

Southern Sudan Referendum Commission Internal Regulations

Pursuant to the provisions of the Southern Sudan Referendum Act (2009), the Southern Sudan Referendum Commission hereby adopts the following Internal Regulations.¹

CHAPTER ONE

Preliminary Provisions

1. The Southern Sudan Referendum Commission (hereinafter “the Commission”), formed pursuant to the Comprehensive Peace Agreement (hereinafter “the CPA”), the Interim National Constitution of the Republic of Sudan (hereinafter “the INC”), and the Southern Sudan Referendum Act 2009 (hereinafter “the Act”), shall ensure and guarantee that all voters, without discrimination, enjoy the exercise of their right to express freely their opinion in a secret referendum on self-determination to be conducted in accordance with the CPA, the INC, Interim Constitution of Southern Sudan (hereinafter “the ICSS”), and the Act, and international standards.²
2. Notwithstanding Article 7, and in accordance with the CPA, the INC, the ICSS, and the Act, the Commission shall organize and monitor the referendum for the people of Southern Sudan in cooperation with the Government of Sudan and the Government of Southern Sudan.³
3. Pursuant to Article 8(1) of the Act, the Commission shall be an independent body with legal standing.⁴ In its activities, the Commission is governed by the CPA, the INC, the ICSS, the Act, other laws of the Republic of Sudan, these Internal Regulations, and any other rules, regulations, procedures or measures it duly

¹ See *Southern Sudan Referendum Act* art. 15(4) (2009).

² See *Southern Sudan Referendum Act* art. 14(1) (2009); see also UNMIS/EAD Referendum Team, *Draft Internal Regulations of the Southern Sudan Referendum Commission*, art. 1.21(b)(ii) (May 2010).

³ See *Machakos Protocol* art. 2.5 (Government of Sudan, Sudan People’s Liberation Movement/Army, 2002); *Southern Sudan Referendum Act* arts. 7(e), 10(1), 14(2)(a) & 16(2)(c) (2009); INTERIM CONST. OF THE REPUBLIC OF SUDAN art. 222(1) (2005); INTERIM CONST. OF SOUTHERN SUDAN art. 11.(1) (2005).

⁴ See UNMIS/EAD Referendum Team, *Draft Internal Regulations of the Southern Sudan Referendum Commission*, art. 1.1 (May 2010).

promulgates in accordance with the foregoing instruments (collectively “Regulations”).

4. The motto of the Commission shall be: “Impartiality, Neutrality, Integrity, Justice and Transparency”.⁵
5. The Commission shall have the logo as hereunder:⁶



6. The Commission shall have the official seal as hereunder. The Commission’s official seal shall be of a circular shape of 3 cm in diameter with the logo of the SSRC carved on it, and which contains the words “Southern Sudan Referendum Commission” around it.⁷



7. The Commission shall be financially, administratively, and technically independent and shall perform all its duties and powers as provided for in the Act with the utmost degree of independence,

⁵ See UNMIS/EAD Referendum Team, *Draft Internal Regulations of the Southern Sudan Referendum Commission*, art. 1.2 (May 2010).

⁶ See UNMIS/EAD Referendum Team, *Draft Internal Regulations of the Southern Sudan Referendum Commission*, art. 1.3 (May 2010).

⁷ See UNMIS/EAD Referendum Team, *Draft Internal Regulations of the Southern Sudan Referendum Commission*, art. 1.4 (May 2010).

impartiality, professionalism, and integrity, and in accordance with these Internal Regulations.⁸

8. The Commission shall further conduct its affairs in a transparent and accountable manner.⁹
9. These Internal Regulations determine the organization of the Commission's activities and the procedures of its meetings, including the mechanisms of coordination between the Commission, the Southern Sudan Referendum Bureau (hereinafter "the Bureau"), and the Secretariat General.
10. As it deems necessary, the Commission shall issue further Regulations to amend or supplement the following.¹⁰ The Commission shall also have a professional obligation to adopt further regulations that give full effect to the Act.¹¹

CHAPTER TWO

Cooperation between the Commission, the Government of Sudan, and the Government of Southern Sudan

11. The Commission shall organize and monitor the referendum for the people of Southern Sudan in close cooperation and coordination with the Government of Sudan and the Government of Southern Sudan¹² and shall ensure that effective efforts are made to involve civil society and the international community in the organization and monitoring of the referendum.¹³

⁸ See *Southern Sudan Referendum Act* art. 9 (2009).

⁹ See, e.g., Independent Electoral Commission of Iraq, *Rules of Procedure of the Board of Commissioners*, art. 3.1, IECI Regulation 01/2004.

¹⁰ See, e.g., Independent Electoral Commission of Iraq, *Rules of Procedure of the Board of Commissioners*, art. 2.5, IECI Regulation 01/2004.

¹¹ See UNMIS/EAD Referendum Team, *Draft Internal Regulations of the Southern Sudan Referendum Commission*, arts. 1.21, 1.22 (May 2010).

¹² See *Machakos Protocol* art. 2.5 (Government of Sudan, Sudan People's Liberation Movement/Army, 2002); INTERIM CONST. OF THE REPUBLIC OF SUDAN art. 222(1) (2005); INTERIM CONST. OF SOUTHERN SUDAN art. 11.(1) (2005); and *Southern Sudan Referendum Act* art. 14(2)(a) (2009).

¹³ See, e.g., Independent Electoral Commission of Iraq, *Rules of Procedure of the Board of Commissioners*, art. 3.4, IECI Regulation 01/2004.

12. To facilitate this cooperation, the Chairperson and Deputy Chairperson of the Commission shall hold regular bi-monthly meetings with two liaison[s] appointed each from the Government of Sudan and Government of Southern Sudan (hereinafter the "Government Referendum Liaisons") for the purpose of ensuring that the Commission and the two governments consult and coordinate regularly on matters related to the referendum and their respective authorities.
13. The location of the meetings provided for in Article 12 shall alternate between the Commission Headquarters in Khartoum and the Southern Sudan Referendum Bureau in Juba, unless the participants agree otherwise in advance.
14. Nothing in Article 12 shall preclude the Chairperson, Deputy Chairperson, and/or members of the Commission from holding extraordinary meetings or consultations with the Government Referendum Liaisons and/or other officials from the Government of Sudan and the Government of Southern Sudan concerning matters related to the referendum and their areas of competence.
15. Within a reasonable period prior to adoption by the Commission, the Chairperson shall send to the four Government Referendum Liaisons any draft Regulations or Decisions under consideration by the Commission and solicit comments from each regarding the same. The Commission shall take into consideration any comments it receives from the Government of Sudan or the Government of Southern Sudan in finalizing and adopting the draft Regulations or Decisions under consideration.

CHAPTER THREE

Organizational and Functional Structure of the Commission

16. The organizational structure of the Commission, as approved by the Presidency pursuant to Article 14(2)(p) of the Act, is as follows:¹⁴
 - (a) Commission Headquarters

¹⁴ *Southern Sudan Referendum Act* art. 8(3) (2009).

- (b) Southern Sudan Referendum Bureau
 - (c) Secretariat General
 - (d) Referendum High Committees in the States of Southern Sudan
 - (e) Referendum Sub-Committees in the counties
 - (f) Referendum Centers
17. The functional structure of the Commission, as approved by the Presidency, requires that it shall organize and monitor the referendum for the people of Southern Sudan in close cooperation and coordination with the Government of Sudan and the Government of Southern Sudan.¹⁵

Ad Hoc Sub-Commissions

18. As approved by the Presidency, the Commission may establish ad hoc sub-commission(s) to investigate any special matter and to report to the Commission on that matter within the period specified by the Commission.¹⁶
19. The Commission shall appoint at least three of its members to any sub-commission established pursuant to Article 18, and determine its terms of references.¹⁷
20. An ad hoc sub-commission has no right:
- (a) To undertake, manage or direct any function or responsibility of the Secretary General unless directed to do so by both the Chairperson and the Deputy Chairperson; or

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¹⁵ See *Machakos Protocol* art. 2.5 (Government of Sudan, Sudan People's Liberation Movement/Army, 2002); INTERIM CONST. OF THE REPUBLIC OF SUDAN art. 222(1) (2005); INTERIM CONST. OF SOUTHERN SUDAN art. 11.(1) (2005); and *Southern Sudan Referendum Act* art. 14(2)(a) (2009).

¹⁶ See UNMIS/EAD Referendum Team, *Draft Internal Regulations of the Southern Sudan Referendum Commission*, art. 1.34 (May 2010).

¹⁷ See UNMIS/EAD Referendum Team, *Draft Internal Regulations of the Southern Sudan Referendum Commission*, art. 1.35 (May 2010).

