs for the residency criteria.

## **B. Increased IDP return during the voter registration phase**

9. The GoSS' plans to return a significant number of IDPs to the South prior to the voter registration phase might be prompted by issues outlined in paragraph five. The initial plan to resettle 1.5 million Southerners has been watered down to 500,000 and the GoSS agreed to de-link the timeframe of and campaign for the initiative from the referendum period. However, even limited GoSS-organized returns in addition to spontaneous IDP returns prior and during the voter registration phase could aggravate the humanitarian situation in Southern Sudan.

10. Current spontaneous returns to Southern Sudan mainly occur to Upper Nile, Lakes, Northern Bahr el-Ghazal, Warrab and Unity States. For logistical reasons the GoSS-organized returnees may similarly settle or strand in urban locations of the border area, thus increasing food insecurity and tensions with host communities. Possibly resulting insecurity may jeopardize voter registration-related operations with a negative impact on the timelines of further referendum phases.

## **C. Instability in Southern Sudan**

11. The unifying factor of the Southern hopes for secession may temporarily surpass politically and resources motivated security risks during the referendum process including the voter registration phase. It cannot be ruled out that localized post-election instability will remain either at the current level or is considerably reduced.

12. With the progress of the referendum preparations the Northern actors might increase attempts to capitalize on disfranchised elements or community grievances including an uncertainty with the future of the SAF JIUs. However, the rationale of achieving a high registration turn-out while hampering the voting process as discussed in paragraph five might also apply to Northern strategies for the South notwithstanding the North's reduced leverage due to the boosted Southern unity during the referendum process.

13. Instability-related factors which may complicate logistically complex registration operations are likely to include the following:

- a. the continuing SPLA practice of limiting access to politically sensitive areas hampering the expansion of the UN activities;
- b. budgetary constraints of the GoSS directly or indirectly related to additional expenses for the referendum affecting the regular payment to the security forces. This would risk further reducing the forces' discipline and compromise the functioning of the command and control structures with negative consequences for security. Similarly, any non-payment to the GoSS' employees involved in the registration operations may lead to strikes hampering the voter registration preparations and conduct;
- c. criminal activities particularly road banditry and the LRA-related incidents in some areas

## **III. THE MOST LIKELY SCENARIO FOR THE VOTER REGISTRATION PHASE**

14. **The registration phase proceeds despite logistical complications and is subject to the preparatory attempts by the CPA parties to set the ground for referendum outcome manipulations.** Provided the NCP has no considerable reservations in the post-referendum talks, no significant obstructions to the registration operations occur. In some politically sensitive areas in the South, the SPLA will be reluctant to grant access to the UN operations but gradually improves its cooperation. Low intensity insecurity related to crime, tensions between the slightly increasing number of returnees and host communities, limited armed

groups activities and possibly protests of non-paid employees jeopardize operations in some locations. As outlined above, for manipulation purposes intimidations and human rights abuses mainly occur in Northern IDP camps (particularly in Khartoum State), and in Southern Sudan in northern border states, former garrison towns as well as in communities with considerable NCP support (i.e. Wau and Rumbek). In all these sensitive areas, the work of international and national observers of the registration process will be controlled or even obstructed by the respective authorities. International observers are unlikely to be sufficiently deployed to mitigate the risk of manipulation during the registration phase.

**Risk: Low for insecurity / Medium for referendum credibility** (Likelihood: Likely; Impact: minor (for security), moderate (for credibility)).

#### **IV. RECOMMENDATIONS IN ORDER OF PRIORITY**

- 1) Continuing impartial support to the CPA parties for a smooth conduct of post-referendum talks (UNMIS leadership and WG C);
- 2) Quick launching of an information campaign on registration regulations and organization-related matters through Radio Miraya, and efficient outreach activities on the ground, especially focusing on the Khartoum IDPs camps in order to avoid unsustainable returns to the South during the registration period (PIO, WG A);
- 3) Increasing efforts to disentangle the Abyei Area Referendum stalemate with respective initiatives for the polarized communities on the ground (UNMIS leadership and WG A and WG C);
- 4) Increased RRR, IOM and Human Rights staff presence in IDP camps particularly around Khartoum in the run-up to the voter registration (WG A);
- 5) Continued advocacy with the Southern authorities at the government and state levels for unrestricted UN access including the UNMIS military component (WG D);
- 6) Monitoring and follow-up with the GoSS' on organized IDPs returns (WG D);
- 7) Prioritizing the establishment of the functioning GoSS State "JOC" structures in Southern border States (Upper Nile, Unity, Warrab, and Northern Bahr el-Ghazal State), as well as in Wau/Western Bahr el-Ghazal and Rumbek/Lakes States (WG E);
- 8) Advocacy for the deployment of a sufficient number of observers prior to the registration exercise, prioritising the Northern IDP camps, the Southern border states (including border areas with Kenya, Uganda and the DRC) as well as former garrison towns (WG A);
- 9) Prioritizing UNMIS military patrolling during the registration period to the border States (Upper Nile, Unity, Warrab, and Northern Bahr el-Ghazal States) and former garrison towns such as Malakal, Wau, Rumbek, Juba and Torit (WG D).