



## PRELIMINARY STATEMENT

### Peaceful, Credible Voting Process, With Overwhelming Turnout, Mark Southern Sudan Referendum

17 January 2011, Khartoum

*The European Union Election Observation Mission – Southern Sudan Referendum 2011 (EU EOM) has been present in Sudan since 12 December 2010, following a Voter Registration Assessment Mission that deployed on 8 November 2010. An invitation to observe the Referendum was received from the Southern Sudan Referendum Commission (SSRC), following which a Memorandum of Understanding was signed with the Government of Sudan. The EU EOM is led by Ms. Véronique De Keyser, Member of the European Parliament. The EU EOM deployed 110 observers, at different stages of the process, from the 27 EU Member States, as well as Switzerland, Norway and Canada. The observers were deployed throughout Sudan, north and south, to observe and assess the Referendum process in accordance with Sudanese legislation and international and regional standards for elections and referenda. The EU EOM was joined by a six-member delegation from the European Parliament, led by Ms. Mariya Nedelcheva, which endorses this preliminary statement. During the seven days of polling, from 9-15 January, EOM observers visited approximately 800 polling stations in all 10 states of Southern Sudan and eight of the northern states,<sup>1</sup> to observe voting, counting and the tabulation of results. The EU EOM will remain in country to observe post-polling developments, in particular the appeals process to the supreme courts. This statement is preliminary; a final report, including recommendations, will be published within two months at the latest. The EU EOM is independent in its findings and conclusions.*

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#### Preliminary Conclusions

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- From 9-15 January the Sudanese authorities implemented the Referendum on self-determination for Southern Sudan envisaged in the 2005 Comprehensive Peace Agreement (CPA) that ended the 22-year civil war. That the Referendum took place on time, fulfilling a major requirement of the CPA, is a remarkable operational and political achievement, particularly given the delays in passing the Southern Sudan Referendum Act and the establishment of the SSRC and its secretariat.

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<sup>1</sup> In Khartoum, Blue Nile, White Nile, El Gezeira, Southern Kordofan, Northern Kordofan, Gedaref and Sennar.



- Equally impressive is that the Referendum took place in a calm, peaceful and orderly environment, thus adding to the Referendum's credibility, in both Southern Sudan and the northern states (in spite of isolated violent incidents resulting in loss of life in Abyei, Southern Kordofan and Unity states).
- Although official turnout figures will not be released until the SSRC announces the preliminary results (expected on approximately 2 February), Southern Sudanese voters, for the most part, participated in a determined fashion in extremely high numbers, in a general climate of celebration. It is expected that the preliminary results will show a turnout significantly in excess of the 60 per cent required, by the Act, to validate the Referendum.
- The Referendum administration bodies (the SSRC and SSRB) managed the preparations for the Referendum in an effective manner, and were generally efficient, organised and well prepared, for which they should be congratulated. They received significant technical and operational assistance from the United Nations Integrated Referendum and Electoral Division. Referendum polling officials were assessed by EOM observers as well trained and they carried out their tasks in a professional and thorough manner.
- The Referendum bodies' external relations were occasionally lacking, such as with regards to the timely publication of Regulations and lists of Referendum Centres. Effective communication between the different levels of the Referendum administration, particularly in terms of consistency in the instructions provided to the lower-level bodies, was sometimes erratic.
- Certain elements of the legal framework for the Referendum (in particular the stipulation in the Act that the Final Referendum Register be finalised three months prior to polling day) were not respected. The dominant pragmatic view that the CPA mandated that the Referendum be held on 9 January, 2011, rendered other legal stipulations subservient. No legal anomalies in the implementation of the Referendum process, however, appear to cast doubt on the expected results.
- Voter registration was carried out effectively and according to procedures, with approximately 86 per cent of the estimated number of eligible voters registering. In Southern Sudan, the number of voters registered was 80 per cent of the number that registered for the 2010 elections. However, the 24-day registration period was significantly (35 per cent) shorter than that which preceded the April 2010 elections exercise.
- The campaign was conducted peacefully in Southern Sudan, albeit in an uneven manner. An almost complete absence of pro-unity campaigning created an environment where debate on the consequences of secession or the continued unity of Sudan was drowned out. The campaign climate focused on maximising voter turnout, in order to reach the 60 per cent threshold. Conversely, campaigning in the north, focusing on pro-unity messages, was much more subdued.



