



Carter Center Statement on Sudan Referendum:

***Strong Start to Registration But Urgent Action Needed to Ensure
Broad Participation***

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Summary

The Carter Center welcomes the successful opening of voter registration for the Southern Sudan Referendum on self-determination and congratulates the Southern Sudan Referendum Commission (SSRC) and Southern Sudan Referendum Bureau (SSRB) on their preparations for the first days of registration, particularly in Southern Sudan where the process is challenged by difficult logistics. The Carter Center urges the SSRC to deliver additional materials to the referendum centers, where high demand is rapidly depleting supplies. In addition, the SSRC should urgently release regulations concerning the media and campaigning, the exhibition and objections period, and polling and tabulation of results.¹

Although the registration appears to be running smoothly in nearly all locations a few key components of the process require urgent adjustment. The SSRC should take action to ensure that eligible individuals are able to participate in the voter registration within the time remaining and that the registration adheres to the procedures outlined in the Southern Sudan Referendum Act and Voter Registration Rules and Regulations. Despite some shortcomings, the Center believes all issues can be addressed within the current registration timeline if the relevant parties, the SSRC, SSRB, National Congress Party (NCP), and Sudan People's Liberation Movement (SPLM) take immediate steps to address them.

¹ While the campaign period officially commenced on November 7, media campaign rules and regulations have still not been passed by the SSRC.

The Carter Center has deployed 46 observers across 22 states of Sudan. To date these teams have made more than 600 visits to centers throughout Sudan². Additionally, 26 Carter Center observers are deployed in Australia, Canada, Egypt, Ethiopia, Kenya, Uganda, United Kingdom, and United States and have made more than 175 visits to centers including those in camps and settlement areas, such as Masindi, Hoima, and Arua in Uganda, and Eldoret and Lokichoggio in Kenya. In general, registration center staff have welcomed our observer teams, as have officials of the International Organization for Migration, who are assisting the SSRC in the out-of-country voting (OCV) registration locations.

The SSRC provided timely accreditation to Carter Center observers in Sudan and in the out-of-country locations. However, the SSRC was slow to accredit domestic observers, which resulted in Sudanese observers without accreditation being turned away from entering some referendum centers in both Northern and Southern Sudan.

This statement is an interim assessment of the first week of voter registration, and is presented in a spirit of cooperation. The Center intends to issue additional statement(s) as appropriate at subsequent stages.

Registration Materials

Carter Center observers have noted that some registration materials have either not arrived to all registration centers or are currently running low due to the high volume of participation, particularly in urban areas of Southern Sudan. In at least four states in Southern Sudan (Upper Nile, Central Equatoria, Northern Bahr al Ghazal, and Western Bahr al Ghazal) and one in Northern Sudan (White Nile), some registration centers did not receive registration journals. The journals are used to record information about the registration process in each center, including the names of identifiers and people denied participation on the basis of ineligibility. While their absence does not hinder registration from moving forward, the journals are supposed to contribute to the accountability and transparency of the process. Some registration centers in the Raja area of Western Bahr el Ghazal have taken the initiative to create their own journals using a photocopy of the standard journal. Referendum administration bodies should work to ensure centers have some form of journal available to them.

In some referendum centers in Southern states, including Northern Bahr el Ghazal, Western Bahr el Ghazal, Eastern Equatoria, Central Equatoria and Jonglei, staff have reported they are running out of the 2000 registration cards allocated to each center due to a high volume of registrants. Carter Center observers have observed that registration has stopped in some registration centers while the staff awaits additional registration books. Registration centers also have reported insufficient supplies of indelible ink. The Carter Center urges the SSRB and State High Committees to make additional materials available in a timely manner and ensure rapid distribution within states so the deficiency of registration books and indelible ink does not prevent eligible Sudanese from participating in the process. The SSRC should take additional efforts to inform registration officials as to the correct application of the ink to ensure its indelible character.

