



FOR IMMEDIATE RELEASE

May 18, 2011

**CONTACTS: Khartoum: Barbara Smith +249 901 143 443,
Atlanta: Deborah Hakes, +1 404 420 5124**

**VOTE IN SOUTH KORDOFAN IS PEACEFUL AND CREDIBLE, DESPITE CLIMATE
OF INSECURITY AND SOME IRREGULARITIES**

The Carter Center Election Observation Mission in Sudan

Despite a climate of heightened insecurity and instances of procedural irregularities that removed an important safeguard of the process, South Kordofan's elections were generally peaceful and credible. The voting, counting, and results aggregation processes were conducted in a nonpartisan and transparent manner under intense scrutiny from leading political parties.

The official results announced by the National Election Commission (NEC) and State High Election Commission (SHEC) indicate a closely contested race between the two dominant parties. Challenges and complaints about the process should be pursued through the formal legal channels prescribed by law, and the resolution of any disputes should ensure timely decisions based on a thorough and transparent review of evidence. The NEC should use the official database developed to compile the preliminary results. This process appears to have been bypassed by the SHEC, thus removing an important safeguard that can highlight anomalous results. Further, the Carter Center urges the NEC to post the figures from each polling station on its website to allow party agents to conduct a full analysis of the results.

Climate of Insecurity. Tension among voters was high due to general insecurity in many parts of the state during the months preceding the polls and outbreaks of fighting in two areas on the eve of the elections. Speeches by leaders of the main parties during the campaign claiming that an electoral victory by their party could only be stopped by fraud committed by the other side served to heighten voter fears. In addition, several villages were closed to activists of one or another party during the campaign period. The presence of regular armed forces and militias from the major political forces is common throughout the state. Despite the fact that the armed forces contributed to providing election security, the buildup of troops with political party loyalties heightened voter fears that fighting would occur over the results. It is imperative that future elections be held in an open environment, free from intimidation from state or other armed forces in order for Sudan to fully meet its international obligations to guarantee universal suffrage, and that elections allow for the genuine will of the voter to be expressed.

Polling and Counting. Although polling staff were observed to be impartial, The Carter Center noted that poor training led to lapses in voter identification procedures. Polling staff failed to follow procedures for checking voters' hands for ink and asking voters to provide identification at many polling centers across the state, removing an important safeguard against manipulation and multiple voting. Despite these lapses, Carter Center observers only reported one clear instance of multiple voting. However, Carter Center observers did report a small number of cases where party agents exploited this oversight and distributed voter registration slips of absent voters to unregistered citizens, thus facilitating illegal proxy voting.

The SHEC implemented an inclusive policy for accrediting party agents and observers, which resulted in many party agents for both the Sudan People's Liberation Movement (SPLM) and National Congress Party (NCP) present in polling stations. Carter Center observers also reported several instances where unaccredited party persons were present in polling stations. In about 15 percent of polling stations visited by Carter Center observers, party agents were inappropriately involved in the voting process, including directing parts of the process, and in some cases accompanying voters into the voting booth. Most of the instances involved SPLM agents. In a few exceptional instances, agents from both leading parties were reported to have directed voters how to vote and/or marked ballots for them. Although electoral procedures allow illiterate voters to request assistance from a person of their choice (a voter's family member, friend, or neighbor) to help them vote, Carter Center observers reported that party agents often accompanied voters into the voting booth and directed them on how to vote and/or marked ballots for them. Although electoral procedures allow illiterate voters to request assistance from a person of their choice (a voter's family member, friend, or neighbor) to help them vote, Carter Center observers reported that party agents often accompanied voters into the voting booth and directed them on how to vote and/or marked ballots for them.

Although both parties polled fairly evenly overall, SPLM support was in a smaller area, where it won heavily, whereas the NCP won more constituency seats but with a lower margin.

THE
CARTER CENTER



**THE CARTER CENTER INTERNATIONAL ELECTION
OBSERVATION MISSION TO SUDAN**

**SOUTH KORDOFAN GUBERNATORIAL AND STATE LEGISLATIVE ELECTIONS,
MAY 2011**

PRELIMINARY STATEMENT

Statement of Preliminary Findings and Conclusions

Despite instances of intimidation and clashes in the lead up to the elections, and some problems with procedural irregularities, the polling and counting processes for the South Kordofan state elections were conducted from May 2-7, 2011, in a generally peaceful and credible manner. These postponed elections represented the final part of the April 2010 general elections mandated by Sudan's Comprehensive Peace Agreement (CPA), and included races for governor and state legislative assembly.¹ With the exception of a few localities, turnout among registered voters was strong and voters waited patiently and peacefully despite long lines on the first day.