- **The NCP and the SPLM failed to agree terms on implementing the referendum for Abyei, due to be held simultaneously with the Southern Sudan Referendum. This did not meet commitments made in the CPA's Abyei Protocol and the 2009 Abyei Area Referendum Act, and is partially responsible for subsequent violence and instability in the Abyei region.**
- **Heavy-handed treatment of some groups, including NCP members, believed to be unsupportive of the secessionist cause, spilled over into violence in isolated cases. As Sudan awaits provisional and final results, protection of the fundamental rights of all Sudanese citizens, regardless of places of origin, ethnicity and perceived affiliations, and irrespective of whether they participated in the referendum or not, is essential.**

### **Political environment and security**

The 9 January, 2005 Comprehensive Peace Agreement between the Government of The Republic of The Sudan and the Sudan People's Liberation Movement (SPLM)/Sudan People's Liberation Army (SPLA) included, in Article 2.5 of the Machakos Protocol,<sup>2</sup> a commitment to conduct, at the end of the six-year Interim Period, *"an internationally monitored referendum, organised jointly by the GOS and the SPLM/A, for the people of Southern Sudan to: confirm the unity of the Sudan by voting to adopt the system of government established under the Peace Agreement; or to vote for secession."*

In order to implement the Referendum, the National Assembly adopted the Southern Sudan Referendum Act (the Act) on 28 December 2009. The Southern Sudan Referendum Commission (SSRC) was subsequently established under Article 14(2), and tasked to *"organise and monitor the referendum...in cooperation with the Government and the Government of Southern Sudan."* The SSRC was appointed in July 2010, followed by the Southern Sudan Referendum Bureau (SSRB) in August 2010.

With substantial assistance from the UN Integrated Referendum and Electoral Division (UNIRED), SSRC managed, in just over 6 months, to design a concept of operations, establish a field and staffing structure, decide on the number and location of Referendum Centres, procure voter registration and polling materials (including ballot papers), train thousands of registration and polling staff, register close to four million voters in all 25 states of Sudan and in eight overseas countries, and commence polling on schedule on 9 January 2011. That the Referendum took place on time, fulfilling a major element of the CPA, is a remarkable operational and political achievement, particularly given the delays in passing the Act and the establishment of the SSRC.

Equally impressive is that the Referendum took place in a calm, peaceful and orderly environment, thus adding to the Referendum's credibility, in both Southern Sudan and the northern states (in spite of isolated violent incidents resulting in loss of life in Abyei, as well as in Southern Kordofan and Unity states).

Official turnout figures will not be released until the SSRC announces the preliminary results (expected on approximately 2 February), but it is clear that Southern Sudanese voters, for the most part, participated in a determined fashion in extremely high numbers, in a general climate of

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<sup>2</sup> The CPA was negotiated over a continuous period from May 2002 to December 2004 and includes a series of protocol agreements agreed in various locations and at various times in Kenya under the auspices of the Inter-Governmental Authority on Development peace process.



celebration. It is expected that the preliminary results will show a turnout significantly in excess of the 60 per cent required by the Act to validate the Referendum.

Adding to the Referendum's credibility is the declaration of President Omar al-Bashir and the National Congress Party (NCP) in late December 2010 that they would unconditionally accept the outcome of the Referendum, sentiments reiterated during President al-Bashir's visit to Juba on 4 January.<sup>3</sup> This is to be welcomed, and represents a significant renewal of commitments made in the CPA.

Unfortunately, the NCP and the SPLM failed to agree terms on implementing the referendum for Abyei, due to be held simultaneously with the Southern Sudan Referendum. This did not meet commitments made in the CPA's Abyei Protocol and the 2009 Abyei Area Referendum Act. Subsequent violence in Abyei (including during the days of Referendum polling, in which a number of persons are reported to have been killed) has increased tensions between the *Dinka Ngok* and the *Misseriya* and detracted from the otherwise positive security situation enabled in Southern Sudan during the referendum. Existing tensions in Abyei are considered responsible for the decision, by SSRC, not to establish any Referendum Centres in Abyei for Southern Sudanese eligible to participate in the Southern Sudan Referendum.