² Except for the three states of Darfur where, to date, TCC observers have not been able to visit due to security concerns

Identity

Given that many people in Sudan lack identity documents, the presence of identifiers in each registration center to provide oral testimony affirming a potential registrant's identity is critical. Carter Center observers in at least five states in both Northern and Southern Sudan (including Khartoum, Lakes, Jonglei, Upper Nile, and Unity) have noted that such identifiers are not present in some locations. Registration center chairs should urgently appoint identifiers to be in each location during the remainder of registration to ensure eligible individuals without identity documents are given the opportunity to register.³

Distribution of Referendum Centers

In several parts of the country, participants in the registration process complained to Carter Center observers that distribution and placement of referendum centers hinders the full participation of eligible voters. These complaints are most common in and around Khartoum and in rural areas, particularly in Southern Kordofan, Western Bahr al Ghazal, and Jonglei states. In Khartoum, the referendum administration has made efforts to rectify this problem by relocating centers. In the event of any changes to the locations of registration centers, it is important that adequate notification is provided to registrants in advance of polling as to where they should return to vote.

The creation of additional registration centers to narrow the distances from the potential voters could create confusion at this late stage and may prove to be counter-productive. Instead, the SSRC and SSRB should coordinate with partners and take immediate steps to intensify voter information and media campaigns to better publicize the specific locations of referendum centers. While these efforts will not eliminate the difficulties faced by voters who have to travel long distances to register and cast their ballots, it will mitigate some of the shortcomings in the distribution of registration centers and the lack of voter information regarding their locations.

Appeals and Exhibition

Carter Center observers have noted a widespread lack of understanding on the part of registration officials and potential registrants regarding the appeal procedures if registration center staff deems a person ineligible to register to vote in the referendum.⁴ Large numbers of centers have not established Considerations Committees, which are formal bodies intended to adjudicate formal complaints from denied registrants regarding their eligibility. The Committees are present in very few of the registration centers visited by Carter Center observers. The Center's observers have witnessed some instances of people being denied registration simply walking out of the center without being told of their rights to appeal or being issued a formal rejection form. The Carter Center urges the SSRC and SSRB to communicate urgently to registration center staff the necessity of forming the Considerations Committees, informing denied registrants of their rights to appeal and issuing rejection receipts.⁵

³ The United Nations General Comment 25, para 11 states that ""States must take effective measures to ensure that all persons entitled to vote are able to exercise that right. Where registration of voters is required, it should be facilitated and obstacles to such registration should not be imposed. "

⁴ According to Art 17(1) of the Voter Registration Regulations "[i]n case of denied registration the Chief of the Referendum Center shall immediately issue a written notice stating the cause for such denial and inform the applicant about his right to petition to the Consideration Committee."

⁵ Article 2(3) of the ICCPR ensures that "any person whose rights or freedoms are herein recognized as violated shall have an effective remedy. It also provides to "ensure that any person claiming such a

Additionally, many of the registration centers visited by Carter Center observers do not have public notices posted to inform registrants of the dates of the exhibition period. The SSRC and SSRB should communicate to registration center staff the importance of this notice and request its immediate posting in each center. Further, referendum authorities should emphasize to the registrars the importance of informing registrants about the exhibition period so that they return to verify their names on the preliminary voter registry.⁶

NCP/SPLM Accusations of Intimidation and Manipulation of Registration in Northern Sudan

In the last few days, the NCP and SPLM have traded accusations of intimidation and manipulation of the registration process in Northern Sudan. These accusations and accompanying abusive language are creating a climate of fear and distrust. This latest round of mutual allegations comes in the wake of an exchange over the citizenship status of Southerners in Northern Sudan should Southern Sudan secede, an issue which remains a cause of anxiety among Southerners.

While allegations of manipulation deserve to be thoroughly investigated, some of the members of the NCP and SPLM appear more interested in scoring political points than in the integrity of the registration process. The Carter Center urges members of the NCP and the SPLM to raise any well-founded concerns directly with the SSRC in the spirit of cooperation and constructive dialogue. Both parties should refrain from using inflammatory political rhetoric that could cause an increase in tension. Systematic efforts by political parties or other organizations to force individuals to register or prevent them from registering would violate the basic principles of a free and credible referendum.

Out-of-Country Voting and Registration

The voter registration process has started in all but one out of the eight overseas countries where out-of-country voting is being conducted. The Carter Center notes with concern the delayed opening of referendum centers in Egypt and urges authorities of Egypt and Sudan to ensure that the process moves forward expeditiously.