As reported in the Carter Center's March 29 statement on the voter registration process, which took place between Jan. 20 and Feb. 12, the process did not allow all eligible citizens sufficient time and were 65en1(rel

voter identification at 58 percent of polling centers visited, thus removing an important safeguard against proxy or multiple voting. Party agents were occasionally reported distributing voter registration slips of absent voters, facilitating illegal proxy voting on their behalf. Despite these lapses, Carter Center observers only reported one clear instance of multiple voting.

The State High Election Commission (SHEC) had an inclusive policy for accrediting party agents and observers. However, this sometimes led to several agents for each main party being present in a polling committee. Carter Center observers also reported several instances where unaccredited party persons were present in polling stations. In about 15 percent of polling stations visited by Carter Center observers, party agents were inappropriately involved in the voting process, including administering parts of the process, and in some cases accompanying voters into the polling booth.

reserve police throughout the election period and fearful reactions from citizens. Rumors spread in several areas that forces were preparing for a fight if the results did not favor their party.

Instances of non-election related violence created further insecurity. Since before the start of the campaign, Misseiryia militias have been stopping ve

essential to the conduct of democratic elections, including freedom of expression, assembly and association.⁵

The National Elections Act was adopted by the National Assembly on July 7, 2008, and was signed by President Bashir on July 14, 2008. The law provides the basic legal framework for conducting generally credible elections that are supported by the broad protections for human rights established in the Constitutional Bill of Rights. It allows for citizens who have reached 18 years of age and are of sound mind, and are included in the voter registry, to vote, which is in line with international norms. However, the law also requires residents be in their geographical constituency for a period not less than three months before the date of closure of the register.⁶ This clause directly affects the enfranchisement rights of nomadic communities.⁷ Although the legal framework enshrines the equal treatment of candidates and prohibits the use of administrative resources in campaign activities, provisions on candidate nominations, particularly on establishing mechanisms for verification of the lists of supporters for nominations, auditing of campaign expenditures, as well as complaints and appeals procedures, need to be further expanded to ensure the integrity of the process.

The electoral system calls for executive elections (president of the Republic of Sudan, president of Southern Sudan, and governors) and three levels of legislative elections (the National Assembly, the Southern Sudan Legislative Assembly, and the state legislative assemblies). Gubernatorial elections are conducted through simple majoritarian contests, while elections to all assemblies use a combination of majoritarian and proportional representation. Sixty percent of seats are designated for single member geographical constituencies and 40 percent are elected from closed party lists, of which 25 percent are reserved for women and 15 percent for political parties.⁸ For the seats chosen by both the women's list and the party list, a system of proportional representation is applied with a four percent threshold requirement.

Carter Center observers did not detect signs of bias in their actions, SPLM representatives expressed deep mistrust of the electoral body, accusing them of being pro NCP. The Carter Center recommends that the GOS consider changing this in the future to a more open and transparent nomination process so that election staff are perceived as impartial consistent with requirements of the NEA.¹¹

Polling committee members were trained in a three-step cascade process. The NEC sent trainers to train all GCOs. The GCOs then trained the chair of each polling committee, who in turn trained the members of the polling committee. Although the time allotted for training was sufficient, the fact that only one electoral official received training at each of the first two levels of cascading training increased the possibility of procedural misunderstandings being replicated throughout the cascade.

The NEC took several steps to improve confidence in the electoral process. A workshop was held on April 13-14 by visiting NEC personnel for SHEC members, political parties, state police and civil society organizations. The workshop was aimed at improving the transparency of the process and raising confidence in the election management. Occasional forums were also held by the SHEC with political party representatives, to update them on electoral preparations and security planning. While these efforts are applauded by The Carter Center, the NEC itself failed to respond to observer requests for periodic meetings to answer questions on the process. The Center recommends that the NEC provide better public outreach and be more accessible for future elections.

The NEC also improved some election safeguards from the 2010 elections. In particular, the ballots were printed in Dubai under international and NEC supervision and contained three separate anti-counterfeit measures in their design. Following printing they were kept secure to avoid fraud. The ink procured to ink voters' fingers was of higher quality and lasted for a longer duration. Safeguards used in both elections include the use of numbered seals on ballot boxes for overnight storage, tamper evident bags for the transfer of results protocols, and signed handover forms at all stages of materials transfer.