While the generally peaceful conduct of the referendum campaign is to be welcomed, solutions to a significant number of post-Referendum issues (including, for example, demarcating the North-South border, the modalities for distributing oil revenues, and division of the national debt) have not notably advanced in the pre-Referendum period. Although both parties have agreed, when determining future citizenship arrangements, that no-one should be made stateless and that southerners in the northern states should enjoy the freedom to move, reside and work without a visa and own property, the general climate of uncertainty and apprehension about the future has seen continuing resettling of Southern Sudanese from north to south (approximately 140,000 in the two months in advance of the poll), and a small number of northerners moving from the south to the north, which may accelerate as the end of the CPA nears. Statements from the NCP leadership that, for example, southerners occupying public jobs in the north could expect to lose their jobs in the event that the south chooses secession have not reassured southerners that they have a viable future in the north.

In Southern Sudan, along with a noticeable closing of small trading outlets owned by northerners, harassment of minority communities was documented by EU EOM observers, notably the Jehovah's Witness community of Western Equatoria, as well as members of the NCP in Jonglei. Suggestions from the Governor of Western Equatoria that the congregation was disloyal to the cause of Southern Sudan for not participating in the referendum represents an attack on the freedoms of expression, association, and religion. The suspicious fire that destroyed the Jehovah's Witness church building in Yambio on January 1 should be investigated, and assurances given to all religious communities that they are free to practice their beliefs without restriction. As Sudan waits for provisional and final results, protection of the fundamental rights of all Sudanese citizens, regardless of places of origin, ethnicity and perceived affiliations, and irrespective of whether they participated in the referendum or not, is essential.

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<sup>3</sup> President al-Bashir told Southern Sudanese in Juba on January 4: "*I personally will be sad if Sudan splits. But at the same time I will be happy if we have peace in Sudan between the two sides...I am going to celebrate your decision, even if your decision is secession.*"



## Legal framework

Sudan's international electoral commitments (primarily the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights)<sup>4</sup> apply to the Referendum process, and these obligations are augmented by the fundamental rights set out in the CPA, the Interim National Constitution (INC) and the Interim Constitution of Southern Sudan (ICSS).

The specific national framework consists of the relevant sections of the CPA, the constitutional references to the Referendum and the Act, as well as the Regulations made thereunder by the SSRC. The CPA required the Act to be passed by the start of 2008, with the SSRC to be established immediately thereafter. Voter registration was to start 12 months before, and end at least 3 months before, the polling date. Although the Act sets out a workable structure for voter registration and the later steps from polling through to final declaration of results, its provisions were sometimes overlooked in order to comply with the greater imperative to commence a credible poll on 9 January 2011. Most glaringly, the commitment that the Final Referendum Register be published three months before the poll (in the CPA and the Act) was not achieved.

Deviation from the timetable in some of the preparatory stages of the Referendum have led to three cases brought to the Constitutional Court about the Referendum. These focused on the inconsistencies between the timetable in the CPA, the constitutions and the Act, and the timetable being applied by the SSRC. In a recent case about the CPA, the Court noted that the Referendum was constitutionally mandated for January 9, 2011, and that it had no jurisdiction to override the CPA or the terms of the INC.

Of the other Referendum cases currently lodged with the Court, one alleges a policy to deny registration to the Arab Selim tribe in Upper Nile State. Another case highlights the timetable inconsistencies, argues that it is a requirement of the CPA and INC that the SSRC include international experts,<sup>5</sup> and argues that it is not constitutional to hold the Southern Sudan Referendum without holding the Abyei Referendum at the same time. The Court has been frustrated in dealing with these cases by that fact that the two judges from Southern Sudan have been on an undeclared boycott from the Court since late December.

## Complaints and Appeals

There is jurisdiction for appeals, after the declaration of preliminary results, to the National Supreme Court in Khartoum (NSC) and also to the Supreme Court of Southern Sudan in Juba.<sup>6</sup> There is no provision for a general appeal against the overall Preliminary Result as declared by the SSRC. Any voter can appeal to either of the Supreme Courts, but only in relation to the result in the Referendum Centre in which that person has voted. The Act does not give power to the Supreme

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<sup>4</sup> Sudan has ratified these and Art 27 of the INC incorporates them into national law.

