



THE SOUTH SUDAN REFERENDUM: REFLECTIONS ON A SUCCESSFUL IMPLEMENTATION

USAID/SUDAN DEMOCRACY AND GOVERNANCE

Introduction

The timely conduct of the historic southern Sudan referendum on self-determination would not have been possible without well-coordinated development and diplomatic efforts. The harmonization of these efforts was made possible by U.S. Government (USG) adoption of a strategic road map, constant reinforcement through a robust inter-agency process, and a diplomatic and technical field presence that allowed for a range of interventions in support of the road map. While the southern Sudan referendum experience is unique in terms of context and USG interest, there are important lessons to learn from this experience as we plan and carry out assistance in support of transformative electoral, political, and development reform processes worldwide. In the short term, the experience may inform the USG's work in Africa as we prepare to support elections and political processes in a number of African countries, including Nigeria, Uganda and potentially Zimbabwe, during the next 12 months.

USAID/Sudan is undertaking a full after-action review of our support for the southern Sudan referendum, which should be ready in the coming months. The review, a standard practice to improve knowledge and performance, will also take into account lessons identified by our implementing partners and local counterparts as they engage in broader consultative processes. The following findings, in the meantime, are the outcome of a preliminary overview carried out by USAID experts in consultation with key referendum partners and stakeholders.

As part of its democratic development programming, USAID's support to electoral processes in Sudan preceded the 2005 Comprehensive Peace Agreement (CPA). Activities in civic and political participation have continued since 2004 and helped prepare for the 2008 census and the 2010 elections. Support to the 2010 elections allowed the expansion of activities in civic

Elements of a Successful Strategy

- 1) High level and continuous diplomatic presence on the ground demonstrated engagement and USG commitment to the process.
- 2) Close cooperation between USAID technical experts and senior U.S. diplomats allowed informed dialogue with Sudanese counterparts and helped build trusted partnerships with the Sudanese referendum managers.
- 3) USAID technical documentation and reporting systems allowed for clarity of objectives, coordinated and timely interventions, and coherent messaging.
- 4) USAID development assistance was sufficient, pre-positioned, flexible and able to react to the unpredictable circumstances of the referendum preparations.
- 5) Integrated and well-coordinated development assistance portfolio contributed to effective implementation, information sharing, and leadership in referendum support.

USAID support was already in place through existing implementing mechanisms and partners—the International Foundation for Electoral Systems (IFES), the National Democratic Institute (NDI), the International Republican Institute (IRI), and The Carter Center—to ensure that critical technical assistance could move forward immediately upon resolution of political issues. Technical and commodity support was envisioned since the development of USAID’s Sudan strategy in 2005, and required prolonged dialogue with relevant entities within the Government of Sudan (GOS) to ensure that each of USAID’s referendum support partners had the political and legal space to operate in Sudan—especially northern Sudan—and to meet our objectives. USAID/Sudan ensured, for example, that Implementation Protocols were agreed to in advance by the GOS Ministry of International Cooperation and supported by the SSRC and Sudan’s Political Party Affairs Council.



SSRC Chairman Khalil, US Special Envoy Scott Gration, and UN Representatives celebrate the arrival of voter registration materials, October 30, 2010.

By mid-September 2010, USAID and its implementing partners had already engaged the leadership of the SSRC, prepositioned technical assistance, and presented the SSRC with draft operational and technical plans for the conduct of the referendum. Had those plans and technical specifications not been presented to the SSRC by mid-September, particularly voter register designs and templates, timely procurement and dispatch of registration documents and materials would not have been possible, and a referendum delay would have been inevitable. At the same time, USAID assistance helped the SSRC become operational, including the provision, furnishing, and equipping of office spaces in Khartoum and Juba.



Contingency Planning and Responsiveness to Emerging Needs

USAID/Sudan and its implementing partners were capable of responding quickly to developments on the ground. USAID and its partners also promptly made funds and/or in-kind support available to provide needed assistance when commitments for support to the process were slow to materialize. A notable example is USAID’s provision of \$3 million to the International Organization for Migration (IOM) to quickly launch Out-of-Country Registration and Voting operations. USAID decided to fund IOM as soon as it appeared that other funding sources would not materialize in time to keep the referendum preparations on schedule.