(b) To supervise the Secretary General.¹⁸

21. Each ad hoc sub-commission shall recommend to the Commission a specific course of action in respect of any matter that is under its consideration.¹⁹

Language

22. [Arabic/English] shall be the official working languages of the Commission. All written documents of the Commission shall be in [Arabic/English].
23. [English and other languages used normally in Southern Sudan, as determined by the Commission,] shall be the official working languages of the Bureau, the Referendum High Committees, the Referendum Sub-Committees, and the Referendum Centers.

CHAPTER FOUR

Composition of the Commission

24. The Commission is composed of the Chairperson, his/her Deputy, and seven members.²⁰ Members shall be appointed pursuant to Article 10(1) of the Act,²¹ meet the eligibility requirements set forth in the Act,²² take the oath required by the Act,²³ and perform their duties in accordance with the Act, these Internal Regulations, and any Commission Decisions.
25. (a) The President of the Republic, with the approval of the First-Vice President, may abrogate the membership of or remove any Commission member pursuant to Article 12 of the Act.

¹⁸ See UNMIS/EAD Referendum Team, *Draft Internal Regulations of the Southern Sudan Referendum Commission*, art. 1.36 (May 2010).

¹⁹ See UNMIS/EAD Referendum Team, *Draft Internal Regulations of the Southern Sudan Referendum Commission*, art. 1.37 (May 2010).

²⁰ See *Southern Sudan Referendum Act* art. 10(1) (2009).

²¹ See UNMIS/EAD Referendum Team, *Draft Internal Regulations of the Southern Sudan Referendum Commission*, art. 1.9 (May 2010).

²² See *Southern Sudan Referendum Act* art. 10(2) (2009).

²³ See *Southern Sudan Referendum Act* art. 13 (2009).

- (b) When a recommendation of the Commission to disqualify and remove a member is submitted to the Presidency of the Republic pursuant to Article 12 of the Act, that member shall stand suspended from the Commission.²⁴
- (c) A member who is suspended is not entitled to attend or participate in any meeting of the Commission.²⁵
- (d) The member shall remain suspended pending decision of the Presidency on the matter.²⁶
26. (a) In the event a member's post falls vacant for any of the reasons enumerated in Articles 11(1) or 12 of the Act, a successor shall be appointed within 30 days, following the same procedures and conditions provided for in Article 10 of the Act.²⁷
- (b) The suspension of a Commission member or the vacancy of a Commission member's post shall not affect the work of the Commission. During the 30-day period provided for in Article 26(a), the Commission shall continue to exercise its functions and powers to the full extent provided for in the Act and these Internal Regulations.
27. The terms of office for the Commission Chairperson, Deputy Chairperson, and members shall expire at the end of the interim period.²⁸

CHAPTER FIVE

Rights and Duties of Members

28. The Chairperson, his/her Deputy, and the seven members have the right to:²⁹

²⁴ See UNMIS/EAD Referendum Team, *Draft Internal Regulations of the Southern Sudan Referendum Commission*, art. 1.15 (May 2010).

²⁵ See UNMIS/EAD Referendum Team, *Draft Internal Regulations of the Southern Sudan Referendum Commission*, art. 1.16 (May 2010).

²⁶ See UNMIS/EAD Referendum Team, *Draft Internal Regulations of the Southern Sudan Referendum Commission*, art. 1.17 (May 2010).

²⁷ See *Southern Sudan Referendum Act* art. 11 (2009).

²⁸ See *Southern Sudan Referendum Act* art. 10(3) (2009).

- (a) Speak at proceedings (discuss and give opinions, and ask questions of those presenting reports);³⁰
- (b) Place items on the agenda;
- (c) Review and request changes to a meeting record, including a prior meeting's minutes;
- (d) Have his/her dissent to a decision properly reflected in the record of a meeting;
- (e) Receive and examine correspondence sent to the Commission by third parties;
- (f) Review correspondence sent to third parties by the Chairperson on the part of the Commission;
- (g) Suggest the presence of a third party to participate in Commission sessions (to be accepted absent objection by the majority of the votes of the Commission members that are present);
- (h) Table motions for decision;
- (i) Vote on Regulations and Decisions (in the case of the Chairperson and Deputy Chairperson, only as provided for in the Act and these Internal Regulations); and
- (j) Immunity from any criminal proceedings against them in the performance of their duties according to the Act, except in a situation where any of them was caught in the act, and only after obtaining written permission from the President of the Republic.³¹

29. The Chairperson, his/her Deputy, and the seven members have a duty to:

²⁹ See, e.g., *Law on the Central Electoral Committee* art. 16 (Lithuania, 2002).

³⁰ See, e.g., *Rules of Procedure of the National Assembly* art. 4 (Slovenia, 2002), available at <http://www.dz-rs.si/index.php?id=271&docid=34&showdoc=1#1>; see, e.g., Central Elections Commission of Albania, *Regulation on Organization and Functioning of the Central Elections Commission*, arts. 27-35.

³¹ See *Southern Sudan Referendum Act* art. 17 (2009); see also UNMIS/EAD Referendum Team, *Draft Internal Regulations of the Southern Sudan Referendum Commission*, art. 1.20 (May 2010).

- (a) Attend every meeting of the Commission, where failure to do so for five consecutive meetings without permission or acceptable excuse shall result in a decision of the President of the Republic, with the First Vice President's approval, to abrogate the offending member's membership;³²
- (b) Exercise their functions and powers in a professional, impartial and equitable manner;³³
- (c) Maintain the integrity of the referendum process;
- (d) Disclose any relationship that could lead to a conflict of interest or the appearance of a conflict of interest;³⁴
- (e) Refrain from publicly expressing their opinions regarding the possible or actual outcome of the referendum until the final results of the referendum are known after any repeat referendum is held and all challenges or appeals have been resolved;
- (f) Respect, abide by, and implement, within their competencies, the provisions of the CPA, the INC, the ICSS, and the Act;
- (g) Enforce the Commission's Regulations and Decisions and, as necessary, request the assistance of the competent law enforcement authorities and/or court of competence to do so;
- (h) Refrain from contravening the Act, these Internal Regulations, or any other Regulations or Decisions the Commission issues;
- (i) 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; and³⁵

³² See *Southern Sudan Referendum Act* art. 12 (2009).

³³ See, e.g., Independent Electoral Commission of Iraq, *IECI Rules of Ethics*, art. (a).

³⁴ See, e.g., Independent Electoral Commission of Iraq, *IECI Rules of Ethics*, art. (b).

³⁵ See UNMIS/EAD Referendum Team, *Draft Internal Regulations of the Southern Sudan Referendum Commission*, art. 1.11(c) (May 2010).

- (j) Inform the Secretariat General when he/she participates in events in his/her capacity as a member of the Commission.³⁶

CHAPTER SIX

Powers of the Chairperson/Deputy Chairperson

30. The Commission's Chairperson shall be responsible for those powers enumerated in Article 16(1) of the Act.
31. The Chairperson may only undertake, pursuant to Article 16(1)(g) of the Act, other tasks that the Commission assigns to him/her following the approval of the majority of the Commission members present and the consent of the Deputy Chairperson.
32. The Commission's Deputy Chairperson, who also chairs the Bureau, shall be responsible for those powers enumerated in Article 16(2) of the Act, and any other tasks the Commission assigns to him/her following the approval of the majority of the Commission members present.
33. The Deputy Chairperson may carryout, pursuant to Article 16(2)(c) of the Act, any other function that the Chairperson delegates to him/her.
34. The Deputy Chairperson shall assume the functions of the Chairperson in his/her absence.³⁷
35. The Chairperson and the Deputy Chairperson shall regularly consult with each other on matters related to the execution of their respective powers and the steps taken to implement and enforce the Commission's Regulations and Decisions, pursuant to Article 16(1)(c) of the Act.
36. The Chairperson shall have the power to appoint a number of personal advisers and assistants as necessary.³⁸ The Deputy Chairperson shall

³⁶ See, e.g., Central Elections Commission of Albania, *Regulation on Organization and Functioning of the Central Elections Commission*, art. 7(1)(a).

³⁷ See, e.g., Independent Electoral Commission of Iraq, *Rules of Procedure of the Board of Commissioners*, art. 4.3, IECI Regulation 01/2004.

