



Evaluations and Suggestions of the Japan Referendum Observation Mission to Sudan

February 5, 2011

Japan Referendum Observation Mission to Sudan

1. The Southern Sudan Referendum that was held from January 9 to 15, 2011, is one of the most important milestone of the Comprehensive Peace Agreement (CPA) process. The Japan Referendum Observation Mission to Sudan welcomes the fact that the referendum, including counting and sorting, has thus far been carried out largely as scheduled and without major disturbances.
2. The Mission conducted activities from December 24, 2010, to January 19, 2011, for the purpose of observing the processes of preparation for the referendum, polling, and counting. The Mission was comprised of 15 members from academia, NGOs, and the government. Its activities did not cover the entire referendum process; however, the Mission intensively and effectively conducted observation activities in Juba and Khartoum during the polling period. Nonetheless, it made every effort to observe as many referendum centers as possible. Among the five teams the Mission dispatched, four teams in Juba observed 81 referendum centers in all 15 Payams in Juba County, and the team in Khartoum observed 49 centers located in and around the city. In total, the Mission conducted 241 observations in Juba and Khartoum.
3. The Mission hereby submits this report in accordance with Article 5 paragraph (1)c. of the Southern Sudan Referendum Commission (SSRC) Regulations on the Role and Accreditation of Referendum Observers. The Mission hopes that, as an assessment of an observation team that professionally accomplished its mission in Sudan, this report will prove to serve as a useful resource in the future conduct of free, fair, and transparent elections and voting in Sudan.

I. Overview

4. **The Mission recognizes and welcomes that the referendum was generally carried out in a free, fair, and peaceful manner without any major disturbances or delays.** Despite some earlier concerns, the preparation was well organized prior to polling, and there arose no serious logistic problems. Voter guidance and handling by referendum staff during the voting period seemed appropriate in each referendum center, and the voters thus cast ballots mostly in a smooth manner. The Mission particularly recognizes that special consideration was given to women and the vulnerable for voting. The Mission was also encouraged by the facts that many promising youth worked as referendum center staff, and that women, if few, were appointed as the chiefs of the center.
5. The following are considered to be major reasons behind the lack of major disturbances during the referendum: lessons learned from various problems that came to light during the general election in April 2010 were applied; support from the United Nations, other international agencies, and various countries made it possible to sufficiently prepare for the voting, train referendum center staff and raise awareness among voters prior to the voting; and, more importantly, both parties in the north and south as well as the SSRC and the people of Southern Sudan had a strong desire to see the referendum, considered a touchstone for the CPA process, succeed. In this respect, the Mission expresses its high regard for the efforts and contributions of all the parties relevant to the referendum. The

Mission recognizes that the turnout rate of the referendum of over 90% demonstrates that voters understood the significance of the exercise of their voting rights to the extent that some rural voters willingly walked for several hours all the way to referendum centers in order to cast their ballots. With the high turnout rate, the results of the referendum are considered to be sufficiently reflecting the will of the people of Southern Sudan.

6. On the other hand, as is described below, the Mission witnessed cases that could affect the core principle of secrecy of the ballot and voting freedom, as well as several technical and managerial difficulties. Although the Mission does not believe such cases and technical problems directly influence the fairness and results of the referendum, it hopes that the following points will be considered in future elections and ballots.

II. Problems concerning voting freedom and secrecy of the ballot

Entry into referendum centers by unidentified persons

7. Among the activities observed by the Mission, the most serious was seemingly the entry into referendum centers by persons not having SSRC-issued identification or other personal identification (as well as persons who, even if they had ID, refused to show it). Occasionally, such people were seen to be managing centers separately from center staff. The Mission witnessed such people watching the voting activities of voters in an intimidating manner, issuing instructions to voters and center staff, and attempting to restrict the activities of observers who were not doing anything in violation of the regulations. Their actions did more than just interfere with the work of center staff and observers; their very presence was intimidating to voters and inhibited voting freedom and confidentiality. Based on Articles 10 and 12 of the SSRC Regulations for Polling, Sorting, Counting and the Declaration of Results, **entry into referendum centers is, as a rule, limited to voters, center staff, observers, accredited members of the media, and other such personnel. Any other persons who wish to enter centers must identify themselves and must not interfere with any operations.**