In addition, USAID was able to fund major operational needs that were at risk of being unmet due to delays in other donor support because its partners and funding were in place early. In fact, USAID and its implementing partners worked on the assumption that assistance for certain, critical components of the conduct of a credible referendum might not materialize in time, and

pre-positioned support for such contingencies. These assumptions proved to be instrumental to progress on many fronts, from logistical support to technical specifications. One example is the decision to prepare for the establishment of high-capacity data centers for registration and voting results, both in Juba and Khartoum. This assistance was originally committed by other SSRC donor partners. Although this was considered outside its original mandate, USAID decided to provide this technical assistance because of the intrinsic importance of the data centers



Registering to Vote—Sudan Referendum Participation was close to 98%.

The delivery of registration materials in Juba and Khartoum provided opportunities for extensive media coverage that helped fend off lingering doubts about referendum feasibility and calls for a technical delay.

for the credibility of the process. This

contingency planning proved prescient as events unfolded in late 2010 and this assistance proved indispensable to the credibility of the outcome. Establishment of the data centers included providing the necessary hardware, special software, and training of SSRC staff.

The Final Step: USAID Ensures Full Per Diem Payments for Referendum Poll Workers in South

As a final step to ensure that ballot counting and results tabulation, and therefore results announcement, would not be delayed, USAID provided critical last minute unplanned assistance to the SSRB and the Government of South Sudan (GOSS) with the payment of poll worker per diem. The SSRC faced an ongoing shortage of funds for its core operations, in particular for the SSRB in the South

where the majority of expenses were incurred. Despite having approved a budget of some \$150 million for the referendum, the Government of National Unity (GNU) transferred only 10 million Sudanese Pounds (SDG) (approximately \$3 million) to the SSRC based in Khartoum; the GNU transferred no funds to the SSRB in Juba.¹ To help fill the gap in funding, the GOSS provided SDG 10 million to the SSRC and SDG 50 million to the SSRB, far below the funds required.

Toward the end of 2010, as referendum preparations entered the most critical stage, the SSRB had insufficient funding available for the final major expense – the payment of per diem to poll workers in southern Sudan. This threatened to derail the referendum process. With the GNU in vast arrears to GOSS for the transfer of oil revenues and the unanticipated costs of



¹ In all the GNU, GOSS and UNDP transferred some SDG 21.6 million to the SSRC for the conduct of the Referendum. No GNU funds were transferred to the SSRB or otherwise used for operational expenses in the South.

some 200,000 returnees to the South from the North in the lead up to the referendum, the GOSS faced a budgetary shortfall and could not transfer additional funds to the SSRB. Though the SSRB was able to pay the first of two per diem installment payments to poll workers, its leadership, donors, and international referendum advisors feared that poll workers might refuse to complete their work, possibly undermining efforts to complete the counting and results tabulation processes on schedule, if not given assurances that the second payment was forthcoming. Facing these circumstances, SSRB Chairman Justice Chan Reec Madut approached USAID to make an extraordinary plea for assistance. USAID agreed to reimburse the SSRB for the first poll worker per diem payment, contingent on documentation reviewed by both technical and financial USAID staff, which would enable the SSRB to use the reimbursement to make the second and final payment to poll workers.

Voter Registration Materials Delivered for Southern Sudan Self Determination Referendum.



USAID/Sudan signed an implementation letter with the GOSS to provide up to \$5.9 million in funds from the Regional Assistance Grant Agreement (RAGA) between the GOSS and USAID to reimburse the SSRB for the first poll worker per diem installment payment. With assistance from IFES and USAID staff, the SSRB prepared and verified lists by referendum polling center



Southern Sudanese man showing his pride as he displays his voter registration card.

of poll workers, each of whom was required to sign as documentation that s/he had received the first per diem payment from the SSRB. Following verification by USAID of these signed lists shortly after the referendum results were announced, USAID initiated a transfer of funds to the SSRB via the Bank of Southern Sudan. The SSRB distributed payments in early March to the field with the assistance of IFES and USAID staff using the USAID-funded charter aircraft dedicated to SSRB operations. USAID, IFES, and the USG Stabilization Teams in the field monitored the payment process.