³⁸ See UNMIS/EAD Referendum Team, *Draft Internal Regulations of the Southern Sudan Referendum Commission*, art. 2.63 (May 2010).

also have the power to appoint a number of personal advisers and assistants as necessary.³⁹

37. The Chairperson and the Deputy Chairperson shall directly oversee the Secretary General.

CHAPTER SEVEN

Meetings of the Commission

38. The Commission shall function full time during the days of Sunday through Friday from 9 a.m. to 6 p.m.⁴⁰
39. The Chairperson and Deputy Chairperson and all regular members of the Commission⁴¹ 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.⁴²
40. The Commission shall hold regular ordinary meetings no less than once a week at its headquarters in Khartoum.⁴³
41. The Commission shall hold ordinary meetings at [x].⁴⁴
42. Notwithstanding Articles 38 and 40, the Chairperson may hold meetings of the Commission outside Khartoum when the members deem it necessary.
43. (a) The Commission also may hold extraordinary meetings at the invitation of the Chairperson, the Deputy Chairperson, or by a written request submitted by three (3) of its members.⁴⁵

³⁹ See UNMIS/EAD Referendum Team, *Draft Internal Regulations of the Southern Sudan Referendum Commission*, art. 2.64 (May 2010).

⁴⁰ See, e.g., Central Election Commission of Georgia, *Rules of Procedure*, art. 1(7), Resolution #49/2004 (Jul. 5, 2004).

⁴¹ See UNMIS/EAD Referendum Team, *Draft Internal Regulations of the Southern Sudan Referendum Commission*, art. 1.12 (May 2010).

⁴² See UNMIS/EAD Referendum Team, *Draft Internal Regulations of the Southern Sudan Referendum Commission*, art. 1.12 (May 2010).

⁴³ See *Southern Sudan Referendum Act* art. 15(1) (2009).

⁴⁴ See UNMIS/EAD Referendum Team, *Draft Internal Regulations of the Southern Sudan Referendum Commission*, art. 2.3 (May 2010).

⁴⁵ *Southern Sudan Referendum Act* art. 15(1) (2009). See, e.g., Independent Electoral Commission of Iraq, *Rules of Procedure of the Board of Commissioners*, art. 4.2, IEI Regulation 01/2004.

- (b) The request for an extraordinary meeting shall include the reason for the request and the item(s) proposed for consideration during the extraordinary meeting.⁴⁶
- (c) At an extraordinary meeting, no matters shall be decided apart from the item(s) specified in the request for the extraordinary meeting.⁴⁷
44. The presiding officer shall ensure that meetings of the Commission are conducted in a democratic manner, in good order and without disturbance.⁴⁸
45. The presiding officer shall treat all members equally. The presiding officer shall decide 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.⁴⁹
46. The Chairperson, in consultation with the Deputy Chairperson and other members of the Commission, shall prepare the Agenda for the meetings of the Commission, using a standard format.⁵⁰ The Chairperson shall provide the Agenda to the Deputy Chairperson and all members no later than forty-eight (48) hours before each meeting. Prior to the meeting or at the start of the meeting, the Deputy Chairperson or any one of the members may suggest a change or addition to the Agenda. Absent objection by a majority of the members present, such changes or additions shall be accepted.
47. At a minimum, each Agenda will include:
- (a) Approval of last meeting's minutes;

⁴⁶ See UNMIS/EAD Referendum Team, *Draft Internal Regulations of the Southern Sudan Referendum Commission*, art. 2.8 (May 2010).

⁴⁷ See UNMIS/EAD Referendum Team, *Draft Internal Regulations of the Southern Sudan Referendum Commission*, art. 2.11 (May 2010).

⁴⁸ See UNMIS/EAD Referendum Team, *Draft Internal Regulations of the Southern Sudan Referendum Commission*, art. 2.15 (May 2010).

⁴⁹ See UNMIS/EAD Referendum Team, *Draft Internal Regulations of the Southern Sudan Referendum Commission*, art. 2.16 (May 2010).

⁵⁰ See, e.g., Independent Electoral Commission of Iraq, *Rules of Procedure of the Board of Commissioners*, art. 4.2, IECI Regulation 01/2004.

- (b) A report from the Chairperson regarding current and planned Commission activities, correspondence with third parties, expenditures she/he has approved, expected Regulations or Decisions that will require a vote during the meeting;
 - (c) A report from the Deputy Chairperson regarding the current and planned Bureau activities and expenditures she/he has approved;
 - (d) New business; and
 - (e) The report of the Secretariat General regarding the status of the budget and existing and expected expenditures.
48. If documentation is needed to properly consider an issue that will require a Decision, such documentation shall be provided in advance with the Agenda unless circumstances make this impossible.
 49. Meetings of the Commission shall be open, however any part of the meetings may be declared closed if approved by a majority of the members present.⁵¹
 50. The Government Referendum Liaisons are free to observe all Commission meetings, whether open or closed.
 51. Absent the objection by a majority of its members present, the Commission may invite a third party to participate in a Commission meeting to provide information, technical assistance, or advice to the Commission.⁵² This individual may be asked to leave during a vote on a Regulation or Decision, if and when the members decide pursuant to Article 49 that a portion of the meeting shall be closed.
 52. The Secretariat General shall maintain a written record of all meetings of the Commission. The written record shall include the Agenda, the names of the participants, the minutes, decisions, reasons, and documents considered. The minutes shall include the day, location,

⁵¹ See, e.g., Independent Electoral Commission of Iraq, *Rules of Procedure of the Board of Commissioners*, art. 3.2, IECI Regulation 01/2004.

⁵² See, e.g., Independent Electoral Commission of Iraq, *Rules of Procedure of the Board of Commissioners*, art. 4.11, IECI Regulation 01/2004.

and time of the meeting; confirmation that quorum was met; applications for permission for absence; the issues addressed; the names of those members present and absent; the names of any additional participants; the name of any member affected by a disclosure of his/her absence from the meeting; the report of the Secretary General; a transcription of the discussions; and the text of all proposals and Decisions taken or a Regulation adopted.⁵³

53. The draft minutes of an ordinary meeting or a special meeting must be submitted to the next ordinary meeting for approval. The draft minutes must be approved, or must be changed immediately and then approved, by a majority of the members who are present. The Chairperson and Deputy Chairman must sign the minutes immediately after approval by the council.⁵⁴
54. Unless specifically deemed otherwise by a majority of the members present at said meeting, the Secretariat General shall make available the written record to Commission members, the Bureau members, the Government Referendum Liaisons, and the public within forty-eight (48) hours of the close of the Commission meeting⁵⁵ at which the minutes were approved.
55. At all regular ordinary meetings of the Commission, the Secretary General shall provide the members with an accounting of the expenditures made to date from the Commission's funds, and the expected releases of the remaining balances.

Quorum

56. The quorum for any meeting shall be complete by the presence of more than half of the members.⁵⁶

⁵³ See, e.g., Central Elections Commission of Albania, *Regulation on Organization and Functioning of the Central Elections Commission*, art. 24(2); see also UNMIS/EAD Referendum Team, *Draft Internal Regulations of the Southern Sudan Referendum Commission*, art. 2.56 (May 2010).

⁵⁴ UNMIS/EAD Referendum Team, *Draft Internal Regulations of the Southern Sudan Referendum Commission*, art. 2.58, 2.59, 2.60 (May 2010).

⁵⁵ See, e.g., Independent Electoral Commission of Iraq, *Rules of Procedure of the Board of Commissioners*, art. 3.3, IECI Regulation 01/2004; Republic of Serbia Electoral Commission, *Rules of Procedure of the Republic Electoral Commission*, art. 26 (Jun. 13, 2002).

⁵⁶ See *Southern Sudan Referendum Act* art. 15(2) (2009).

57. In the absence of a quorum, the Commission may meet to discuss matters. During such meetings, the Secretariat General shall still compile a written record, and issues raised which require a decision of the Commission shall be tabled until such time as the quorum is met.
58. If both the Chairperson and Deputy Chairperson are absent from a meeting of the Commission and there is a quorum, the remaining members must elect a member to chair the meeting from among themselves.⁵⁷

Adjourning Meetings

59. The Commission may, by a majority of the votes of the members present, 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.⁵⁸

Absence During Meetings

60. A member who is absent from a meeting for more than 60 consecutive minutes is regarded as being absent from the entire meeting.⁵⁹
61. Notwithstanding Article 29(a) above, a member shall apply for permission to be absent from a meeting of the Commission or for a particular item prior to the start of that meeting. The member shall provide the date or dates or time of his/her absence, and the reason for his/her absence.⁶⁰

⁵⁷ See UNMIS/EAD Referendum Team, *Draft Internal Regulations of the Southern Sudan Referendum Commission*, art. 2.14 (May 2010).

⁵⁸ See UNMIS/EAD Referendum Team, *Draft Internal Regulations of the Southern Sudan Referendum Commission*, art. 2.22 (May 2010).

⁵⁹ See UNMIS/EAD Referendum Team, *Draft Internal Regulations of the Southern Sudan Referendum Commission*, art. 2.41 (May 2010).

