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INTERNAL MEMO

To: **Commissioner, Peace and Security** **AULOS-K:**
Ag. Director, Peace and Security

From: **Head, AU-LOS** **Date: 17 May 2010**

Subject: **Transmittal of final report of Southern Sudan Political Parties' Council (PPC)** **Ext : 201**

Please find attached the final report prepared by the Political Parties' Council (PPC) that was established pursuant to the adoption of the Electoral Code of Conduct by parties contesting the recent elections in Southern Sudan.

The report makes a number of recommendations regarding follow-up as the south approaches the referendum. I believe that we need seriously to consider ways of supporting a reconfigured PPC to ensure that the political space in the south continues to expand, and also to operate as a dispute-resolution and confidence-building measure in Southern Sudan. The AU-LOS is in the process of preparing a project proposal that would be submitted to funding partners for the necessary support, and will submit it to you as soon as it has been finalized.

Thank you.

Copy: All members, AUHIP
Experts, AUHIP

Political Parties Council of Southern Sudan

Executive and Legislative Elections in Southern Sudan

April 2010

PPC Final Report

Prepared by the PPC Team in Juba

May, 2010

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Acknowledgement

The PPC executive and the PPC general assembly, the case workers and the administrator, are highly indebted to our partners: the AU for providing guidance and technical support, the UNDP and IOM for offering the logistical support, and to the Chairman of AU High Implementation Panel for Sudan (AU-HIP), President Thabo Mbeki and President Pierre Buyoya for physically giving us hearing and listening to our difficulties, problems and challenges during the April 2010 Sudan General Elections, and guiding us on the way forward.

The PPC recognizes the role of the AU monitors who constantly kept checking on us all throughout the elections period, and providing the technical support in time.

Political Parties Council of Southern Sudan

Beijing Juba Hotel, Villa I

Date: 2nd May, 2010

Executive and Legislative Elections in Southern Sudan

April 2010

PPC Final Report:

Subsequent to our PPC's Preliminary Report released on 24th April, 2010; and within our mandate as stipulated in the Electoral Code of Conduct, The PPC Executive Committee, having carried out its obligation in monitoring and observing the process of elections from the campaign, polling, counting and declaration of the results, are hereby compiling its final report on the overall electoral process.

In the context of the Code of Conduct as stipulated in PPC's Mandate¹ and the Declaration of Common Commitment made by all the political parties signatories to the Electoral Code of Conduct made in Nyakuron, Juba; on 2nd of March 2010, the PPC hereby renders its final report comprising of activities it has been able to carry out, such as: observing, monitoring, receiving, analyzing, and identifying as violations of Electoral Laws which amount to the breach of Electoral Code of Conduct². The content of this report covers reported cases gathered from political parties, candidates and agents and voters, across the ten States of Southern Sudan.

¹ It is worth noting that Political Parties Council (PPC) mandate be extended to include the post-election and Referendum periods to complement the tasks of educating and sensitizing the masses on referendum issues

² See the Electoral Code of Conduct as

1. The Campaign Period:

1.1 Generally, the campaign period started in earnest on 10th March, 2010; until the 9th April, 2010. During this phase there were no serious cases reported to the PPC Office. This period progressed peacefully all through with exception of incidences of harassments, intimidation and arrest of Party Candidates and agents, mainly by security operatives. These incidents were not reported or brought to the attention of the PPC.

2. The Polling, Counting and Results Announcement Period:

2.1 During the Polling period, problems and challenges that occurred demonstrated how inadequately prepared NEC was to manage the Election. These are exemplified in the following:

2.1.1 Polling stations were not clearly designated to the voter registration centres.

2.1.2 Misplacement of voter registration lists in most centres across the ten states of Southern Sudan

2.1.3 There was a phenomenal mis-spelling, reversal in the order of voters' names resulting in a state of confusion, which lead to voters walking long distances between polling centres in search of their names

2.1.4 Misplacement of ballot papers, and provision of fewer ballot papers in some center and more in others

2.1.5 Late delivery of electoral materials and late opening of some polling stations, resulting in late opening of these stations or centres. This led to the extension of the voting period for two more days.