<sup>5</sup> Paragraph 2.10.1.5 of the Power Sharing Protocol says the draft law for the Referendum body from the National Constitutional Review Commission shall provide for it to 'include international experts.'

<sup>6</sup> S2 & S42(2). It is not clear whether the jurisdiction of the NSC applies only to Centres in the northern states.



Courts to order a full or partial recount but it could be argued that this power arises by implication or inherent jurisdiction.<sup>7</sup>

The SSRC's Regulations for Polling, Sorting, Counting and the Declaration of Results 2010<sup>8</sup> also contain a very general power for the SSRC to cancel results of RCs in the case of "existed corruption" without any need for a court order. However, there is no legal basis in the Act for this power.

### Referendum Administration

The SSRC, composed of nine members (five from Southern Sudan and four from the north) is a financially, administrative and technically independent body seated in Khartoum and responsible for overall policy-making and supervision of the Referendum.<sup>9</sup> The Chairperson of the SSRB in Juba is headed by the Vice-Chairperson of the SSRC.<sup>10</sup> The SSRB appointed the State High Committees (SHCs), 79 Sub-Committees at county level, and 2,638 Referendum Centres (RCs). In the northern states, there are 17 State Referendum Committees (but no county structures.)<sup>11</sup>

The Act stipulated that the SSRC should establish RCs in the northern states, in catchment areas with an expected voting population of at least 20,000. This provision of the Act was loosely applied, with 175 RCs established without consistent criteria throughout the north. The Act also allowed for out-of-country voting, and a total of 42 Referendum Centres were established in Kenya, Uganda, Egypt, Ethiopia, the United States of America, Canada, the United Kingdom and Australia.

EU EOM observers assessed the performance of the Referendum administration as generally efficient, organised and well-prepared. Despite the logistical challenges and the late appointment of all Referendum officials, the Referendum bodies managed the preparations for the polling days effectively.

Nevertheless, the SSRC's publication of Regulations, guidelines and lists of Referendum Centres was sometimes erratic. This also applied to communication between different levels of the Referendum administration and consistency in the instructions provided to the Referendum administration at state and county level.

The SSRB held regular press conferences during both the registration and polling periods, contributing to the transparency of the process and to a climate of sound cooperation with national and international stakeholders. In Khartoum, the SSRC-managed Data Centre showed a commendable degree of openness and information-sharing with EU observers during voter registration.

### Voter registration

Voter registration was initially carried out from 15 November – 1 December, and was then extended until 8 December. Voters' details were hand-written in Registration Books and a Registration Card,

<sup>7</sup> It was reported to the EOM that the NSC takes the view that it has power to order exclusion of particular results as opposed to the cancellation of RC results.

<sup>8</sup> 29 December 2010.

<sup>9</sup> The SSRC was appointed on 26 June and sworn in on 6 July 2010.

<sup>10</sup> The SSRB is composed of five members, all from Southern Sudan and appointed by the SSRC upon recommendation of the SSRB. The SSRB was sworn in on 9 August 2010.

<sup>11</sup> Three committees are in Khartoum and one in each of the 14 other northern states.



with corresponding serial numbers, was given to voters. Summary registration data from each centre was entered onto Data Entry Forms (R5) and then transported, via each of the County Sub-Committees (and the 10 SHCs) in Southern Sudan to the SSRB Data Centre in Juba, and, in the north, to the SSRC Data Centre in Khartoum.<sup>12</sup>

Eligibility for participation in the Referendum focused on a blood link to the ethnic or indigenous tribes of Southern Sudan as of January 1, 1956. For Southern Sudan residents not from those ethnic or indigenous tribes, however, residence without interruption since 1 January, 1956 had to be proven.

Overall, the voter registration took place in an orderly and calm atmosphere. From 15 November to 8 December, EU observers visited 245 Referendum Centres across the country (30.5 per cent in rural areas and 69.5 per cent in urban areas). EU observers did not record problems in 86 per cent of the RCs visited; observers assessed the overall registration process as good or very good in some 76 per cent of the RCs. RC staff reported problems to the Sub-Committee in 41 per cent of the RCs observed, mainly related to the payment of staff and to the supply of additional registration material. EU observers assessed the completed Registration Books and material as good or very good in 82 per cent of the RCs.