Synergies of U.S. Development and Diplomacy

U.S. diplomatic leadership was consistent, fully engaged, present in the field, and informed. Timely provision of USAID technical and logistical assistance was accompanied by close coordination with USG diplomatic representatives and development partners. In addition to routine consultations on technical and policy issues, USAID and U.S. diplomatic representatives capitalized on the close partnership with the SSRB to help facilitate timely decisions without which referendum delays would have been inevitable. The interlinked deployment of development assistance and diplomacy in support of the southern Sudan referendum served to both foster partnerships with the SSRB and advocate for timely actions. U.S. Special Envoy to Sudan General (ret.) Scott Gration and Ambassador Princeton Lyman frequently consulted with USAID Mission leadership and technical experts to assess implementation progress, identify issues and priorities, time interventions, and agree on key messages to partners and counterparts. Both Special Envoy Gration and Ambassador Lyman were extensively briefed by USAID and its partners at key junctures of the referendum process, especially at times when the

feasibility of the referendum was in doubt and a delay for technical reasons was being considered.

Briefings and discussions, for example, led to: a) agreement on the 120-day timeline; b) focus on successful voter registration as a source of momentum and the best response to calls for a referendum delay; c) seeking SSRC approval of registration manuals in time for printing and training; d) encouraging the GOS and GOSS to provide funds for the SSRC and SSRB; and e) a coordinated response to procurement controversies that could have delayed ballot printing. The understanding of the need for USAID to manage the relationship with the SSRC and the SSRB and to take part in all USG interactions with referendum counterparts demonstrated a whole-of-government approach that not only helped streamline messaging, but also indicated to interlocutors USG capacity to both engage and deliver.

Recommendations from USAID technical experts concerning when, how, and in what capacity to engage with key Sudanese actors were instrumental in ensuring timely and effective USG interventions. In addition to technical knowledge, USAID personnel on the ground played an instrumental role in cultivating trusting relationships with the SSRC leadership in Khartoum and Juba, which positioned USAID as a facilitator of diplomatic interface with the SSRC and SSRB. The USG effectively used public diplomacy to reinforce the message that a timely referendum was possible. For example, the delivery of registration materials in Juba and Khartoum provided opportunities for extensive media coverage that helped fend off lingering doubts about referendum feasibility and calls for a technical delay. The USG organized periodic press availabilities for our diplomats and development experts to describe the process underway.



US Senator John Kerry and SSRB Chairman Chan Reec Madut review voter education products, Press Conference January 8, 2011.

Though short in duration, the continuum of technical leadership, material assistance, and high-level engagement in support of the referendum is a case of whole-of-government approach that warrants further study and replication.

Effective Information Flows

Facing the build-up of unprecedented demand for information, USAID played a lead role in collecting, analyzing, and disseminating timely information on referendum progress, anticipating potential obstacles and recommending actions and interventions to be taken. USAID produced the weekly *State-USAID Southern Sudan and Abyei Referenda Progress Update*, distributed through the U.S. Consulate in Juba. Early efforts to articulate timelines, milestones, and benchmarks helped frame monitoring and reporting on referendum progress. These timelines, milestones, and benchmarks also helped harmonize the priorities and key messages for U.S. leadership across agencies, leading to a consistency of message that facilitated timely decision-making. A key example of the coordinated messaging was the talking points (including clear

targets) prepared for the U.S. leadership for the U.N. General Assembly Meeting and side meetings on Sudan in September 2010. Because USAID specified early and often the significant steps that remained to be achieved before being able to hold the referendum and the



GOSS President Salva Kiir casts his vote on the morning of January 9, 2011.

dwindling number of days that remained to achieve them, planning documents provided by USAID helped accelerate key decisions that allowed the technical preparations for the referendum to move forward. USAID also provided the technical foundations, systems, and guidance that enabled the USG teams observing the referendum process to collect important information regarding referendum preparations and feed it back to USAID and the Consulate for processing, analysis, and reporting to Washington. In addition to producing event-specific scene setters and regularly updating talking points on the latest state of play in the process, USAID technical personnel briefed their diplomatic colleagues on a daily basis both in Juba and Khartoum.