2.1.6 Allegation of vote rigging, harassment, intimidation of candidates, agents and polling officials in some stations in many states

2.1.7 Allegations of barring candidates and their agents away from their constituencies

2.2 In the context of the Code of Conduct as stipulated in PPC's Mandate and the declaration of Common Commitment made by all the political parties signatory to Code made in Nyakuron, Juba; on 2nd of March 2010; the PPC hereby highlights what it has been able to observe, monitor, receive, analyze and identify as infringement of Electoral Laws and therefore amounting to the breach of Electoral Code of Conduct. The following are the main problem areas so far received:

2.2.1 Complaints directed against National Election Commission³

2.2.2 Complains directed against Political Parties⁴

2.2.3 Complaints directed against Armed Forces and Security Agencies⁵

3. The Counting period:

3.1 Principally, counting should have been conducted at the end of every polling day, however; this rule was changed by NEC and counting was deferred to the end of the polling period i.e. the fifth day. This new rule ushered in a number of uncertainties and challenges concerning:

3.1.1 Difficulty in safe keeping of the ballot boxes and election materials, opening ways for vote rigging, manipulation of ballot papers and votes etc.

3.1.2 The security aspects of the polling centres became a nightmare to NEC and Local Authorities. As there was no guarantee that ballot boxes and materials could not be tempered with by any party

³ Refer to the PPC Preliminary Report issued on 18th April, 2010

⁴ Ibid.

⁵ Ibid.

3.1.3 NEC remained silent and distanced itself from the media which resulted in lack of information to the public about the management of the whole counting process.

3.1.4 Extension of the polling period by NEC was not necessitated by the lack of time as the three initial polling days were sufficient to allow voters to cast their votes. However, NEC responded to the call of some parties by increasing the polling period by two days.

4. The Announcement of Results:

4.1 Results were expected to be announced by the end of the counting period i.e. the 11th days, but it was suddenly deferred to Monday, 26th April, 2010. The election results for the GONU and GOSS Presidents and State Governors were officially announced on the same day. As we write this report, the other levels of National Assembly, SSLA, and State Legislatures remained officially undeclared. This has created anxieties and worries among the candidates and voters.

PPC commends the efforts of those candidates who pursued the legal means to challenging Election results as announced by NEC, and we deplore those who might resort to taking the law into their hands and use violence instead of the rule-of law, as provided for in the Electoral Code of Conduct and The Elections Laws.

5. The Post-Elections Scenario:

5.1 The post-elections period reveal the following:

5.1.1 As a result of wrong decisions made by SPLM leadership, communities are now fragmented along tribal, communal and sectional lines, for example, imposition of party candidates.

5.1.2 There are situations of dissatisfaction with the whole electoral process among the people of Southern Sudan. This state of dissatisfaction is reported to have developed into violence in Unity, Jonglei and Upper Nile States, while in Central Equatoria there is a general unhappiness.

5.1.3 The unfolding scenario is that the people of Southern Sudan are left in dilemma regarding the manner in which the elections were conducted and the impact of this on the outcome of referendum⁶ on self determination⁷ (see footnote 6 and 7).

5.1.4 Decisions of the SPLM leadership during the election period have resulted in the following undesirable outcomes:

- 4.1) widely believed stories of rigging of elections by the SPLM
- 4.2) involvement of civil servants and local authorities in the electoral process
- 4.3) Loss of unity-of-purpose that existed before elections, may endanger the outcome of the referendum

5.2 Overview of the post-election period necessitates that the SPLM leadership and institutions should exert maximum efforts to promote healing and reconciliation processes between candidates, communities, individuals and parties. This will help people of southern Sudan foster a common position towards the 2011 referendum.

⁶ See Sections 40 and 41 of Referendum Law, Arabic Version being the available authentic reference, signed into Law by the President of the Republic of Sudan on 31st December, 2009.