Procedural problems were noted in the remaining 14 per cent of the RCs visited; the most widely observed procedural violations concerned the absence of an Identifier (a community leader entrusted with identifying those Southern Sudanese without identifying documentation, in 9 RCs). Unauthorised persons were observed in some 28 per cent of RCs, in most cases being security or intelligence agents, GoSS Task Force members and prison officers.

Confirming eligibility on an ethnic basis raised difficulties. Assessing eligibility on the basis of proficiency in local dialects or given apparent "southern" facial features raises obvious issues about uniformity and fairness in the application of standards. RC staff members in Khartoum were observed following the father's blood line rule despite the provision of the Act<sup>13</sup> allowing the applicants to register when *either* parent belonged to any of the indigenous communities residing in the South in 1956.

Following the completion of voter registration, the Registration Books were exhibited at each RC from 10-17 December. This allowed voters to apply to correct errors in how their details were recorded by registration staff, and/or object to the inclusion of another voter. The Act provided for an objections process through local Considerations Committees and local courts nominated as "Competent" by the judiciary. The Act did not provide any remedy for persons rejected for registration but that was added by the Regulations.

In northern states, exhibition and appeals was generally well run, while in Southern Sudan practice varied from one state to another. Voters did not appear to actively exercise their right to check the Preliminary Referendum Register in large numbers. Very few objections, and a relatively small number of requests for corrections, were submitted. The Referendum authorities reported to the

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<sup>12</sup> In the north, each of the 17 State Referendum Committees (three for Khartoum and one each for the other 14 northern states) is responsible directly for a number of Referendum Centres. The Data Centre in Khartoum was additionally tasked with the aggregation of Data Entry Forms from the OCV countries.

<sup>13</sup> Article 27(4).



EU EOM that no registered voters filed appeals to the courts against decisions of the Considerations Committees, whose role was undermined by their late establishment, inaccessibility and the lack of information for applicants as to their role and location. The understanding of the exhibition and appeals process by the Referendum administration and the general public was very low, with the process being perceived as having little relevance.<sup>14</sup>

The Data Centre in Juba received roughly 700 incorrectly completed R5 forms (in excess of 25 per cent) that required follow-up by the SSRB. Insufficient training of RC staff was attributed as the main reason for these discrepancies. Once final data was aggregated, the SSRC announced that 3,932,588 voters were registered for the Referendum (an increase of 1,672 over figures earlier announced, incorporating the decisions from complaints and appeals), 95.5 per cent of whom (3,755,512) were registered in the south. Remaining voters were distributed across the 10 northern states (116,857) and the 8 out-of-country voting locations (60,219).<sup>15</sup> In the south, women represented 52 per cent of registered voters; in the north, however, women made up only 39 per cent.

The number of voters registered in Southern Sudan represented 80% of the number registered for the 2010 elections. Given that the November-December 2009 registration exercise was carried out over 37 days, however, as opposed to the 24-day exercise for the Referendum, it would appear that SSRB processed approximately 32 per cent more voters per day than what was achieved by the authorities in 2009. The number of voters registered in Southern Sudan for the Referendum represents approximately 86.6% of eligible voters as per the controversial 2008 census.<sup>16</sup> This is very respectable by regional standards (Kenya achieved slightly less for the 2010 Constitutional Referendum, and media reports claim that the proportion of voters registered for the Uganda elections in 2006 was approximately 80.7 per cent).

### **Voter education and information**

The voter information campaign was designed mainly as a mass media effort, complemented by door-to-door initiatives carried out by local civil society organizations. Technical advice and support was provided by international partners. The campaign was coordinated at SSRC level by an independent media committee and supported by UNIRED's Public Outreach division. Based on mass communication media and directed at a population fluent either in English or classical Arabic, the campaign's effectiveness was assessed by EU observers as somewhat deficient for rural voters. Disagreements between UNIRED and SSRC on UN procurement procedures resulted in some materials not being broadcast. Much of the pre-Referendum electronic media voter education content was produced pre-voter registration and thus contained generic motivational messages only. Representatives of SSRB regularly featured in voter education programmes funded by UNDP, on the Government of Southern Sudan-owned Southern Sudan TV and on Southern Sudan Radio.