Partnering with the SSRC

A critical component of USAID technical support for the referendum was direct technical engagement by USAID and its implementing partners with relevant government bodies, including the GOS Ministry for International Cooperation, the SSRC and the SSRB, and key leaders in the GOSS. This direct technical engagement served as a complement to diplomatic interface, helping to ensure that diplomatic solutions were grounded in practical implementation realities. Indeed, technical and diplomatic engagement occurred either concurrently or in close timing, which resulted in better message coordination and influence on SSRC decisions.

U.S. diplomatic and development leadership persisted in engaging meaningfully with the SSRC and SSRB and both governments. While Special Envoy Gration and Ambassador Lyman deserve considerable credit for establishing a constructive relationship, USAID personnel on the ground engaged daily with SSRC and SSRB counterparts on a range of technical and logistical issues. While engaging with the SSRB leadership focused mostly on capacity



Voters queue up on the first day of polling, January 9th, in Juba.

challenges, winning the trust and cooperation of the SSRC leadership in Khartoum was a crucial and complex endeavor that required the convergence of the best in development practice and diplomatic finesse. The early engagement by U.S. diplomatic leaders and development experts led to confidence building and working relationships that proved critical when the deadlines approached and pressures mounted. Stepping in to provide timely support and address needs of the SSRB that were at risk of being left unmet demonstrated the USG's unwavering

Inking indicated Sudanese has cast his or her vote



was a challenge made more pressing because of the compressed timeline. The referendum was a Sudanese process managed by the SSRC with substantial assistance from the international community. For it to be credible, referendum implementation had to be led by the SSRC in Khartoum, but also the Juba-based SSRB. Though legally and organizationally a constituent part of the SSRC, the SSRB was in fact the main operational body, as 92 percent of referendum centers were located in southern Sudan. Adding to the importance of the leadership role of the SSRB was the fact that it had to self-finance through contributions from the GOSS in the absence of funds from the GNU. Nevertheless, USAID was careful to ensure maximum coordination between Khartoum and Juba not only for operational reasons, but also to promote conditions for the acceptance of results.

The transformation of the SSRC Chairman, Professor Khalil, from a contentious partner to a skeptical participant to a strong supporter of USAID and other donors' effort was one that required substantial attention, finesse, and convincing evidence of referendum feasibility. Khalil's first act was to request international donor support, and he and his team were exceptionally accessible and receptive to international assistance. The SSRC leadership also saw in international support a source for their empowerment, independence, and credibility as referendum managers. However, Khalil had been persistent in his demand that most funds supporting the referendum process ought to be transferred directly to the SSRC. He consistently argued that SSRC control over the funds would allow the recruitment of more Sudanese experts, add a "national complexion" to the referendum process, and give the SSRC more control and ownership. While theoretically valid, the argument ignores the facts of an extremely compressed referendum timeline, the transient nature of the SSRC, and the need to obligate funds and preposition material and technical support before the much-delayed establishment of the SSRC. Khalil's strong stance on this issue led him to belittle international support and, at times, only begrudgingly approve key and

commitment to a successful referendum and capacity to devise creative solutions. Personal rapport with SSRC and SSRB leadership—cultivated at all levels by both USAID technical experts and USG diplomatic officials—was invaluable, especially at times of crisis and friction.

Concurrent with incentives for the SSRC to take timely decisions, USAID and other development partners worked tirelessly to ensure that the SSRC had ownership of the process as it quickly developed into a functioning organization. Balancing the SSRC's needs to lead and manage the process with the need for timely decisions



Counting the votes throughout the night.

time-sensitive products, such as the voter registration manual, even though such products were developed in close consultation with SSRC officials assigned by Khalil to these tasks.



SSRC Chairman Mohamed Ibrahim Khalil and Vice-Chairman Chan Reec Madut discuss the conduct of polling at its closing, January 15th,

Khalil also believed in the need for a referendum delay in order to ensure the process was credible and its results accepted. To his credit, Khalil took decisive measures during voter registration to address National Congress Party (NCP)² criticism of low turnout in northern Sudan and, as a result, added to the momentum for an on-time vote generated by the credible conduct of the registration. Reflecting back on his renewed commitment to what he had disparagingly referred to as a “sacrosanct” referendum date, Khalil often mentions his realization after voter registration that heightened expectations in the South would have ignited war if the vote did not take place on time. Much technical and diplomatic dialogue, however, continued to keep the SSRC focused on preparations for the voting process.

