

Southern Sudan Civil Society Referendum Taskforce

Concerns about the Referendum on Southern Sudanese Self-determination

OVERVIEW

On 12–13 October 2010 the Southern Sudan Civil Society Referendum Taskforce (SSCSRT) convened a workshop entitled, ‘Concerns about the Referendum on Southern Sudanese Self-Determination’ facilitated by the Geneva-based Small Arms Survey to discuss key issues concerning the upcoming referendum on Southern Sudanese self-determination, currently scheduled for no later than 9 January 2011.

The SSCSRT is a body composed of heads of non-governmental organizations and civil society networks in Southern Sudan. It represents a wide range of constituents, including in the areas of peace and justice, human rights, a free and open press, economic development, democratic reform, and armed violence-prevention, among many other sub-sectors. More than 160 civil society organizations are represented by the SSCSRT, as well as at least 35 media institutions.

The goal of the SSCSRT is: ‘to assist the people of Southern Sudan to move successfully to and through the referendum process in the best way possible and to ensure that the right of Southern Sudanese people to choose their destiny is fully respected.’

The SSCSRT is concerned about the following issues:

1. That the referendum process is completed in a free, fair, and secure manner that reflects and respects the will of Southern Sudanese to determine their future.
2. That the parties hold the referendum by 9 January 2011, in accordance with the terms of the Comprehensive Peace Agreement (CPA, 2005), the Interim National Constitution (2005), and the Southern Sudan Referendum Act (2009).
3. That due to time constraints and concerns about the integrity of the referendum process, the Southern Sudan Referendum Commission should review the voting locations outside Southern Sudan.
4. That substantive and transparent progress is made on post-referendum arrangements in parallel with the referendum process and in consultation with civil society and other important stakeholders.

RECOMMENDATIONS

I. Implementation of the Comprehensive Peace Agreement

We are deeply concerned that the lack of trust between the parties to the CPA and the delayed implementation of the agreement will hinder the timely holding of a free, fair, and secure referendum on Southern self-determination.

We call on the CPA parties to urgently implement all outstanding CPA provisions, including North-South border delineation and demarcation.

We strongly urge the parties to reach agreement on the holding of the Abyei referendum, as per the Abyei Referendum Act (2009), and to conduct it simultaneous to the Southern referendum, as per the terms of the CPA.

II. Referendum Process

We are concerned that preparations for the referendum on Southern self-determination are significantly behind schedule and that this will compromise the integrity of the referendum process. We are equally concerned that mechanisms are not in place to prevent or mitigate the possible eruption of violence as a result of referendum-related tensions.

a) Civic and voter education

We urge the Government of Southern Sudan (GoSS) to continue circulating the Southern Sudan Referendum Act (2009), including to rural communities, as a means of informing the public about the legal basis for the referendum, and to provide regular and timely updates via the media and other means of communication about the referendum process, deadlines, the outcome, and concerns about the integrity of the referendum.

We urge timely and transparent communication with the public about the registration and polling process, especially the numbers of registered voters and polling locations.

We call on the Southern Sudan Referendum Commission (SSRC) to immediately issue clear details on voting procedures, as stated in Section 14.2(e) of the Southern Sudan Referendum Act (2009).

We call on the GoSS, the Government of National Unity, and the International Community to provide adequate funding for widespread and sustained civic and voter education before the referendum.

We call on civil society across Southern Sudan to make every effort to educate Southern Sudanese on the referendum, with or without external support.

We urge the International Community to respect the right of Southern Sudanese civil society to take a position on the outcome of the referendum.

We urge the people of Southern Sudan to register only if they intend (and are physically able) to vote, and call upon all stakeholders to enforce this message.

We urge the parties to the CPA to lead the people of Southern Sudan through a peaceful referendum process, by urging calm and peaceful conflict resolution in the event of referendum-related disputes.

b) Modalities/timing

We remind the parties to the CPA that they are legally obliged to fully implement the CPA in letter and spirit, including the holding of a free, fair, and secure referendum on time.

We urge the SSRC to restrict voter registration and voting to the 10 Southern states only, due to time and logistical constraints and in order to meet the referendum deadline of 9 January 2011.

We urge the parties to the CPA to agree immediately on an international arbitration mechanism for resolving any disputed outcome of the referendum in a timely manner.

We urge the parties to the CPA to carefully manage the limited time available to conduct preparations for the referendum in a manner that will uphold the integrity of the vote, while following the procedures outlined in the Southern Sudan Referendum Act (2009) to the fullest extent possible.