<sup>14</sup> With regards to corrections, for example, if an error was recorded in the Registration Book, it is likely that the same error was recorded on the Registration Card. As the majority of voters were identified in the RCs by the Identifier and without ID documents, it was not known to the polling staff that there was an error in the voter's details during polling.

<sup>15</sup> The SSRC- declared threshold for the Referendum to be legal was thus also declared, on 8 January, as 2,359,533 voters (60% of the Final Referendum Register).

<sup>16</sup> The south protested the accuracy of the census, claiming that it significantly undercounted the number of people in the south.



A separate 'face-to-face' voter information effort, funded by the UNDP basket fund and managed by IOM, was carried out by Sudanese civil society organisations, who distributed SSRC information materials (posters, t-shirts, shopping bags, etc.) and employed direct contact means to educate voters. Few voter education activities addressed the consequences of either option in terms of post-Referendum arrangements. Separately, NDI developed its own voter education effort through its network of local NGOs, marshaled by the northern and southern umbrella groups SuGDE and SuNDE, respectively. Blurring of campaigning and voter education efforts was sometimes evident in the south, with groups such as the "Southern Sudan Civic Education Organisation" mass-producing sample ballot posters with the separation option pre-marked.

### Media and Campaign

The Southern Sudan media environment is dominated by radio, which is the only media that reaches the public at large. Television audiences constitute only a minority of citizens, whereas print media was hindered by the lack of a printing press in Southern Sudan, minimal distribution networks and a low literacy rate amongst the population.

There is a substantial vacuum within the media legal framework. Freedom of speech and expression is guaranteed in the CPA, the INC and the ICSS, but there is no specific media regulation. The national media legislation in place in the northern states does not apply to Southern Sudan; nevertheless, Southern Sudanese newspapers printed in Khartoum have to comply with the Press and Publications Act, which establishes the National Press and Publication Council as the regulating body with regulatory power over the print media, including tight editorial controls over content.

Despite the absence of a comprehensive media law the Referendum campaign was regulated through the Media Campaign Regulations (MCRs) 2010 issued by SSRC on 8 December 2010, and the "Media Rules and Guarantees" of the Act. According to the MCRs, only "advocacy groups" registered with the SSRC were entitled to campaign for the Referendum; advocacy groups were meant to be civil society organisations, political parties or individuals. No official list of advocacy groups was released. In the MCRs, there is a provision for free air time and space in both public and private media for advocacy groups. An Independent Media Committee was responsible for the allocation of time and space in the state-owned media, with the aim of enabling equal access to the media for both Referendum options and the realisation of a comprehensive voter education campaign. The MCRs were announced a long time after the start of the campaign<sup>17</sup> and not all the media outlets were aware of them. The MCRs late release, the lack of communication to media stakeholders and the absence of specific binding rules on time and space allocation drastically restricted their actual implementation.

The campaign was conducted peacefully in Southern Sudan, albeit in an uneven manner. Pro-unity campaigning was almost completely absent. This created an environment where debate on the consequences of secession or the continued unity of Sudan was drowned out, and instead, the general campaign climate focused on maximising voter turnout. The SSRC planned 5 public debates with representatives of NCP and SPLM but only two took place, the first in Khartoum on 29 December 2010 and the second in Juba on 5 January 2011.

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<sup>17</sup> The Referendum campaign period is from 7 November 2010 to 7 January 2011.



Politicians and advocacy groups did not generally resort to hate speech or inflammatory language. Nevertheless the EOM monitored one Referendum song entitled “*Yes for Separation, No for Unity*,” regularly broadcast on prime time on South Sudan TV, whose lyrics were highly provocative.

At the beginning of the Referendum campaign, two newspapers, the Sudan Tribune and the Khartoum Monitor, were suspended by the National Press and Publication Council for two days over different allegations. Both newspapers were extensively covering the Referendum campaign and the suspension was perceived as intimidation. Other concerns about genuine Referendum coverage were related to poor reporting skills and bias in media outlets, which could be seen through several misreported statements.

To date, results from the EOM media monitoring exercise<sup>18</sup> indicate that Southern Sudan electronic media coverage was largely favourable to the cause of separation, with barely any presence of pro-unity arguments in Southern Sudan TV, which devoted 97 per cent of its airtime to subjects standing for separation. The state-owned Southern Sudan Radio and private<sup>19</sup> radio stations allotted 86 and 89 per cent to this group, respectively. In contrast, print media devoted slightly more coverage to pro-unity subjects, 57 per cent, against 43 per cent for pro separation subjects.