While mindful of the SSRC need for ownership, the USG applied pressure on the SSRC to make timely decisions. When a decision delay was close to compromising the referendum timeline, as in the case of the voter registration manual, USAID was ready to take a calculated risk and move forward, hoping the SSRC would follow. Fine diplomacy and creative technical solutions were then applied to quickly mend fences and prepare for next hurdles. Throughout the process, USAID and senior U.S. diplomats worked at a parallel track to urge the SSRC to take key decisions, especially those requiring procurement planning and information dissemination.

Coordinating with Implementation Partners

USAID not only planned early for an integrated package of referendum assistance, but also ensured that implementing partners worked in unison with each other and with USAID throughout the referendum process. USAID’s technical team organized weekly video conferences linking Juba and Khartoum that were attended by all partner representatives and USG colleagues. In discussions following the referendum, the implementing partners commended USAID for arranging these weekly formal consultations, thus ensuring that the implementing partners knew what the others were doing and coordinating problem solving of outstanding issues. USAID also advised partners on how to engage with the SSRC, encouraged



² The National Congress Party (NCP) is the ruling party of the Government of Sudan and was one of the signatories to the 2005 Comprehensive Peace Agreement.

them to share information and products, and intervened when necessary to facilitate partner cooperation with other actors. USAID in-house technical expertise and presence in the field helped forge cooperative relationships with implementing partners beyond the traditional donor-recipient parameters.

Working with International Partners

We succeeded early on in establishing a strong partnership with international and regional actors to ensure that human and financial resources were available throughout the process. Particularly important was the role of the UN Special Representative of the Secretary General and the UN Development Program (UNDP), which worked seamlessly with the USAID-funded technical and material support provided through IFES. Coordination with the UN was ensured by the team of technical advisors at the implementation level and regular consultations at the representational level, mainly through the Policy Advisory Committee, which was co-chaired by the SSRC Chairman, and included major donors.

SSRB Chairman Chan, US Consul in Juba, Ambassador R. Barrie Walkley and SSRB leadership prepare to visit the Shilluk Kingdom, January 17, 2011



Working with the UN was not without challenges. The UN Integrated Referendum and Elections Division (UNIRED) was an amalgamation of the UN Mission in Sudan (UNMIS) and UNDP, initiated following the April 2010 elections, which took time to forge, staff, and operationalize. UNIRED understaffing, miscommunication, and clashes of institutional cultures often led to confused decisions and disconnects between the UN technical team (UNMIS) and UNDP, which managed pooled donor funding and procurement. UN referendum officials also operated under the

assumption that they were entrusted with coordinating referendum implementation, a task they tended to interpret as controlling all aspects of referendum planning, implementation, and funding. UN referendum officials often resented IFES as a partner and were not comfortable with the USG level of engagement and presence, such as that of senior U.S. diplomats in the handover ceremonies of registration and polling materials. Capacity limitations and pressure to perform, however, left the UN team with little alternative to close coordination and team work with USAID and its partners. The UN team often called upon USG support to avert looming crises. For example, the UN team requested help from USG “big guns” to help solve the impasse on ballot printing. USAID worked with Ambassador Lyman both to understand the real intentions of the SSRC Chairman and to lend support to the UN team as it came under tremendous pressure from its pooled fund donors that feared a referendum delay.

USAID deliberately gave space for other donors to feel ownership and have the opportunity to lead. For example, USAID encouraged Canadian colleagues to continue chairing the Donor Working Group on the Referendum and, sensing the need among Basket Fund contributors for ownership, worked behind the scenes to advocate for decisions, such as funding for IOM.