In Uganda, Carter Center observers have received reports that death threats leveled against referendum center staff led to the staff refusing to report to work. The SSRC and IOM should request that local authorities investigate these threats and prevent further disruption and intimidation.

A number of issues related to the out-of-country registration process remain unclear, including the possible extension of voter registration in locations with a delayed start such as in Egypt, the United States, Canada, and Australia, and the potential opening and dates of operation of additional registration sites in the United States and Australia. The Carter

remedy shall have the right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy. By the same Article the government of Sudan also undertakes to “ensure that the competent authorities shall enforce such remedies when granted.”

⁶ Article 46 (4) of the referendum Act provides that “every person shall enjoy full freedom to express his/her opinion and get information to the citizens.” Also see, Article 19 (2) of the ICCPR.

Center encourages referendum authorities to make quick decisions on these matters and publicize these decisions to concerned populations.

The Carter Center also notes the need for clarification on the procedures for rejections and objections in out-of-country. The relative importance of the Considerations Committees in the out-of-country locations necessarily increases because foreign courts have no jurisdiction over a Sudanese national process. After an unfavorable decision by the Considerations Committee, a rejected out-of-country applicant has no body to which to appeal. While welcoming the fact that, in general, Considerations Committees in out-of-country voting countries have been formed, The Carter Center urges referendum authorities to provide these bodies with clear information about their procedures.⁷

Background on the Carter Center's mission

The Carter Center began referendum observation activities in Sudan in August 2010 in response to an invitation from the SSRC. As during its April 2010 elections observation mission, the Center will assess the referendum processes in Sudan based on the Comprehensive Peace Agreement, Interim National Constitution, Southern Sudan Referendum Act, and Sudan's obligations for democratic elections contained in regional and international agreements, including the African Charter on Human and Peoples' Rights and the International Covenant on Civil and Political Rights.⁸ In total, Carter Center core staff, long-term, medium term, and out-of-country observers form a diverse group from 28 countries.⁹

The objectives of the Carter Center's observation mission in Sudan are to provide an impartial assessment of the overall quality of the referendum process, promote an inclusive process for all Southern Sudanese, and demonstrate international interest in Sudan's referendum process. The Carter Center conducts observation activities in accordance with the Declaration of Principles of International Election Observation and Code of Conduct that was adopted at the United Nations in 2005 and endorsed by 35 election observation groups.¹⁰ The Center will release periodic public statements on referendum findings, available on its website: www.cartercenter.org.

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The Carter Center was founded in 1982 by former U.S. President Jimmy Carter and his wife, Rosalynn, in partnership with Emory University, to advance peace and health worldwide. A not-for-profit, nongovernmental organization, the Center has helped to improve life for people in more than 70 countries by resolving conflicts; advancing democracy, human rights, and economic opportunity; preventing diseases; improving mental health care; and teaching farmers to increase crop production. The Carter Center began working in Sudan in 1986 on the Sasakawa-Global 2000 agricultural project and for more than 20 years its health and peace programs have focused on improving health and preventing and resolving conflicts in Sudan. Please visit www.cartercenter.org to learn more about The Carter Center.

⁷ See Article 2(3) of the ICCPR.

⁸ Sudan ratified the African Charter on Human and Peoples' Rights (ACHPR) Feb. 18, 1986. The ACHPR came into force on Oct. 21, 1986. Sudan acceded to the International Covenant on Civil and Political Rights (ICCPR) on March 18, 1986, which entered into force on March 23, 1976.

⁹ These countries include: Australia, Cameroon, Canada, Democratic Republic of the Congo, Denmark, Egypt, Ethiopia, France, Germany, India, Iraq, Ireland, Italy, Kenya, Kosovo, Malawi, Malaysia, Netherlands, Norway, Senegal, Sierra Leone, South Africa, Spain, Sweden, Switzerland, Uganda, United Kingdom, United States, and Zimbabwe.

¹⁰ The Declaration of Principles in Arabic and English can be read at http://cartercenter.org/peace/democracy/des_declaration.html