⁶⁰ See UNMIS/EAD Referendum Team, *Draft Internal Regulations of the Southern Sudan Referendum Commission*, art. 2.42 (May 2010).

62. A member shall give his/her application in writing to the Chairperson, who must submit the request to be absent at the following meeting.⁶¹
63. The Commission may, by a majority of the votes of the members present, 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.⁶²
64. The Commission may approve a request for absence that does not eliminate the quorum of the Commission for the applicable meeting.⁶³
65. The Commission shall approve a request that is essential. A request is essential where:
 - (a) The member has a conflicting 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; or
 - (d) The member is delayed or prevented from attending because of an accident; or a close family member dies, or is seriously ill or injured, or involved in a serious accident.⁶⁴
66. The Commission shall decide every request for leave of absence in advance of the proposed date or dates or time of absence. However, the Commission may approve a request or leave of absence after the

⁶¹ See UNMIS/EAD Referendum Team, *Draft Internal Regulations of the Southern Sudan Referendum Commission*, art. 2.43 (May 2010).

⁶² See UNMIS/EAD Referendum Team, *Draft Internal Regulations of the Southern Sudan Referendum Commission*, art. 2.44 (May 2010).

⁶³ See UNMIS/EAD Referendum Team, *Draft Internal Regulations of the Southern Sudan Referendum Commission*, art. 2.45 (May 2010).

⁶⁴ See UNMIS/EAD Referendum Team, *Draft Internal Regulations of the Southern Sudan Referendum Commission*, art. 2.46 (May 2010).

- (b) Organize the Secretariat General and issue administrative procedures on any matters pertaining to its functions;¹²⁷
- (c) Effectively and efficiently manage the human and financial resources provided the Secretariat General;¹²⁸
- (d) Implement non-discriminatory personnel policies within the Secretariat General that takes into consideration inclusiveness of representation, particularly among women, civil society, and the people of Southern Sudan;
- (e) Open and manage an account for the Commission at the Central Bank of Sudan, the Bank of Southern Sudan or any other bank accredited by Bank of Sudan or the Bank of Southern Sudan, according to generally accepted accounting practices and shall also deposit all the Commission's revenues, at the earliest possible time, into the Commission's account and no amount of money may be withdrawn from the said account except by prior permission from the competent authority, as provided for in Article 208;¹²⁹
- (f) Advise the Commission on all matters within his/her competence;¹³⁰
- (g) Serve as the official channel of communication between the Commission or its individual members, and the Secretariat;¹³¹

¹²⁷ See, e.g., United Nations Mission in Kosovo, *Administrative Direction No. 2003/28 Implementing UNMIK Regulation No. 2000/21 on the Establishment of the Central Election Commission*, art. 2.5(c) (Nov. 15, 2003).

¹²⁸ See, e.g., United Nations Mission in Kosovo, *Administrative Direction No. 2003/28 Implementing UNMIK Regulation No. 2000/21 on the Establishment of the Central Election Commission*, art. 2.5(d) (Nov. 15, 2003).

¹²⁹ See *Southern Sudan Referendum Act* art. 19(3) (2009).

¹³⁰ See UNMIS/EAD Referendum Team, *Draft Internal Regulations of the Southern Sudan Referendum Commission*, arts. 3.5(b) (May 2010).

¹³¹ See UNMIS/EAD Referendum Team, *Draft Internal Regulations of the Southern Sudan Referendum Commission*, arts. 3.5(d) (May 2010).

- (h) Ensure that the Secretariat understands and implements all regulations, plans, programs and other arrangements resulting from the Commission's decisions;¹³²
- (i) Ensure that all Laws and regulations, documents, correspondence, minutes and files of the Commission and the Secretariat are safely recorded and archived;¹³³
- (j) Ensure the safety and maintenance of all assets and inventory of the Commission;¹³⁴
- (k) Ensure that the Secretariat implements all decisions of the Commission and Bureau in a lawful and competent manner;¹³⁵
- (l) Inform the Commission of any administrative or other matter or event that can delay or undermine the referendum or its preparations;¹³⁶
- (m) Provide and safeguard accounting records and balance and administer them regularly according to accepted standards and practices of accounting;¹³⁷ and
- (n) Report to the Commission at each regular and ordinary session the status of the budget and existing and expected expenditures related to the Referendum.

Responsibilities of the Secretariat General

¹³² See UNMIS/EAD Referendum Team, *Draft Internal Regulations of the Southern Sudan Referendum Commission*, arts. 3.7(a) (May 2010).

¹³³ See UNMIS/EAD Referendum Team, *Draft Internal Regulations of the Southern Sudan Referendum Commission*, arts. 3.14 (May 2010).

¹³⁴ See UNMIS/EAD Referendum Team, *Draft Internal Regulations of the Southern Sudan Referendum Commission*, arts. 3.15 (May 2010).

¹³⁵ See UNMIS/EAD Referendum Team, *Draft Internal Regulations of the Southern Sudan Referendum Commission*, arts. 3.18(b) (May 2010).

¹³⁶ See UNMIS/EAD Referendum Team, *Draft Internal Regulations of the Southern Sudan Referendum Commission*, arts. 3.18 (x) (May 2010).

¹³⁷ See *Southern Sudan Referendum Act* art. 19(4) (2009).

148. The Secretariat General shall assume the following duties and powers:
- (a) The Secretariat General shall be responsible for carrying out the executive, administrative, and financial works of the Commission and the Bureau.¹³⁸
 - (b) Notwithstanding Article 148(a), the Secretariat General shall assume the following duties and powers:¹³⁹
 - i. In consultation with the Chairperson and Deputy Chairperson, organize the meetings of the Commission and the Bureau;
 - ii. Provide administrative and logistical support to the Commission and the Bureau;
 - iii. Mobilize and manage resources to support the work of the Commission and the Bureau;
 - iv. Act as a repository of information and knowledge on issues relevant to the work of the Commission and Bureau;
 - v. Maintain a written record of all meetings of the Commission and the Bureau in accordance with Articles 52 and 127;
 - vi. Immediately (within no less than forty-eight (48) hours) send the minutes of any meeting of the Commission or the Bureau to the Commission members, the Bureau members, and the Government Referendum Liaisons in accordance with Articles 54 and 127;
 - vii. Maintain a contact list of people and entities which wish to be informed about the activities of the Commission, and shall make reasonable efforts to inform such people

¹³⁸ See *Southern Sudan Referendum Act* art. 19(2) (2009).

¹³⁹ See *Southern Sudan Referendum Act* art. 19 (2009).

and entities of the Commission's activities after consultation with the Commission Chairperson and Deputy Chairperson;¹⁴⁰

- viii. In consultation with the Commission Chairperson and the Deputy Chairperson, work with Sudanese and international partners and institutions, in particular, those that witnessed the signing of the CPA, to provide relevant assistance and expertise to the Commission and the Bureau;
- ix. Receive documents sent to the Commission and the Bureau and maintain the Commission Register;
- x. Organize and distribute copies of the Commission's Decisions and Regulations in accordance with Article 75; and
- xi. Collect and file dissents in accordance with Articles 81 and 134.

CHAPTER THIRTEEN

Mechanisms of Coordination between the Commission, the Southern Sudan Referendum Bureau, and the Secretariat General¹⁴¹

149. The Chairperson, Deputy Chairperson, and Secretary General shall hold regular meetings twice a month at the Commission's headquarters in Khartoum. The Government Referendum Liaisons may also attend these regular meetings.
150. The Chairperson, Deputy Chairperson, and Secretary General may also hold extraordinary meetings at the invitation of the Chairperson, Deputy Chairperson, or Secretary General.
151. A member of the Secretariat General shall prepare a written record of the meetings provided for in Articles 149 and 150, which the

¹⁴⁰ See, e.g., Independent Electoral Commission of Iraq, *Rules of Procedure of the Board of Commissioners*, art. 3.5, IECI Regulation 01/2004.

¹⁴¹ See *Southern Sudan Referendum Act* art. 14(2)(i) (2009).

Secretariat General shall make available to all Commission and Bureau members within forty-eight (48) hours of the close of each meeting.

152. In addition to the meetings provided for in Articles 149 and 150, the Chairperson, Deputy Chairperson, and Secretary General shall maintain regular correspondences to facilitate coordination between the work of the Commission, the Bureau, and the Secretariat General.
153. In addition to the written record of meetings provided for in Article 151, the Commission may call on the Secretariat General to produce reports on the management and implementation of all matters that are within the responsibility of the Secretariat.¹⁴²

CHAPTER FOURTEEN

Appointment of Chairpersons for the High Committees for Referendum

154. The Commission shall appoint the chairpersons for the High Committees for Referendum upon recommendation made by the Bureau.¹⁴³ All appointments require the approval of the majority of Commission members present.