USAID Long-Term Commitment of Resources

USAID leadership prepared early to ensure that adequate funds were available. In total, USAID budgeted approximately \$60 million to support the referendum through mechanisms and partners that were already in place long before referendum planning began. As a result of this approach, USAID resources and implementing partners were prepositioned to provide timely

Southern Sudanese await the announcement of polling results, Juba, January 30, 2011



support for the southern Sudan referendum. A critical outcome of this approach was the ability of USAID technical staff and implementing partners, who were already working in Sudan, to cultivate relationships with key Sudanese stakeholders early. In particular, the long-term continuity of democracy and governance team staff was critical, if unplanned, enhanced by the availability of a permanent DG backstop for USAID/Sudan based in Washington able to remain in Sudan for an extended TDY prior to, during, and immediately following the referendum. This was further supplemented by additional short-term technical TDY staff brought through the Civilian Response Corps

mechanism to support the DG team in the lead up to the referendum.

Themes for Further Discussion

1. **Diplomacy and development:** The premise that development and diplomacy must be mutually reinforcing can be further informed by case-specific experiences. Successful USG efforts to ensure that the southern Sudan referendum was timely and credible point to the importance of technical and diplomatic coordination in Washington and, most important, in the field. *What exactly worked in the context of Sudan to multiply the joint effects of development and diplomacy efforts?*
2. **USAID as equal partner in supporting political processes:** USAID’s expertise extends beyond the purely “technical” to include broader understanding of a country’s political processes and the best approaches to achieve desirable political outcomes. *How can USAID’s presence and expertise be better utilized to advance foreign policy objectives?*
3. **Advance planning:** The need for planning/prepositioning of technical assistance is not always understood or supported. *What are the impediments to advance planning and how can the case of integrated assistance plans in support of the referendum be replicated?*
4. **Information and reporting:** Regular and thorough reporting as well as timely response to information requests resulted in better coordination of USG actions. USAID also documented key referendum events and views of key actors and interlocutors to inform future development practice. However, the onslaught of requests for information and the



January 30th, 2011 -- Announcing the final results of the Referendum

propensity for duplicative reporting mechanisms were not without opportunity costs. *How can a better streamlining of quality information flows further improve coordination and, at the same time, free up USAID capacity to influence realities on the ground?*

5. **Technical capacity and expertise:** The ability of USAID/Sudan to cultivate relationships of trust and cooperation with Sudanese counterparts and implementing partners was an essential lubricant in the successful interface between development and diplomacy described above. The USAID/Sudan Democracy and Governance team was lean, but had the right mix of technical and cultural skill sets to play a pivotal role in providing intellectual leadership, credible reporting, and access to referendum management. *How important was USAID in-house expertise to a successful whole-of-government approach? What incentives /and or rewards would encourage USAID staff to remain at the same post over multiple years to ensure continuity of relationships and program focus during critical periods?*
6. **Agility of management systems:** Had it not been for advance preparations by USAID support offices to ensure timely procurement and legal compliance, USAID technical teams and implementing partners would not have been in a position to meet the challenges of a complex process in a legally and politically restrictive environment. For example, the IFES contract to support the referendum required goods and services to be purchased from the United States. However, given the fact that the SSRC was reluctant to make technical decisions regarding electoral commodities, IFES alerted the Mission to the fact that source, origin, and nationality waivers would be necessary for at least some commodities but that it was impossible to determine which commodities would require a waiver until the SSRC made its technical decisions. The Mission resolved the problem.

By working with IFES on a waiver for all possible combinations of commodities that could be chosen by the SSRC. With the waiver in place ahead of time, there was no delay in

Themes for Further Discussion

1. Diplomacy and development
2. USAID as equal partner in supporting political processes
3. Advance planning
4. Information and reporting
5. Technical capacity and expertise
6. Agility of management systems
7. Applying lessons learned

procuring the commodities once the SSRC made its technical decisions. On another note, IFES had difficulty promptly obtaining licenses from the Bureau of Industry and Security (BIS) of the Department of Commerce. The Mission had limited ability to assist in BIS license issues because BIS does not disclose information about license applications, even to other government agencies. In some cases, IFES was able to purchase commodities already found in Sudan, which obviated the need for a BIS license. *How can implementation issues such as the need for certain waivers and licenses be planned in advance and resolved in a timely way?*

7. **Applying lessons learned:** As the USG develops its posture toward Sudan for the post-CPA era, USAID's investments culminating in a successful referendum will allow for future USG engagement in northern and southern Sudan. *How can lessons learned be reflected in USAID programming and staffing strategies?*