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DELEGATION TO OBSERVE

the self-determination referendum in Southern Sudan

9-17 January 2011

Report by

Ms Mariya NEDELICHEVA, Chair of the Delegation

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Introduction

The January 2011 referendum is, after the April presidential elections (where the EP was present with an Election Observation Delegation led by Mrs Ana Gomes), the last key milestone of the power-sharing deal included in the Comprehensive Peace Agreement (CPA), signed in 2005 by the ruling National Congress Party (NCP) and the Southern Sudan Liberation Movement (SPLM), bringing an end to decades of armed conflict and paving the way to the next step for a settlement of the conflict. The CPA will formally end on 9 July 2011.

For this referendum Southern Sudan was considered as one circumscription which included Central Equatoria, East Equatoria, Jungoli, Lakes, North Bahr-al-Ghazal, Unity, Upper Nile, Warap, West Bahr-al-Ghazal, West Equatoria and White Nile.

According to the CPA, Abyei, a region situated between North and South, was originally to hold a separate referendum to know whether it would join the South or the North. Sudan's President Al-Bashir and the President of Southern Sudan, Salva Kiir, agreed that the referendum should not take place, at least on the same date as the Southern Sudan referendum. At the time of the referendum what will happen with Abyei was unclear.

The European Parliament was invited on 2 August 2010 by the Southern Sudan Referendum Commission to send a delegation to observe the referendum in Southern Sudan. The Conference of Presidents authorised the sending of the delegation on 9 December 2010.

Consequently, a European Parliament delegation of six Members led by Ms Mariya NEDELICHEVA, and also composed of Mr Boguslaw SONIK, Mr Joachim ZELLER, Mr John ATTARD-MONTALTO, Mr Edward SCICLUNA and Mr Martin EHRENHAUSER were in Sudan to observe the self-determination referendum to be held from January 9 until January 15. The Members left Sudan on 17 January (18 for Ms Nedelcheva, who participated to the press conference in Khartoum to introduce the preliminary findings of the EU EOM).

In line with usual practice, the EP Delegation was fully integrated in the EU Election Observation Mission (EU EOM), which was present in Sudan from 12 December 2010 following - for the first time for an EU EOM-, a Voter Assessment Mission that deployed on 8 November 2010. The EU mission was chaired by the MEP Véronique De Keyser. The EU mission, as a whole, comprised 110 observers from all Member States of the European Union, as well as from Norway, Switzerland and Canada, plus the 6 MEPs.

The EP delegation was in Khartoum from 9 January 2011 onwards. In addition to several meetings with the Chief Observer of the EU EOM and her team, they had the opportunity to meet with the Southern Sudan Electoral Commission and Bureau in Khartoum and in Juba, the EUSR Ms Rosalind Mardsen, the Speaker of the South Sudan Legislative Assembly Mr Comrade James Wani, the State Minister for Humanitarian Affairs Mr Mutrif Siddig, the Southern Sudan Minister for Peace and CPA Implementation Mr Pa'gan Amum, the UNMIS Regional Director for South Sudan Mr David Gressly, as well as several other personalities, officials, experts and observers from other organizations. The EU Ambassador organized a briefing between the EP Delegation and the Member States Heads of Mission, together with the Ambassadors of Switzerland, Norway and Canada.

The delegation had hoped to have a meeting with human rights lawyer and 2007 Sakharov Prize Winner Mr. Salih Mahmoud Osman, but unfortunately he was out of the country.

International Election Observation

More than 22,000 domestic observers were accredited to oversee the process, alongside approximately 600 international observers. Aside from the EU and national observers, a broad range of international observers monitored the elections, namely the African Union (including the Pan-African Parliament), The Carter Center, the Intergovernmental Authority on Development (IGAD) and the League of Arab States.

On 9 January, the 1st day of polling, these international observers issued a joint statement in which they *"urge all parties and the people of Sudan to work for a peaceful and inclusive referendum that respects the right of citizens to vote freely without fear of intimidation, coercion or violence [...] and welcome the renewed commitment of the Parties to the CPA to fully respect the outcome of the referendum and the verdict of the people of Southern Sudan."*

Political environment

A few months ago it was absolutely not sure whether the referendum would take place or not, taking into consideration the level of technical preparation and the negative political declarations. However, shortly before the start of the polling, the authorities of the North gave positive signals that they would accept the outcome of the referendum.

And indeed polling started in an unexpected positive manner. From the first day the referendum was conducted in a calm and professional manner, with a great enthusiasm of voters in the South.

There were few signs of campaign in favour of Unity in the South and in favour of secession in the North. Consequently, voting turnout was extremely high in the South and relatively low in the North, bringing the SSRC - two days after the referendum had started- to take the decision of extending the voting for one hour.

The CPA sets provisions for a defined period, running until 9 July 2011, nothing is planned yet for the "after CPA". Many interlocutors raised therefore concerns over the pending issues between Khartoum and Juba and around the challenges both parts will have to face:

- the issue of the Abyei status is one of the most pressing as it brings together urgent political, historical and economical problems;
- the question of the share of the debt is crucial both internationally and between the two entities;
- nationality and citizenship issues for people from the South remaining in the North and vice-versa will have to be dealt with as priorities;
- the creation of a pluralist partisan space and the guarantee for the rule of law both in the North and in the South are part of the most interesting evolutions to come;
- the future relations of the EU with North and South Sudan (ICC, ACP-EU Partnership Agreement) are of utmost importance.