Entry into referendum centers by police officers

8. The Mission occasionally observed police officers entering referendum centers and, without permission, engaged in work primarily allocated to center staff. While it is recognized that protecting public order in and near centers is an important duty of police officers, their entry into a center without the permission of the chief of the center is in violation of Article 15 of the SSRC's Regulations for Polling, Sorting, Counting and the Declaration of Results.

Secrecy of the ballot

9. Voters may feel intimidated when their choices become known to others, and such feelings can hinder free and fair voting. This makes it very important to preserve the secrecy of the ballot. Secrecy, however, was not always adequately preserved during the referendum. The Mission observed various circumstances, including 1) cases in which workers assisted voters who were unfamiliar with the voting process by taking them to the voting table and watching them give their thumbprints; 2) cases in which people who were lined up behind a voter could see how he or she voted around the voting table; 3) cases in which the curtain concealing a voting table was blown by the wind, or nonexistent from the outset; 4) cases in which voters' choices were plain to see because the voting table was inappropriately placed; and 5) cases in which voters gave their thumbprints on a chair in front of center staff rather than on a voting table. **Thus, utmost care must be taken to preserve secrecy of the ballot by having voting assistants handle voting activity properly, such as appropriately arranging voting tables.**

III. Individual technical problems

Clarification and full application of regulations and instructions for all referendum centers

10. Clarifying regulations and instructions beforehand is essential from the standpoint of ensuring foreseeability and transparency. However, the locations of centers were not always expressly announced, and there were some instances where a center had integrated with another center or moved to another location after voters registered. Moreover, police officers frisked voters at some centers, but did not at others. Thus, voter handling was not necessarily uniform.
Furthermore, instructions from the SSRC to individual referendum centers must be fully provided for and applied to all centers well before voting begins. Nonetheless, the Mission heard a large number of centers mention that they had not been officially notified that the closing of polls had been extended in the middle of the voting period from 5:00 P.M. to 6:00 P.M. and therefore they did not make the change. As a result, the Mission witnessed instances in which voters who came to vote between 5:00 P.M. and 6:00 P.M. were turned away. The Mission also saw some cases where voters who were already lined up when polls closed were refused entry to the referendum center, even though their right to vote on that day was stipulated by law. The Mission also confirmed instances of significant differences in how centers operated at the counting stage; there were some centers that began counting votes late at night on the last voting day while others began early in the morning on the following day. The reason for this was that the time when counting should begin following the closing of polls was not clearly nor legally established. These developments demonstrate that when instructions issued by the SSRC and other higher level organizations were not enforced at the individual referendum center level, the degree of decision-making that is left to the discretion of centers grew, thereby hindering fairness and uniformity in voting. **Clear and immediate announcement of regulations and instructions that have a direct impact on voting is tied to uniform handling and guarantees transparency. Changes to regulations and instructions from higher organizations must be provided for all referendum centers clearly and with sufficient lead time, and with due consideration for differences in locational conditions and means of communication.**

Guarantee of equal voting opportunity

11. All voters must be treated equally. The Mission recognizes that many referendum centers gave priority to ensuring that women and elderly residents had the opportunity to vote and provided appropriate assistance for people with disability. On the other hand, the Mission witnessed some cases in which powerful members of the community and people appearing to have connections with center staff were given preferential treatment in voting. Moreover, in some cases, voters in remote districts had great difficulty in traveling to their referendum centers, with some voters walking for several hours. **Thus, equal voting opportunities for all voters must be guaranteed. Any voter should not receive special treatment because of their connections, and maximum effort must be made to ensure that even residents of remote districts have the opportunity to vote.**