Conversely, the EOM observed a generally low coverage of the Referendum in the northern states. Campaigning in the north focused on pro-unity messages, with the vast majority of airtime and space devoted to pro-unity subjects: 81 per cent on Sudan TV, 85 per cent on radio stations<sup>20</sup> and 75 per cent on print media.<sup>21</sup> Overall, the campaign was much more subdued than in the south.

The Referendum silence period, which started on 8 January, was not respected by most media in Southern Sudan. General messages to mobilise people to vote – and more direct calls to vote for separation as well as pro-separation referendum songs – were broadcast in several electronic media outlets. Campaigning was also observed within six per cent number of Referendum Centres during polling, in breach of regulations. The Referendum campaign also continued in the northern media during polling days.

### **Domestic and International Observation**

The Act does not include any provisions for political party agents to observe the voter registration and polling processes. The SSRC Accreditation Guidelines of 7 November thus did not differentiate between domestic non-partisan observers and party agents. These two categories of stakeholders have different interests in the process that would be better served with separate accreditation categories.

The enormous international interest in the Southern Sudan Referendum elicited sizeable international observation efforts by, among others, the Carter Center, the African Union, the Intergovernmental Agency for Development, and the League of Arab States. Bilateral partners of Sudan, such as Brazil, the United States, Russia, Japan and several EU member-states also chose to

<sup>18</sup> The EU EOM Media monitoring unit commenced work on 17 December and was composed of 6 monitors in Juba and 1 in Khartoum. All media outlets, with the exception of two radio stations broadcasting from the north, were monitored in Juba.

<sup>19</sup> Radio Miraya, Radio Bakhita, Voice of the People and Sudan Radio Service.

<sup>20</sup> Omdurman Radio and Khartoum State Radio.

<sup>21</sup> Sudan Vision, Al Sahafa, Al Rau Al Aam and Al Ajiras Hurria.



dispatch teams of observers. The three-member UN Secretary General's Panel on the Referenda in Sudan carried out the international monitoring role as envisaged in the Act.

Domestic observers were led by two large networks in the south: SuNDE (assisted by NDI) and SuDEMOP (assisted by UNDP and the Carter Center). In the northern states, SuGDE, a sister network of SuNDE (insofar as they released joint statements at various stages of the process), were also assisted by NDI, along with four organisations assisted by the Carter Center. Between them, SuNDE and SuGDE deployed up to 3,000 static observers. SuDEMOP deployed over 2,500 static observers, and some coordination between both large southern groups to ensure blanket coverage of all RCs by at least one team of observers was welcome.

### **Polling and Counting**

Polling took place from 9-15 January. Although official turnout figures will not be released until the SSRC announces the preliminary results (expected on approximately 2 February), Southern Sudanese voters, for the most part, participated in a determined fashion in extremely high numbers, in a general climate of celebration. Fears about an overwhelming of Referendum Centres on the symbolic first day of polling (9 January), did not materialise. It is expected that the preliminary results will show a turnout significantly in excess of the 60 per cent required by the Act to validate the Referendum.

EU observers made 1,267 observations across Sudan, in a total of approximately 800 Referendum Centres. Throughout the country, procedures were much better implemented than during the April 2010 Sudan elections, reflecting, in particular, a significant improvement in RC staff training.

Late changes to the polling and counting regulations, and conflicting instructions given to staff in various parts of the country with regards to, for example, the procedure for dealing with voters with lost Registration Cards, rarely caused procedural errors during polling. EU observers assessed voting as well managed in 76 per cent of RCs, and as poor in only three per cent. They similarly assessed RC staff performance as good or very good in 77 per cent of cases, and as poor in only four per cent. Referendum staff showed commitment, effectiveness and a good command of their role in an overwhelming majority of RCs observed.

Voters understanding of the basic steps of the voting process was judged as good in only 52 per cent of cases, particularly in the more rural areas of Southern Sudan. This reveals insufficient efforts in both voter education and Referendum campaigning.

Sound and well thought-out logistics contributed to the general success of the polling process. Timely opening and closing of RCs was observed every day during polling, and nearly all observed RCs were equipped with all polling materials.