Role of the Chairperson of the High Committees

155. The Chairperson has the responsibility for the organization and management of the referendum in the state and ensures that the referendum is conducted in accordance with the Act and the regulations and decisions of the Commission and the Bureau. 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;

¹⁴² See UNMIS/EAD Referendum Team, *Draft Internal Regulations of the Southern Sudan Referendum Commission*, arts. 1.26, 1.27 (May 2010).

¹⁴³ See *Southern Sudan Referendum Act* art. 14(2)(r) (2009).

- (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 or the Bureau, whatever the case may be;
- (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 Commission;
- (h) Consolidate the referendum results received from the Sub-Committees and send their result statement to the Bureau;
- (i) Administer the budget of the High Committee, Sub-Committees and referendum centers in accordance with the Regulations and the Decisions of the Commission and the Bureau;
- (j) Implement the system on the settlement of complaint and appeals within his/her competence;
- (k) Train 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; and
- (p) Protect and guarantee the independence and neutrality of the High Committee, Sub-Committees and referendum centers.¹⁴⁴

156. All appointees to the High Committees for Referendum shall satisfy the requirements laid out in Article 22(2) of the Act.

Appointment of Members of the High Committees for Referendum

157. The Commission shall appoint the members of the High Committees for Referendum upon recommendation made by the Bureau.¹⁴⁵ All appointments require the approval of the majority of Commission members present, as well as the majority of Bureau members present.

158. Each High Committee for referendum is composed of a Chairperson and [x] members.¹⁴⁶

159. All appointees to the High Committees for Referendum shall satisfy the requirements laid out in Article 22(2) of the Act, and take the oath provided for in Article 22(7) of the Act.¹⁴⁷

160. Members of the High Committees shall be available on a full time basis.¹⁴⁸

161. One month before referendum day, the High Committee, at the suggestion of the Sub-Committee, may appoint two or more

¹⁴⁴ See UNMIS/EAD Referendum Team, *Draft Internal Regulations of the Southern Sudan Referendum Commission*, art. 4.14 (May 2010).

¹⁴⁵ See *Southern Sudan Referendum Act* art. 14(2)(s) (2009).

¹⁴⁶ See UNMIS/EAD Referendum Team, *Draft Internal Regulations of the Southern Sudan Referendum Commission*, arts. 1.26, 1.27 (May 2010).

¹⁴⁷ See *Southern Sudan Referendum Act* art. 22(7) (2009); see also UNMIS/EAD Referendum Team, *Draft Internal Regulations of the Southern Sudan Referendum Commission*, art. 4.11 (May 2010).

¹⁴⁸ See UNMIS/EAD Referendum Team, *Draft Internal Regulations of the Southern Sudan Referendum Commission*, art. 4.12 (May 2010).

permanent full time staff members, as required, to receive training and carry out polling/counting operations.¹⁴⁹

Functions and Powers of the High Committees for Referendum

162. The functions and powers of the High Committees for Referendum are as provided for in Articles 22(6) and 23 of the Act, and shall be exercised in accordance with the CPA, the INC, the ICSS, the Act, and these Internal Regulations. The High Committee for Referendum shall be accountable to the Bureau in performing the powers provided for in Articles 22(6) and 23 of the Act.¹⁵⁰
163. The High Committees for Referendum shall exercise its functions and powers in cooperation with the Government of Sudan and the Government of Southern Sudan.

Meetings of the High Committees

164. Members of the High Committees shall aim to take all decisions by consensus. Alternatively, and unless otherwise provided for in these Internal Regulations or any other Regulations the Commission or Bureau promulgates, the decisions of the High Committees shall be taken by a majority of the votes of the members present. If the votes are equal, the Chairperson of the meeting shall have a casting vote, provided that the quorum is present.¹⁵¹

CHAPTER FIFTEEN

Appointment of the Chairpersons and Members of the Sub-Committees in the states of Southern Sudan

165. The Bureau shall appoint the chairpersons and members of the sub-committees in the states of Southern Sudan upon recommendation made by the Chairperson of High Committees in Southern Sudan

¹⁴⁹ See UNMIS/EAD Referendum Team, *Draft Internal Regulations of the Southern Sudan Referendum Commission*, art. 4.33 (May 2010).

¹⁵⁰ See *Southern Sudan Referendum Act* art. 22(5) (2009).

¹⁵¹ See *Southern Sudan Referendum Act* art. 15(3) (2009).

states.¹⁵² All appointments require the approval of the majority of the Bureau members present.

166. All appointees to the sub-committees in the states of Southern Sudan shall satisfy the requirements laid out in Article 22(2) of the Act.¹⁵³
167. Each Sub-Committee shall be composed of a Chairperson and [x] members.¹⁵⁴
168. Members of the Sub-Committees shall be available on a full time basis.¹⁵⁵

CHAPTER SIXTEEN

Referendum Staff

169. As provided for in the Act and these Internal Regulations, the Commission or the Bureau, whichever the case may be, shall recruit and appoint referendum staff, taking into account inclusiveness of representation, particularly among women, civil society, and the people of Southern Sudan.¹⁵⁶ The Commission or the Bureau, whichever the case may be, shall hire referendum staff based on merit, and ensure such staff is representative of the population it serves.
170. The Commission shall determine, in consultation with the Deputy Chairperson and Secretary General, the conditions of service, remuneration, allowances, subsidies, and other benefits of the referendum staff.¹⁵⁷
171. Officials and staff members of the Commission shall be paid in Sudanese Pounds at the end of each calendar month.¹⁵⁸

¹⁵² See *Southern Sudan Referendum Act* art. 18(d) (2009).

¹⁵³ See *Southern Sudan Referendum Act* art. 23(4) (2009).

¹⁵⁴ See UNMIS/EAD Referendum Team, *Draft Internal Regulations of the Southern Sudan Referendum Commission*, art. 4.19 (May 2010).

¹⁵⁵ See UNMIS/EAD Referendum Team, *Draft Internal Regulations of the Southern Sudan Referendum Commission*, art. 4.22 (May 2010).

¹⁵⁶ See *Southern Sudan Referendum Act* arts. 14(2)(n), 18(3)(d) (2009).

¹⁵⁷ See *Southern Sudan Referendum Act* art. 14(2)(n) (2009).

¹⁵⁸ See UNMIS/EAD Referendum Team, *Draft Internal Regulations of the Southern Sudan Referendum Commission*, art. 9.33 (May 2010).

172. Some officials and staff members of the Commission may be paid on the pro rata basis of the time they worked, as determined by the Commission.¹⁵⁹
173. After being appointed, each official and staff member shall sign an employment contract prepared by the Secretariat General.¹⁶⁰
174. In principle, each employee shall be entitled to one (1) day off per week for rest except during the operation of referendum work.¹⁶¹
175. Each employee shall not work overtime if not authorized by the Commission, the Bureau, or the High Committee.¹⁶²
176. Every staff member shall have their attendance taken every working day in the attendance sheet and this sheet shall be given to the Secretariat General in the last 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.¹⁶³
177. Every staff member shall work eight (8) hours a day and six (6) days a week except during the periods of the registration of voters, polling and counting, where they shall work seven (7) days a week.¹⁶⁴
178. Regular working hours shall start from 8:00 a.m. to 4:00 p.m.¹⁶⁵
179. Every official and staff member may work more than forty-eight hours a week as necessary and as determined by the Commission.¹⁶⁶

¹⁵⁹ See UNMIS/EAD Referendum Team, *Draft Internal Regulations of the Southern Sudan Referendum Commission*, art. 9.34 (May 2010).

¹⁶⁰ See UNMIS/EAD Referendum Team, *Draft Internal Regulations of the Southern Sudan Referendum Commission*, art. 9.24 (May 2010).

¹⁶¹ See UNMIS/EAD Referendum Team, *Draft Internal Regulations of the Southern Sudan Referendum Commission*, art. 9.26 (May 2010).

¹⁶² See UNMIS/EAD Referendum Team, *Draft Internal Regulations of the Southern Sudan Referendum Commission*, art. 9.27 (May 2010).

¹⁶³ See UNMIS/EAD Referendum Team, *Draft Internal Regulations of the Southern Sudan Referendum Commission*, art. 9.28 (May 2010).

¹⁶⁴ See UNMIS/EAD Referendum Team, *Draft Internal Regulations of the Southern Sudan Referendum Commission*, art. 9.29 (May 2010).

¹⁶⁵ See UNMIS/EAD Referendum Team, *Draft Internal Regulations of the Southern Sudan Referendum Commission*, art. 9.30 (May 2010).