Voter Registration

Voter registration was conducted from Jan. 20-Feb. 12, 2011. The NEC initially planned to update the electoral registry used in April 2010, but initiated a new registration exercise in response to requests from the SPLM and other opposition parties. An accurate voter registry is vital to ensure equal suffrage and for safeguarding against multiple voting. Although the NEC should be commended for conducting a new voter registration, planning for the registration exercise failed to take into account the resources and voter education necessary to register all eligible residents of South Kordofan.

Registration was conducted by 110 mobile teams, accommodating 1,463 registration centers. As a result, some 642,555 people were registered, which is approximately 100,000 voters lower than were registered in South Kordofan for the April 2010 national elections.¹²

The Carter Center deployed six observers who visited 67 registration centers over the course of the registration period. Carter Center observers reported that the majority of the voter registration centers observed implemented their duties in a technically sound manner. Nonetheless, there were several deficiencies in administration that damaged the 0.6terfBTenter ob 9rdinType /Pr design2

generally operated without major impediments.¹³ A report on the voter registration process was released by the Carter Center on March 29 and is available at www.cartercenter.org

Carter Center observers reported several instances in which staff failed to correctly follow procedures, such as failing to ask where the citizen was residing (in 55 percent of centers visited) or their length of residence in the area (in 72 percent of registration centers) and not asking if they had registered in another area (in 78 percent of centers). These procedures pertain to eligibility requirements and provide safeguards against multiple registrations. Additionally registration procedures lacked a safeguard against multiple registrations such as inking registrants' fingers. The combination of lacking one safeguard and inconsistent application of the other undermined Sudan's commitment to protect equal suffrage.¹⁴ Carter observers assessed that the deficiencies were primarily caused by negligence, poor training and low literacy rates.

Carter Center observers were particularly concerned about the relatively low amount of citizens registered over the 20 day process. While it is not possible to determine the exact reason for lower than anticipated voter registration, the lack of preparation time caused by the decision to conduct a full registration rather than update the existing registry had an impact on the efficiency of the process. The number of mobile teams deployed to cover all registration centers was insufficient to accommodate all estimated eligible voters and communication on where and when the teams would be located was lacking. Voters who registered in 2009 were uncertain whether they had to re-register.¹⁵

Against the background of these deficiencies, the Center urged the NEC and authorities to take concrete steps in preparation for polling in South Kordofan to ensure as many registered voters as possible had the information and resources needed to cast their ballot in a genuine, credible election.

Despite the low registration figures, the final voter registry was accepted by all political parties. Few official complaints were filed with the NEC and the SHEC on the process. Most notably, a petition filed by SPLM and seven opposition parties alleged the wrongful inclusion of 38,374 names in the electoral register in 20 constituencies as well as the removal of 20,044 voters from 12 constituencies.¹⁶ As a response to these grievances, the NEC sent a technical team to South Kordofan to investigate. As a result, some 16,000 names were removed from the voter list in Mughlad. However, in its official response to the complaint on March 6, the NEC stated that it found no evidence of forgery. The Carter Center commended the NEC's responsiveness to these grievances and its efforts to provide an effective legal remedy but criticized the lack of transparency on the adjudication and investigation of the complaints in its March 29 report on voter registration.¹⁷

Candidate Nominations

The ability to run for office and to nominate candidates for elections is extended to both political parties and eligible voters as independent candidates, thus supporting the right to participate in

¹³ There was one disturbance at a registration center in Alsammah East where shots were fired. The SPLM demanded that the chairperson be fired while the NCP claimed that the SPLM had caused the disturbance, The SHEC declined to dismiss the chair and asked the police to investigate.

¹⁴ ICCPR, art. 25(b); UN, Universal Declaration of Human Rights (UDHR), art. 21(3).

¹⁵ An SPLM party agent in Rashad noted that the change in start time of voter registration was not addressed on NEC posters and limited awareness has been conducted to deliver the corrected message to eligible registrants.

¹⁶ Sudan Communist Party, Democratic Unionist Party, National Umma Party, National Party, Justice Party, Popular Congress Party, and Sudanese Ba'ath Party, complaint on Feb. 28.