There was an unauthorised presence of government officials from the national security service in some key locations. In most RCs observed in central Juba and in rural areas around Juba, the presence of GoSS security personnel was conspicuous. They actively controlled the queues and checked Registration Cards. Isolated cases of intimidation of voters occurred, but throughout the country, such indirect intimidation or undue influence on voters accounted for no more than two per cent of the RCs observed. Overall, unauthorised persons were seen to interfere in the voting process in only five per cent of EU observations.



The small number of procedural violations that occurred generally stemmed from inattention by RC staff. Nearly half of all voters were not properly checked for ink. However, EU observers noted on all their visits that voters' fingers were always marked with ink after voting, that the identification officer always verified that the voter was registered in that RC, and that the voter's card was properly punched/cut to avoid multiple voting.

In almost 29 per cent of RCs visited, the secrecy of the vote was not fully protected, due in some cases to assisted voting. Similarly, Considerations Committees were operational in only 60 per cent of all observed RCs. Given the poor understanding of the role of these committees by voters, Referendum staff and domestic observers, they very rarely used them as an avenue for voters' complaints, except in a very few cases regarding lost cards. Overall, EU observers reported less than one per cent of RCs which had recorded at least one complaint.

Domestic observers were a very strong and reassuring presence throughout the process, with an attendance rate of nearly 96 per cent of all RCs observed. This represents a significant contribution to and enhancement of the process by Sudanese civil society and bodes well for future electoral processes, both north and south. In addition, the security of sensitive materials was effectively guaranteed in all cases. Polling material was kept overnight under lock at RCs or at police stations in 60 per cent of RCs observed. They were also under guard, albeit unlocked, in nearly all other cases. EU observers found that seals were properly used in almost all cases.

### **Closing, Counting and Packing**

Closing, counting and the packing of material took place in a similarly calm and undisturbed atmosphere. It was a difficult exercise, due to the amount of data to be recorded on the results forms and the complex packing instructions issued to the Referendum staff. It elicited more errors in the application of procedures than polling itself. For instance, the RC Chairperson only publicly displayed a copy of the results forms outside the RC in 51 per cent of cases observed. Similarly, packing of the results forms in the appropriate Tamper Evident Bags only took place in 81 per cent of all cases. The RC chair correctly filled out, signed and stamped results forms in just over 88 per cent of observed situations.

However, criteria regarding the validity of ballot papers were correctly applied, with ballot papers considered invalid in 88 per cent of cases where the choice of the voter was unclear, and unstamped ballot papers, occasionally found, were always considered invalid. There was a mood of general agreement and sound co-operation in the overwhelming majority of RCs across the country. In no less than 96 per cent of all cases observed by the EU EOM, there was agreement regarding the qualification of ballot papers as valid or invalid.

### **Aggregation and publication of results**

A crucial ongoing stage of the Referendum process, the aggregation of results, is being observed by the EOM. Two distinct results aggregation systems are being applied: in Southern Sudan, RC results are being aggregated at the County Sub-Committee level, then at State High Committee level, and in a third stage, at the Juba Data Centre. In the north, RC results are aggregated directly at State Referendum Committee level, and finally at the Khartoum Data Centre. OCV results were directly sent to the Khartoum Data Centre after counting.



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To date, EU observers positively assessed the aggregation of results at County Sub-Committees in Southern Sudan in 72 per cent of cases, while in the northern states it reached 93 per cent. Intake of sensitive material from the RCs was properly carried out in nearly 90 per cent of observed cases in the Southern County Sub-Committees and in all 100 per cent of the northern State Referendum Committees. RC Chairpersons submitted their results forms in person in nearly 90 per cent of all cases observed in the South and in all 100 per cent of all RCs in the observed northern State Referendum Committees. The percentage of the material submitted to the County Sub-Committees varies per state, due to transportation problems. Until now the County-Sub-Committees have received approximately 25 per cent of the results forms from the RCs; it is expected that this stage will be completed in a couple of days.

At Khartoum Data Centre, EU observers have so far been granted optimum conditions to observe each stage of data entry for both the northern RCs and the OCV results sheets.

The EU EOM will keep teams of observers active in the country to observe aggregation at every level until the publication of preliminary results.