Duties

180. Referendum staff at each level of the Commission's structure shall organize and assist in all the procedures relating to registration, polling, sorting, counting, aggregation and announcing of the results, as the case may be.¹⁶⁷
181. Referendum staff at each level of the Commission's structure have a duty to:
- (a) Remain impartial;
 - (b) Refrain from publicly expressing their opinions regarding the possible or actual outcome of the referendum until after all challenges and appeals have been resolved and the final decision is known;
 - (c) Respect, abide by, and implement within their competencies the provisions of the CPA, the INC, the ICSS, and the Act; and
 - (d) Refrain from contravening the Act, these Internal Regulations, or any other Regulations the Commission or Bureau issues.

Powers

182. As necessary, the Commission shall issue separate regulations providing for the powers of referendum staff.¹⁶⁸ Regulations providing for the powers of the staff of the Bureau, the Referendum High Committees, the Referendum Sub-Committees, and the Referendum Centers shall be subject to the approval of the majority of the Bureau members present.

Delegation should be by Act

¹⁶⁷ See UNMIS/EAD Referendum Team, *Draft Internal Regulations of the Southern Sudan Referendum Commission*, art. 9.31 (May 2010).

¹⁶⁸ See *Southern Sudan Referendum Act* art. 24 (2009).

¹⁶⁹ See *Southern Sudan Referendum Act* art. 14(2)(n) (2009).

CHAPTER SEVENTEEN

Formation of the Referendum Centers Committees

183. Pursuant to Articles 23(2) and 27(1) of the Act, the High Committee shall form, upon recommendation by the Sub-Committee and in consultation with the Commission and the Bureau, Referendum Centers Committees shall be formed in the counties of Southern Sudan to conduct the registration, polling, sorting, counting, and declaration of the results.¹⁶⁹
184. Pursuant to Articles 23(3) and 27(2) of the Act, the Commission may create, in consultation with the Bureau and the approval of the Chair and Deputy Chair Referendum Centers Committees in other locations, that is, those referendum centers established by the Commission, out of necessity, outside Southern Sudan in the areas densely populated by Southern Sudanese citizens, namely Northern Sudan, Ethiopia, Kenya, Uganda, Australia, Britain, United States of America, Canada, and Egypt.¹⁷⁰
185. All appointees to the Referendum Centers Committees shall satisfy the requirements laid out in Article 22(2) of the Act.¹⁷¹
186. All members of the Referendum Center Committees shall attend the training provided by the Sub-Committee or the High-Committee on all procedures relating to their duties and obligations.¹⁷²
187. The members of the referendum centers must be available on a full time basis as per the schedule determined by the Commission.¹⁷³

Formation of the Referendum Register Objections Committees

188. Pursuant to Article 30(2) of the Act, the Chief of the Referendum Center Committee in each Referendum Center in Southern Sudan

¹⁶⁹ See *Southern Sudan Referendum Act* art. 23(2) (2009).

¹⁷⁰ See *Southern Sudan Referendum Act* art. 2 (2009).

¹⁷¹ See *Southern Sudan Referendum Act* art. 23(4) (2009).

¹⁷² See UNMIS/EAD Referendum Team, *Draft Internal Regulations of the Southern Sudan Referendum Commission*, art. 4.30 (May 2010).

¹⁷³ See UNMIS/EAD Referendum Team, *Draft Internal Regulations of the Southern Sudan Referendum Commission*, art. 4.31 (May 2010).

shall appoint a Referendum Register Objections Committee to consider objections to the preliminary referendum register. All appointments require the approval of the majority of the Bureau members present.¹⁷⁴

189. Pursuant to Article 30(2) of the Act, the Chief of the Referendum Center Committee in each Referendum Center established in other locations shall appoint a Referendum Register Objections Committee to consider objections to the preliminary referendum register. All appointments require the approval of the majority of the Commission members present as well as the Deputy Chair.
190. All appointees to the Referendum Register Objections Committees shall satisfy the requirements laid out in Article 22(2) of the Act.¹⁷⁵

Formation of the Media Committee

191. Pursuant to Article 45(4) of the Act, the Commission shall appoint, in consultation with the Bureau, the Government of Sudan, and the Government of Southern Sudan, an independent and impartial Media Committee to launch an information campaign for the education and enlightenment of the Sudanese people, in general, and Southerners, in particular, on the referendum procedures. All appointments require the approval of the majority of Commission members present, as well as the majority of Bureau members.¹⁷⁶ The Media Committee shall be based in Juba.¹⁷⁷
192. To ensure transparency, the Commission shall appoint a spokesperson to make public statements and notifications in the name of the Commission.¹⁷⁸
193. To ensure transparency, the Bureau shall appoint a spokesperson to make public statements and notifications in the name of the Bureau.¹⁷⁹

¹⁷⁴ See *Southern Sudan Referendum Act* art. 30(2) (2009).

¹⁷⁵ See *Southern Sudan Referendum Act* art. 23(4) (2009).

¹⁷⁶ See *Southern Sudan Referendum Act* art. 45(4) (2009).

¹⁷⁷ See UNMIS/EAD Referendum Team, *Draft Internal Regulations of the Southern Sudan Referendum Commission*, arts. 1.47 (May 2010).

¹⁷⁸ See UNMIS/EAD Referendum Team, *Draft Internal Regulations of the Southern Sudan Referendum Commission*, arts. 1.51 (May 2010).

194. The spokesperson for the Commission shall convene, in coordination with the Media Committee, a press conference no less than once a month to inform the public of its work and progress. The spokesperson for the Commission shall also, in coordination with the Media Committee, be responsible for issuing press releases for the Commission.¹⁸⁰
195. The spokesperson for the Bureau shall convene, in coordination with the Media Committee, a press conference no less than once a month to inform the public of its work and progress. The spokesperson for the Bureau shall also, in coordination with the Media Committee, be responsible for issuing press releases for the Bureau.¹⁸¹
196. Notwithstanding Article 29(j), individual members of the Commission other than the Chairperson or Deputy Chairperson cannot represent or speak in the name of the Commission without first obtaining permission from the Commission itself through the Chairperson and/or Deputy Chairperson.¹⁸²

Formation of Observation Committees

197. Pursuant to Article 61(2) of the Act, the Commission shall appoint, in coordination with the Bureau, the Government of Sudan, and the Government of Southern Sudan, Observation Committees from:¹⁸³
- (a) Legal counselors at the Ministry of Justice, Ministry of Legal Affairs, and Constitutional Development of the Government of Southern Sudan, as the case may be;
 - (b) Ex-public service employees or persons of the society, who are known for uprightness, truth, and honesty;

¹⁷⁹ See UNMIS/EAD Referendum Team, *Draft Internal Regulations of the Southern Sudan Referendum Commission*, arts. 1.51 (May 2010).

¹⁸⁰ See UNMIS/EAD Referendum Team, *Draft Internal Regulations of the Southern Sudan Referendum Commission*, arts. 1.54 (May 2010).

¹⁸¹ See UNMIS/EAD Referendum Team, *Draft Internal Regulations of the Southern Sudan Referendum Commission*, arts. 1.54 (May 2010).

¹⁸² See UNMIS/EAD Referendum Team, *Draft Internal Regulations of the Southern Sudan Referendum Commission*, arts. 1.53 (May 2010).

¹⁸³ See *Southern Sudan Referendum Act* art. 61(2) (2009).

- (c) Civil society organizations, press, and the media; and
 - (d) Local, regional, and international observers.
198. Candidates for the Observation Committees shall meet the requirements of the Commission's rules to regulate the accreditation of observers.
199. All appointments to the Observation Committees require the approval of the majority of Commission members present, as well as the majority of Bureau members present.¹⁸⁴
200. The Commission may only cancel the formation of an Observation Committee in Southern Sudan or revoke the accreditation of a member of any such Observation Committee, if it is proven he/she committed any breach of the Act or the Regulations, upon recommendation of the Bureau, made pursuant to the approval of a majority of Bureau members present, and on the advice of the High Committee in the state concerned.¹⁸⁵
201. The Commission may only cancel the formation of Observation Committees in other locations or revoke the accreditation of a member of any such Observation Committee, if it is proven he/she committed any breach of the Act or the Regulations, upon recommendation of the Chairperson of the Referendum Center Committee in the relevant location.¹⁸⁶

CHAPTER EIGHTEEN

Budget

202. The Commission shall have an independent budget to be prepared according to the standards provided for in Article 20 of the Act and adopted by the Commission during the first four regular and ordinary meetings. Such budget shall be approved no later than the Commission's fourth regular and ordinary meeting and submitted by

¹⁸⁴ See *Southern Sudan Referendum Act* art. 61(2) (2009).

¹⁸⁵ See *Southern Sudan Referendum Act* art. 63(1) (2009).