¹⁷ ICCPR, art. 2(3); ACHPR, art. 17.

political life in accordance with international obligations.¹⁸ Candidate nominations were administered credibly by the SHEC and the NEC. Nominations had to be submitted between March 11-17 and withdrawals made before April 3 to avoid appearing on the ballot. All nominations were made in accordance with the guidelines set out by the NEA.¹⁹

Eligibility requirements for gubernatorial and state legislative positions differed. Candidates for governor must be Sudanese by birth, at least 40 years old, literate and of sound mind, as well as supported by the signatures of 5,000 registered voters. In addition, candidates must pay a deposit that is returned if the candidate receives at least 10 percent of the valid votes. Candidates for the legislative assembly have to be a Sudanese citizen, at least 21 years old, literate and of sound mind. There is no requirement to be a Sudanese by birth. However, in both cases, individuals who have been convicted of an offence involving dishonesty or moral turpitude are denied candidacy. As noted in the Carter Center's statement on the electoral process on April 29, this restriction may be too broad or ambiguous, and could allow a relatively minor crime to deprive potential candidates from the right to participate. Although international obligations do not define the severity of crimes that could disbar candidates, The Carter Center recommends that Sudan further define this restriction based on the length of sentence or type of crime in order to remove any possible bias in the application of this provision.²⁰

Five candidates initially announced their intention to run for the position of governor in the Southern Kordofan state election: Ahmed Haroun, the present governor and leader of the South Kordofan NCP; Abdel Aziz al Hilu, the present deputy governor and leader of the South Kordofan SPLM; Makki Belai, leader of the Justice Party; Alzahir Khalil Hamouda, on behalf of the Umma Party; and Telefon Kuku, formerly SPLM and SPLA and running as an independent candidate. Makki Belai and Alzahir Khalil announced their candidacies, but subsequently withdrew from the race on the grounds that political and security conditions did not favor a free and fair election.

The contest for the state legislature included 14 parties fielding candidates for the constituencies, along with eight independent candidates. Despite the inclusion of many parties, the race was still dominated by NCP and SPLM, which fielded candidates in 32 and 31 of the 32 constituencies respectively, followed by the Umma party with candidates in 14 constituencies. For the party lists, six parties each nominated the maximum eight candidates including SPLM, NCP, Democratic Union Party Original, Democratic Union Party, the Muslim Brotherhood and National Umma Party. All of these, apart from the Muslim Brotherhood, also fielded the full 14 candidates for the women's list. The Popular Congress Party (PCP) announced on April 21 that it would boycott the state assembly elections.

Candidate withdrawals in constituency #30 resulted in a lone NCP candidate remaining in the race, who was endorsed by the NEC as the winner before the elections began.²¹ The withdrawal of the SPLM candidate in this constituency two days before the deadline caused accusations by the SPLM that the NCP had bribed him. The candidate himself was not available for comment.

¹⁸ ICCPR, art. 25(a).

¹⁹ NEA, arts. 41, 52.

²⁰ UNHRC, General Comment 25, para. 15, provides that any restrictions on the right to stand for election must be justifiable on objective and reasonable criteria.

²¹ NEA, art. 51.

The Campaign Period

While some aspects of the campaign period included open and competitive elements, the overall atmosphere was marred by the heavy deployment of security forces around the state, several

against campaign staff and supporters in his home area of Buram. While such reports were difficult to verify, it is clear that Kuku's campaign was strongly curtailed on several fronts. With Kuku unable to run his own campaign due to his detention, his supporters organized a mass rally for him on April 21, but he was reportedly prevented from speaking to the crowd by telephone. As noted in the Center's statement on April 29, the GoSS failed to protect his right to campaign and be elected, which should only be circumscribed when there are objective, reasonable criteria.²⁶

The Carter Center was concerned with some of the rhetoric used by candidates and political party members during the campaign period to mobilize their supporters. At times, this was highly inflammatory and citizens frequently reported increased fears following these speeches. Of particular note were the comments made by President Omar al Bashir at rallies held for Ahmed Haroun in Mujlad, Babanoosa, Fula and Kadugli from April 26-28, which implied that the NCP would be ready to return to war in South Kordofan if the SPLM did not accept the results of the election. Statements of this nature, which cast the two political parties in highly adversarial and aggressive terms, run counter to Sudan's commitment to provide security of the person.²⁷ Political parties should eschew all forms of violence and intimidation and refrain from using inflammatory campaign rhetoric.

While Article 65 of the NEA ensures the right of equal access to all campaigners, it does not set any limits on campaign expenditures, thereby reducing the competitiveness of smaller parties. Thus, unsurprisingly, the NCP and SPLM have dominated campaigning in South Kordofan with rallies, billboards, posters, and mobile vehicles mounted with loudspeakers encouraging people to vote.