⁷ Refer to the turn out of 60% of the Registered voter and the approval by the (50 + 1)% of the voters

6. Updates on Situations in Different States:

- 6.1 Reported cases of mutiny of disgruntled senior SPLA Officers in Doleib Hill, resulting in the death of SPLA Officers and soldiers.
- 6.2 Reported random shooting in Bentiu (Unity State) leading to the killing of number of civilians and army personnel.
- 6.3 Similar incident is also reported in Warrap State, although it is believed to be a case of cattle rustling.

Contrary to the expectations of the international community, the people of Southern Sudan remained prudent, calm and silent towards the isolated cases of violence incitement here and there.

7. Conditions for Healing and Reconciliation:

- 7.1 Initiation of a PARTICIPATORY approach for good governance at all levels, both the States and GOSS governments.
- 7.2 Combating TRIBALISM, sectionalism and nepotism in government institutions and Law enforcement agencies
- 7.3 Reassuring the people of Southern Sudan of patriotism, justice and equality as bases for good governance.

8. Preparation for Referendum:

- 8.1 Immediate formation of the REFERENDUM COMMISSION (RC) with all its structures and support facilities to start its functions
- 8.2 Immediate and adequate FUNDING of Referendum Commission to meet its tasks and obligations to avoid the pitfalls of NEC Commission, noting the following outstanding duties:
 - 8.2.1 Allow sufficient time for REGISTRATION and compilation of voter list and publication.
 - 8.2.2 Clear identification of polling centres and stations against voter list⁸, at least a month before the polling date.

⁸ Voter list means, voter lists in Southern Sudan, IPCs in Northern Sudan and Southerners in Diaspora

8.2.3 Voter education on self-determination should be intensified with clear explanation of the following:

- Phase – I: Explaining the meaning of Self-determination and its background
- Phase – II: Why the referendum has become a statute in the CPA
- Phase – III: how is the referendum going to be organized
- Phase – IV: Where is the referendum going to take place⁹? In the Southern Sudan? Among Southern Sudanese in Southern Sudan, in the North and in the Diaspora
- Phase – V: enlighten the Southern Sudanese people on their choice between unity or separation¹⁰.

8.3 A call for all Southern Sudanese political and communal leaders to an immediate reconciliation conference, so that we march to the referendum day as united people with a single mind on the meaning of self-determination.

8.4 CASE STUDY: Implications For Southerners And Experience From Africa And Asia:

1) SUCCESSFUL EXAMPLES:

6.1.1 The Experience of ERITRIA

6.1.2 The Experience of EAST TIMOR

2) FAILED EXAMPLES:

6.2.1 The Experience of WESTERN SAHARA (POLISARION)

6.2.2 The Experience of SOMALI-LAND

⁹ See critically Section (5) of the Referendum Law which states that the Referendum will take place in Southern Sudan and any other place, on the 9th January, 2011;

¹⁰ See critically Section 36 (3) of the Referendum Law.

9. Referendum Code of Conduct:

The Sudanese political parties as main stakeholders are advised to develop a Referendum Code of Conduct¹¹ for regulating the referendum process.

In conclusion, given all these unprecedented violations and irregularities of the Electoral Laws during the last elections of 2010, PPC deems it within its competence to note and recommend the following to the political parties, civil society organizations and international community:

Political Parties:

- We urge Political party leaders and candidate to accept the official final results of the Elections duly certified by NEC or declared by a competent Court.
- We call upon leaders of political parties to unite their rank and focus their attention to the implementation of the final stage of the CPA and conduct of popular consultation in Blue Nile, Southern Kordofan and referendum on self determination in Abyei and Southern Sudan

Civil Society Organizations:

- We urge Civil Society Organizations to play an active role in building a sustainable peace
- We also urge the Civil Society Organizations to double its efforts in promoting civic education and ensure full participation of all people of Southern Sudan

International Community:

- We call upon the International Community, IGADD, AU, UN etc. in their respective organization to use all positive avenues toward full implementation of CPA.
- We strongly recommend the need for more international and national monitors than the observers, so that they play a more effective in the referendum
- We strongly recommend the formation of an independent commission to be constituted to review the Electoral Laws of the Sudan, particularly the complaint procedure provided within it.

¹¹ See Referendum Law, Chapter 6

Prepared and compiled by the PPC Team in Juba, Southern Sudan.
6th May, 2010

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