¹⁸⁶ See *Southern Sudan Referendum Act* art. 63(2) (2009).

the Chairperson of the Commission to the Presidency of the Republic for inclusion within the annual general budget of the state.¹⁸⁷

203. The Government of Sudan, the Government of Southern Sudan, and the International Community shall be responsible for providing the Commission with the funds necessary to support its operation costs and the costs of the referendum.¹⁸⁸ The Commission may accept donations from the International Community with a value up to [x] with the approval of the Chairperson and Deputy Chairperson. The Commission may accept donations from the International Community with a value up to [x] with the approval of a majority of the Commission members present.¹⁸⁹
204. The Commission shall ensure its budget provides the Bureau, the Secretariat General, and the Committees established pursuant to the Act and these Internal Regulations sufficient funds to carry out their respective functions, powers, and responsibilities.
205. The Commission's budget, approved in accordance with Article 202, shall be independent and *prepared* in accordance with the Financial and Accounting Procedures Act in force and the regulations made there under.¹⁹⁰
206. The Chairperson of the Commission shall present the Commission's budget to the Presidency of the Republic for inclusion within the annual general budget of the state.¹⁹¹
207. Pursuant to Article 21 of the Act, the National Audit Chamber or its authorized representative under its supervision shall audit the accounts of the Commission at the end of each fiscal year and following the end of the referendum for submission to the National Assembly.¹⁹²

¹⁸⁷ See *Southern Sudan Referendum Act* arts. 14(2)(o), 16(1)(f), & 20(1) (2009).

¹⁸⁸ See *Southern Sudan Referendum Act* art. 64 (2009).

¹⁸⁹ See, e.g., Central Elections Commission of Albania, *Regulation on Organization and Functioning of the Central Elections Commission*, art. 53.

¹⁹⁰ See *Southern Sudan Referendum Act* art. 20 (2009).

¹⁹¹ See *Southern Sudan Referendum Act* art. 20(1) (2009).

¹⁹² See *Southern Sudan Referendum Act* art. 21 (2009); see also UNMIS/EAD Referendum Team, *Draft Internal Regulations of the Southern Sudan Referendum Commission*, art. 1.46 (May 2010).

208. The Chairperson and the Deputy Chairperson, in accordance with the budget of the Commission approved pursuant to Article 202, shall each serve as the “competent authority” identified in Article 19(3) of the Act and as such, have the authority to request that the Secretary General to withdraw funds from the Commission’s bank accounts for the financing of referendum operations.
209. Any requests for withdrawals in excess of [x] made by the Chairperson to carry out Commission activities shall be subject to the approval of a majority of the Commission members present. Any requests for withdrawals in excess of [x] made by the Deputy Chairperson for purposes of carrying out Bureau activities shall be subject to the approval of a majority of the Bureau members present.

The following matrix of issues has been prepared in draft form for consideration and further development by Sub-Committee One: Referendum Preparation

<u>Referendum Preparation</u>	
<p>Overall Role of the Sub-Committee:</p> <ul style="list-style-type: none"> • Ensure that the GoSS is prepared to engage in the Southern Sudan Referendum in an effective and coordinated manner • Examine the mechanisms for GoSS engagement in the referendum as pursuant to the Southern Sudan Referendum Act and role as government of the territory affected by the referendum. • Act as the GoSS focal point for the Southern Sudan Referendum Commission and Southern Sudan Referendum Bureau and international community, and coordinate with these entities as necessary and appropriate on referendum-related planning and activities • Where appropriate and within its competencies, assist in realizing a free and fair Abyei Area Referendum. <p><i>The Act provides the GoSS with broad powers and responsibilities regarding preparations for the Referendum – some of which are meant to be exercised independently of the Commission, others which should ideally be exercised in cooperation with the Commission, and others that will be subject to Commission regulations, procedures, guidelines or instructions in the future.</i></p>	
<ul style="list-style-type: none"> • Southern Sudan Referendum Commission and Bureau 	<ul style="list-style-type: none"> • Cooperate with the Commission by <i>providing</i> draft language for regulations, procedures and guidelines and <i>commenting</i> on regulations, procedures and guidelines drafted by the Southern Sudan Referendum Commission (“Commission”) and/or the Bureau. • Discuss with the Commission and the UNMIS on set up of Southern Sudan Referendum Bureau (“Bureau”) in Juba (provision of office space, staffing, responsibilities of Bureau) and any regulations related to the responsibilities and functions of the Bureau. • Conduct further analysis of specific provisions for GoSS involvement in referendum in the Southern Sudan Referendum Act and regulations. • Assist the Commission and Bureau in process of recruiting staff and referendum officials throughout South Sudan and in other locations.
<ul style="list-style-type: none"> • Budget 	<ul style="list-style-type: none"> • Coordinate, along with the Ministry of Finance, GoSS provision of funding and logistical support for the referendum. • Work with Ministry of Finance to track GoSS expenditures. • Map expected donor support of GoSS for referendum. • Engage with international donors on possible additional funding for activities in Southern Sudan and in other locations (civic education, provision of logistical support (see below), etc). • Coordinate with Commission and GoS in requesting support from the international community for the Commission. • Work with GoSS Missions abroad and the international community on funding for “other location” voting.
<ul style="list-style-type: none"> • Civic and Voter Education 	<ul style="list-style-type: none"> • Work with the SS Referendum Commission and Bureau to feed into their civic and voter education strategies and the implementation of such strategies as appropriate. • Engage with civic groups and international NGOs both in Sudan and abroad on related activities as appropriate. • Coordinate with Diaspora and GoSS Missions on civic education outside Sudan as appropriate. • Design objective messaging strategy for GoSS on the need for a free and fair referendum and respect for the outcome.
<ul style="list-style-type: none"> • Security 	<ul style="list-style-type: none"> • Work with relevant GoSS institutions to establish Southern “Security Committees” required by the Act; work with Commission on the appropriate “instructions” to the Security Committees in the North and South (as required by the Act) • Coordinate with relevant ministries and institutions (alone and with the

Potential Areas of UNMIS Engagement in the Southern Sudan Referendum Process, to be provided directly to the Commission

(6 July 2010)

The following list details potential areas in which UNMIS may provide assistance to the Southern Sudan Referendum Commission (Commission) *without necessarily effecting a change to UNMIS's current mandate*. This list is derived from broad and specific language found in the UN SOFA for Sudan, UN Security Council Resolutions on Sudan, and to a lesser extent, the UN Secretary General's reports on Sudan. Keep in mind that the UN cannot impartially "observe" the Referendum while also participating in its administration, and if it was to assume a "monitoring or verification" role the research indicates that an additional mandate would be required via the UN Security Council. If the latter is desired, it must be made clear that pursuit of the additional "monitoring and verification" mandate should not come at the expense or delay of the UN's performance of the other Referendum preparations and support listed below and within its existing mandate:

1. Overall technical Assistance and Guidance in support of preparation and implementation of the Referendum (UNSC 1590);
2. Advisory Role for Security in the North and South (Security Committees plus direct advice to its components from the Northern and Southern Police and National Security Services);
3. Consultation with international community and the GoS and GoSS on effective deployment of UN peace keeping forces currently throughout Northern and Southern Sudan;
4. Consultation with international community on participation in and support of referendum processes;

5. Encourage international observers to put up candidates for certification by the Commission as observers (suggest international entities to the Commission);
6. Training the judiciary and legal counselors throughout the nation in handling appeals concerning both the registration and polling processes and the referendum results themselves;
7. Transportation of registration and polling materials as well as information related to the Commission's official "Information Program" (providing for voter education);
8. Technical assistance in the form of helping the Commission in *drafting* regulations on, among other things:
 - a. Commission's internal procedures;
 - b. Voter eligibility (elaboration on secs. 25 and 27);
 - c. Issuance of registration cards;
 - d. Aggregation of preliminary and final referendum register (including both verification of names and threshold quorum);
 - e. Determination of the location of registration and polling stations (with emphasis on placing registration and polling stations at the same locations and ensuring voters register and vote at the same station)
 - f. Polling procedures, including those related to maintaining the secrecy of the vote and assisting voters with special needs (disable, illiterate);
 - g. Accreditation of observers;
 - h. Information Program;
 - i. Sorting, counting, and aggregation of ballots, including confirmation of both the approval and turnout quorums
 - j. Design of the ballot;
 - k. Referendum Center procedures, including proper daily opening and closing procedures;
 - l. Appeals against the preliminary referendum register;
 - m. Appeals against the preliminary referendum results;
 - n. Secretariat General/Secretary General;
 - o. Any change to, cancellation of, or extension of the polling period; and
 - p. Hiring of referendum staff.
9. Provide to the Commission a list of Sudanese who worked for the NEC during elections;
10. Dissemination of information regarding the referendum, including, but not limited to the following (as per paras. 11 and 12 of the SOFA

relate to UN mandate in distributing information related to CPA implementation):

- a. The contents of the information program;
 - b. The location of referendum centers;
 - c. Voter rights and duties under the Act;
 - d. The opening and closing time of referendum centers; and
 - e. Referendum rolls (preliminary and final);
 - f. Any changes, due to insecurity or otherwise, to the referendum procedures/timeline;
11. Develop and recommend the budget for the Referendum operations and transmit it for approval by the appropriate Sudanese bodies and where applicable, the United Nations;
 12. Ensure employment of adequate UN referendum officials at the national, regional, state, and county levels; and
 13. Provide support and technical assistance in drafting an implementation plan for the Commission (including the Southern Sudan Referendum Bureau), and perhaps the Government of Sudan and Government of Southern Sudan regarding how to carry out their respective duties and obligations under the Act and actively assist in carrying out the same.