Voting Days

According to Interim Constitution of 2005 subsequently of the CPA, the date of the referendum had to be 9 January 2011. This date had been described by the leaders of Southern Sudan as "sacrosanct" and has been respected, despite speculations about postponements or even, cancellation. Given the conditions in the country, polling was organised to last 7 days, ending on 15 January.

In Khartoum, the Delegation observed in the 3 different areas: Mayo, Jebel Aulia and Haj Youssif with the valuable assistance from the EU EOM long-term observers. Registration figures in the North were lower than expected and voters were even less. According to UN sources, since October 2010 approximately 160,000 Southern Sudanese have left the North to return to the South (Over 1.2 million Southerners have returned since the signing of the CPA).

In Juba, security conditions were much better than expected and in particular better than those of last elections in April 2010. Members were thus able to observe the conduct of this referendum process - and also the hardships of life in South Soudan - in referendum centres both in urban (Juba and Terekeka) and sometimes quite inaccessible rural areas, thanks to the help of EU EOM observers in Juba.

In comparison to the last elections in April 2010, the situation was very different in the North and the South: The referendum consultation was calm and orderly in both areas but with a lot of enthusiasm and high participation in Southern Sudan and some indifference and low participation in North.

The referendum was conducted in a very peaceful manner with a high sense of professionalism. The work of the referendum authorities, in particular the Southern Sudan Referendum Commission and the South Sudan Referendum Bureau should be underlined. Also encouraging is the fact that the Northern authorities "played the game" of the referendum. The organization was an enormous challenge and considering the constraints, it went very well. In the South, the turnout was impressive.

The counting was also conducted in a very professional manner, in spite of the tiredness of the staff. Indeed, the counting took place immediately after the end of the voting period (15 January at 18:00), in agreement with the law, but without consideration for the fatigue of staff in the polling stations, that proceeded to count after a long voting day (and after 7 days of polling). In Juba's University referendum centre, where the EP Delegation was present, this counting went well after 1 am.

The Delegation observed the presence of numerous security forces both outside and inside the referendum centres (even if they did not directly participate in the counting process).

In all the referendum centres visited, polling officials did not know when or if they will be paid for their work. The Delegation hopes that the salaries will be paid immediately, as receiving a salary for a work done is a human right issue.

Press conference and presentation of Preliminary Statement

On 17th January, the press conference where the EUEOM Preliminary Statement was presented was well attended by the media and election stakeholders.

The EU EOM's Preliminary Statement, which the EP delegation endorsed, was entitled *"Peaceful, Credible Voting Process, With Overwhelming Turnout, Mark Southern Sudan Referendum "*.

Referendum Results

The Southern Sudan Referendum Commission (SSRC) announced on 13th January that the required 60 percent threshold of registered voters had been reached by the fourth day of polling, making the referendum legally valid. Subsequently, on 16th January, SSRC Chair, Professor Khalil Ibrahim announced that 83 per cent of registered voters had cast their ballots, a remarkable turn-out.

The SSRC announced the preliminary results for the entire referendum on 2 February. Barring any legal appeals, the final results will be declared on 7 February, and in the case of appeals, on 14 February.

Conclusions

The respect of the results by all is crucial in the last phase of the implementation of the Comprehensive Peace Agreement. In her statement at the Press Conference to introduce the preliminary findings of the EU EOM, Mrs Nedelcheva insisted on the fact that the referendum should be seen as part of process which leads to the consolidation of democracy.

In the event that that the two parts of Sudan are going to be divided, it is essential that they are seen as homogeneous blocs and that political, ethnic and religious diversity are respected in the future. The CPA and the interim constitution had acknowledged this diversity. Now that the South is seceding, there are some voices in the North that plead for a harder and uniform application of Shari'a law. But Northern Sudan remains diverse, from the ethnicity and religious point of view. In Southern Kordofan and Blue Nile States, many people have fought alongside SPLM during the war against the North and there are non animists and Christians in several parts of the North. There is a fear of opponents in the North that they would be now "left alone" after the secession.

The question of pluralism is also relevant in the South although not on religious issues - Animists, Christians and Muslim coexist in a relative peaceful way. The question is more related to political pluralism. SPLM, as a liberation movement, has the tendency to exert its hegemony, the delimitation between institutions, security forces, army and party being unclear. The next election will show how open the game is for other political forces.

If as it seems, the people of South Sudan will opt for secession, the new State will not be proclaimed before the 9 July 2011, the date of the end of the CPA. The name is not decided yet. The biblical name of the old nation of Cush is mentioned as a possibility, as well as New Sudan

or Southern Sudan. A politician from SPLM talking to the delegation indicated that *suda* means black in Arabic and that it would make sense to keep that name for Southern Sudan.

The international community should further engage with the two parts of the country: supporting the North for "playing the game" of the next steps to a peaceful relation towards the seceding South; supporting the South to build up a viable State. In this sense, the EU will have to continue elaborating development programs for both countries in order for the local populations to face future probable difficulties.

Several issues are still unsolved: the status of Abyei, the demarcation of the border, the issue of nationality and citizenship, the guarantees for good living conditions and for integration measures for the "returnees", the "popular consultation" in Southern Kordofan and Blue Nile, the share of the debt, the redistribution of the economic resources between North and South.

In the bargains and disputes which are likely to arise, the parties should have as a first issue in their minds the well being of the people.

The EU EOM long term mission remains in the country until completion of the referendum process and will issue a comprehensive final report. The European Parliament Election Observation Delegation recommends that the Election Coordination Group, the Development and the Foreign Affairs Committees and the competent Delegations follow closely the conclusions and recommendations of this final report.