Securing sufficient materials and personnel

12. There were also cases in which lack of materials and personnel hindered the voting process. Specifically, in addition to the above-mentioned lack of transportation, there were cases in which shortages of voting tables and center staff meant that voters had to wait for considerable lengths of time. There were also cases in which vote counting was postponed until the next morning because of insufficient lighting. Not only problems attributable to material and personnel shortages erode voter enthusiasm and staff morale, they can also increase the likelihood of wrongful activity and, in worst cases,

obstruct the voting process itself. The Mission understands that improving materials and staffing cannot be resolved immediately without the requisite budgetary measures. Nonetheless, **human and financial resources should be primarily allocated to the problems that may lead to delays in the voting process.**

Working environment for referendum center staff

13. Securing benefits, including supply of water and food for referendum center staff is not simply an important issue that is directly linked to morale; it is also essential to ensure that the staff make proper judgments and execute their duties precisely. The physical exhaustion and anxiety suffered by center staff—who must work all day in small numbers for as long as seven days—exceeds imagination, and thus their dedication during the referendum should be highly commended. However, the Mission saw instances in which center staff had to provide chairs and drinking water by themselves for voters waiting to vote. The Mission also heard many staff complain that payment of their salaries was delayed or sufficient food and water had not been supplied. **Referendum center staff are the foundation that supports the entire referendum process. Consequently, measures to improve their working environment must be implemented to ensure that they can execute their duties properly.**

Easily understandable layout and voting procedure

14. The voting procedure must be easily understandable to not only voters but also referendum center staff. The referendum this time presented a simple choice of two options—secession or unity—and thus no confusion regarding how ballots should be filled out was evident. However, the Mission did see voters attempting to force their ballots into voting tables, apparently mistaking the tables for ballot boxes. The Mission also saw some center staff members who could not be readily identified because they were not wearing the official vest or carrying identification. Moreover, based on its observations, the Mission believes that workers likely had an extremely difficult time confirming voters' identity without photographs. **Attention should be paid to the understandability of the procedure from the standpoint of voters and center staff in facilitating the process and securing transparency.**

Other technical problems observed

15. Other technical problems observed by the Mission included the following: 1) cases of failure to check the ink on voters' forefinger for preventing double voting when identifying voters; 2) cases in which paper for wiping off ink after identification fingerprinting was unavailable, resulting in unintentional soiling of ballots that invalidated them; 3) cases in which referendum centers that were set up outside had their ink dry up in the heat or strong winds; 4) cases in which paper punchers could not be used to cancel voter registration cards (in order to show the "voted" status), leading to use of scissors that could make shallow cuts only into the cards' laminated plastic; and 5) cases in which simple counting and notation errors occurred when polling was closed each day as well as during sorting and counting after the referendum. These technical problems can be adequately prevented by reinforcing training, taking a little more time, and being more attentive.

IV. Final Remarks

16. As was mentioned at the beginning of this report, the Mission does not believe that any of the problems concerning voting freedom and confidentiality or technical problems that were identified here had a direct impact on the referendum's fairness and results. At the same time, however, the Mission hopes that the various above-mentioned problems faced

by the 2011 referendum will provide valuable lessons that can be applied to elections and voting opportunities in Sudan in the future.

17. The Mission looks forward to seeing the process of vote sorting and counting continue in a proper and transparent manner through to the announcement of final results. Moreover, the Mission emphasizes the importance of respecting the outcome of the referendum by all parties, and strongly hopes that the outcome will contribute to the achievement of sustainable peace in Sudan as well as peace and stability in Africa as a whole.

To take this opportunity, the Mission renew our warm appreciation to all parties who helped its successful completion of assignments with fellow international observers, including both parties in the north and south, the SSRC, referendum center staff, the United Nations, other international and domestic observers, and voters who welcomed the Mission.