We urge the SSRC to ensure that votes are counted, tallied, announced, and made widely available at each referendum polling center in a timely manner.

We call upon the International Community and Sudanese observers to establish a mechanism for parallel vote tallying and tabulation to that conducted by the SSRC.

We urge the SSRC to review the conduct of the April 2010 elections and to draw on lessons learned from that process, in order to ensure the integrity of the referendum.

We urge the GoSS and the SSRC to undertake adequate training of referendum center officials to allow them to fulfill their roles professionally.

c) Monitoring

We urge the parties to the CPA to facilitate rigorous monitoring of the referendum process by civil society and international monitors.

We urge international donors to adequately fund Sudanese monitors.

We call on all referendum monitors to fulfill their role with professionalism and integrity.

We call on international and Sudanese monitors to issue regular and timely updates on the referendum process, documenting any concerns about its integrity based on clear benchmarks.

We strongly urge the International Community, including the Intergovernmental Authority on Development and other guarantors of the CPA, to quickly move to recognize the outcome of the referendum if it is determined to have been conducted fairly and freely.

III. Security

We are concerned that security may deteriorate during the referendum phase, hindering the ability of Southern Sudanese to vote, and that mechanisms are not yet in place to prevent the possible eruption of violence. We are also deeply concerned about the build-up of forces in border areas, the transfer of arms to communities in these areas, and the lack of transparency by the CPA parties in this regard.

a) General security

We appeal to the parties to the CPA to refrain from making inflammatory statements during the referendum process.

We urge the SPLA and the Sudan Armed Forces to refrain from violence and the use of proxy forces during the referendum process.

We urge the GoSS to monitor flows and stocks of illegal arms and act appropriately, in order to avoid an escalation of inter-communal tensions and violence ahead of the referendum.

We urge both parties to the CPA to guarantee the security of Southerners in the North and Northerners in the South ahead of the referendum.

We appeal to all Sudanese to remain calm and peaceful at all stages of the referendum process.

b) Polling security

We urge the GoSS to adequately train and equip the Southern Sudan Police Service to provide security before, during, and after the referendum.

We strongly urge the GoSS to provide adequate security for voters, monitors, and ballots.

IV. Post-Referendum Planning

We are concerned that post-referendum arrangements are being negotiated between the SPLM and NCP, without inclusive consultation with other political parties and civil society.

We urge the parties to the CPA to continue to engage in constructive dialogue that fosters tangible progress on post-referendum arrangements, while moving forward with the referendum process.

We strongly urge the parties to the CPA to create a mechanism through which civil society can meaningfully contribute to these crucial discussions on the future of Southern Sudan.

We urge the parties to the CPA to provide regular updates on the status and progress made in post-referendum planning negotiations. We urge Sudanese media outlets to accurately and responsibly transmit this information to the public.

We urge all members of civil society to develop a shared vision for a cohesive, secure, and democratic post-referendum Southern Sudan with concrete positions and recommendations for the GoSS.

We urge all political parties in Southern Sudan to meaningfully engage with one another and civil society to facilitate the process of post-referendum democratic transformation.

We appeal to both parties to the CPA and all concerned stakeholders for the protection of human rights and the continuation of access to basic services before, during, and after the referendum.

Signed 13 October 2010 in Juba, Southern Sudan, by the Southern Sudan Civil Society Referendum Taskforce, the following representatives present:

Isaac Kunguru Kenyi
SSCSRT Chairperson

Executive Secretary
Justice and Peace Commission
Sudan Catholic Bishops Conference (SCBC)

Merekaje Lorna
SSCSRT Deputy Chairperson

Secretary General
Sudan Domestic Election Monitoring and
Observation Program (SuDEMOP)

David De Dau
SSCSRT Member

Executive Director
Agency for Independent Media (AIM)

Rev. James Ninrew
SSCSRT Member

Chairman
South Sudan Action Network On Small
Arms (SSANSA)

Florence Paul
SSCSRT Member

Program Coordinator
New Sudanese Indigenous NGO Network
(NESI-Network)

Benjamin Ochiengh
SSCSRT Member

Program Officer
South Sudan Youth Participation Agency
(SSYP)

Taban Kiston
SSCSRT Member

Program Coordinator
South Sudan Law Society (SLS)

The workshop 'Concerns about the Referendum on Southern Self-determination' was facilitated by the Small Arms Survey with support from the National Endowment for Democracy. For more information about the Small Arms Survey's Sudan Human Security Baseline Assessment project, visit www.smallarmssurveysudan.org.