United Nations Mission in Sudan (UNMIS) Mandate and the Southern Sudan Referendum

June 2010

Prepared at the request of the Government of Southern Sudan, this document contains provisions of United Nations operating documents which describe the mandate of the United Nations Mission in Sudan (UNMIS) as it might relate to UNMIS's future involvement in the Southern Sudan Referendum process. Specifically, this document provides excerpts from some of the applicable United Nations (UN) Security Council resolutions and the *Agreement between the Government of Sudan and the United Nations concerning the Status of the United Nations Mission in Sudan* (UNMIS SOFA) that appear to provide for or allow UNMIS to conduct certain activities related to the Southern Sudan Referendum (including activities related to information dissemination, security, technical and logistical support, etc).¹ These provisions can be interpreted narrowly or broadly to allow for UNMIS to play some part, small or large, in the organization of the Southern Sudan Referendum --without the UN and its Security Council first revising UNMIS's mandate and SOFA. (Of course, additional budget allocations is another matter).

UN Security Council Resolution 1590, S/RES/1590 (2005)

UN Security Council Resolution 1590 established UNMIS and contains its mandate.

Paragraph 4(a)(vii)

¹ This document does not contain an exhaustive list of provisions contained in UN documents related to UNMIS's potential involvement in the Southern Sudan Referendum. Rather, this document focuses on UNMIS's mandate, SOFA, and the most recent UN Security Council Resolution extending UNMIS's mandate. PILPG has compiled and is able to provide further provisions of prior UN Security Council Resolutions extending UNMIS's mandate as well as UN Secretary General Reports on UNMIS, all of which may be relevant to the potential role UNMIS may play in the referendum.

4(a) *Decides* that the mandate of UNMIS shall be the following:

- (vii) To assist the parties to the Comprehensive Peace Agreement, in coordination with bilateral and multilateral assistance programmes, in restructuring the police service in Sudan, consistent with democratic policing, to develop a police training and evaluation programme, and to otherwise assist in the training of civilian police.

Paragraph 4(a)(x)

4(a) *Decides* that the mandate of UNMIS shall be the following:

- (x) To provide guidance and technical assistance to the parties to the Comprehensive Peace Agreement, in cooperation with other international actors, to support the preparations for and conduct of elections and referenda provided for by the Comprehensive Peace Agreement.

Paragraph 16(i)

16. Acting under Chapter VII of the Charter of the United Nations,

- (i) *Decides* that UNMIS is authorized to take the necessary action, in the areas of deployment of its forces and as it deems within its capabilities, to protect United Nations personnel, facilities, installations, and equipment, ensure the security and freedom of movement of United Nations personnel, humanitarian workers, joint assessment mechanism and assessment and evaluation commission personnel, and, without prejudice to the responsibility of the Government of Sudan, to protect civilians under imminent threat of physical violence.

Agreement between the Government of Sudan and the United Nations concerning the Status of the United Nations Mission in Sudan (UNMIS SOFA)

The UNMIS SOFA provides for the status of UNMIS in Sudan, including the rights, privileges, and immunities UNMIS and its personnel.

Paragraph 5

5. UNMIS and its members shall respect all local laws and regulations.

Paragraphs 11(a) & (b)

11. Subject to the provisions of paragraph 10 [which provides UNMIS with the ability to enjoy facilities in respect to communication, and stipulates that any issues that may arise with respect to communications shall be dealt with pursuant to the relevant provisions of the SOFA]:
 - (a) UNMIS shall have the right to establish, install and operate United Nations radio stations under its exclusive control to disseminate to the public in Sudan information relating to its mandate. Programmes broadcast on such stations shall be under the exclusive editorial control of UNMIS and shall not be subject to any form of censorship...
 - (b) UNMIS shall have the right to disseminate to the public in Sudan information relating to its mandate through official printed materials and publications, which UNMIS may produce itself or through private publishing companies in Sudan. The content of such materials and publications shall be under the exclusive editorial control of UNMIS and shall not be subject to any form of censorship...

Paragraph 12

12. UNMIS, its members and contractors, together with their property, equipment, provisions, supplies, materials and other goods, including spare parts, as well as vehicles, vessels and aircraft, including the vehicles, vessels and aircraft of contractors used exclusively in the performance of their services for UNMIS, shall enjoy full and unrestricted freedom of movement without delay throughout Sudan by the most direct route possible, without the need for travel permits of prior authorization or notification, except in the case of movements by air, which will comply with the customary procedural requirements for flight planning and operations within the airspace of Sudan as promulgated and specifically notified to UNMIS by the Civil Aviation Authority of Sudan. This freedom shall, with respect to large movements of personnel, stores, vehicles or aircraft through airports or on railways or roads used for general traffic within Sudan, be coordinated with the Government. The Government shall, where necessary, provide UNMIS with maps and other information, including maps of and information on the location of minefields and other dangers and impediments, which may be useful in facilitating UNMIS's movements and ensuring the safety and security of its members.

Paragraph 59

59. The Special Representative and the Government may conclude supplemental arrangements to the present Agreement.

UN Security Council Resolution, 1870, S/RES/1870 (2009)

Paragraph 12

Recalls the CPA's provision for referenda, including the parties' responsibility to pursue efforts to make unity attractive, and reaffirming UNMIS' support for these efforts, requests that UNMIS be prepared to provide assistance to the parties, if requested, to support preparations for a Referendum in 2011.

UN Security Council Resolution 1919, S/RES/1919 (2010)

UN Security Council Resolution 1919 is the most recent resolution the Security Council has passed extending UNMIS's mandate. UNMIS's current mandate is, pursuant to Resolution 1919, in effect until April 30, 2011, at which time the Security Council may vote to renew the mandate for an additional period, if necessary.

Chapeau Paragraph 5

Stressing the importance of the full implementation of the Comprehensive Peace Agreement (CPA) of 9 January 2005, including, in particular, the importance of pursuing further efforts to make unity attractive and respecting the right to self-determination of the people of South Sudan to be exercised through a referendum to determine their future status.

Paragraph 3

3. *Additionally requests* the Secretary General to provide in his quarterly reports information including (1) a detailed plan of measures UNMIS is taking to support the referenda and popular consultation processes, consistent with paragraph 7 below, including lessons learned from the 2010 elections (2) the status of United Nations engagement with the parties to the CPA and the parties' progress concerning the critical tasks that will need to be accomplished post-referendum and, as appropriate, information on (3) UNMIS' planning in consultation with the parties concerning the United Nations presence in Sudan post Interim period.

Paragraph 7

7. *Recalls* the CPA's provision for referenda, as well as the parties' responsibility to pursue efforts to make unity attractive, *reaffirms* UNMIS' support for these activities, *requests* that UNMIS be prepared to play a lead role in international efforts to provide assistance, as requested, to support preparations for the referenda in 2011, including in

consultation with those member states able and willing to provide support, an advisory role related to security arrangements for the referenda, and *urges* the international community to provide technical and material assistance, including referenda observation capacity, as requested by the relevant Sudanese authorities to support the referenda and popular consultations.

See also the following excerpts from the UN Secretary General's reports on Sudan:

Secretary General Report, S/2010/168 (2010)

Paragraph 25

In this context, strengthening of the electoral component of UNMIS, in addition to the retention and the redeployment of personnel recruited in support of the elections, would enhance technical support to the Referendum Commissions at multiple levels. In addition, UNMIS is planning to provide logistical assistance, particularly in the transportation of material, similar to the level of support provided for the elections.

Secretary General Report, S/2010/168 (2010)

Paragraph 26

With respect to referenda security...the police component of UNMIS will play an active role in advising the Southern Sudan Police Service and Abyei local police on arrangements to ensure a peaceful environment for the referenda...