However, the election management bodies addressed this issue to some extent by providing all candidates and parties with free 15 minute radio slots on local radio, and if required, assistance to produce the broadcast. The time was increased to 20 minutes for candidates for governorship though both Haroun and Aziz declined the offer and no provisions were given to assist Telefon Kuku in producing a radio message. Additionally, all gubernatorial candidates were given equal access to the Kadugli stadium for campaign rallies and observers had no reports of any contestants being denied access to public spaces by the administration. However, the Center became aware of several villages that were closed to outsiders by the Popular Defense Forces (PDF), and where campaigners of the party not in favor in the area were prevented from entering.²⁸ This hindered freedom of movement and association, thus undermining the reach of the campaign process.

Reports from several sources attest that state resources were used to support campaigning, which runs counter to Sudan's international obligation to prevent and combat corruption.²⁹ Incumbent candidates, including Ahmed Haroun, reportedly used events for public services (e.g. openings schools/hospitals) to simultaneously campaign for the election, and both NCP and SPLM parties used government vehicles to campaign. Al-Ayam newspaper reported on April 25 that Khartoum State Governor Abdurrahman Alkhidr donated SDG 1,300,000 (approximately 481,000 USD) to development projects in Lagawa and Kufa areas of South Kordofan, as well as 120,000 SDG (approximately 44,000 USD) to the state in actions designed to show the NCP in a positive light. While there were some clearly positive aspects of the campaign, such as equal access to radio time, there are several areas where the state should improve its commitment to guaranteeing a free,

²⁶ UNHRC, General Comment 25, para. 15.

²⁷ INC, art. 29; ICCPR, art. 9(1); *See also* EU, Handbook for European Union Election Observation, Second Ed., p.50, which notes that "[v]iolence or the threat of violence, intimidation or harassment, or incitement of such acts through hate speech and aggressive political rhetoric are incompatible with democratic elections."

²⁸ This was witnessed in Jalud near Dilling, Kaou and Fingyr south of Abu Jibeya although observers had reports of similarly closed districts in other areas of South Kordofan.

²⁹ African Union Convention on Preventing and Combating Corruption, art. 4(d).

Overall, intimidation of voters or other participants was rare, and party agents and observers were able to monitor the polling process without restrictions in more than 95 percent of all centers visited by Carter Center observers. However, the pervasive climate of insecurity in the state likely added to voter fears and may have negatively impacted voter turnout.

Although there is room for improvement in future elections, the polling staff generally executed their

governmental bodies, agencies and organizations.³⁹ The NEA provides for the right to legal redress and establishes a channel for the adjudication of election disputes through the district courts and appeals on the final results to the Supreme Court. According the legal framework, parties have one week from the official announcement of results, i.e., May 16 – 22, to file formal complaints with the Supreme Court. The court should review and adjudicate claims within two weeks of receipt. However, it does not allow further appeals of court decisions to a superior court administration. Moreover, it fails to provide appeals mechanisms for the decisions or actions of the election administration bodies, except for a decision on candidate nominations.⁴⁰

The NEC itself, having overall responsibility for the conduct of the election, has the responsibility to use its executive responsibility to investigate complaints and take action where necessary to ensure the integrity of the process. The NEC took this responsibility in its handling of the SPLM complaints regarding voter registration and established a process by which complaints could be made to a polling committee during the election using a complaints 'Form 7.' This was available for use by party agents but also, for the first time, by voters, who could file a complaint if they felt their personal voting rights were removed or violated. Observers noted that party agents were trained in using the form but sometimes brought frivolous complaints for issues that had already been successfully addressed by the polling committee chairman.

However, the NEC failed to establish adequate procedures for dealing with Form 7 complaints. The only applicable rule is the NEC general election rules of 2009 Article 52(4) which states that complaints made during counting that are not accepted by the polling committee should be attached to the results form. Thus, the Form 7 complaints brought during polling were enclosed in a second TEB which was not opened as per procedure. This rendered the Form 7 mechanism ineffective. The

Observers and Party Agents

The SHEC had an inclusive policy towards observers and accredited approximately 800 domestic observers, and over 13,000 political party agents, in addition to members of the international community and Carter Center observers. This is in line with Sudan's commitment to ensure that voting and counting be transparent and observable by candidate agents and observers so that electors have confidence in the security of the ballot and the counting of the votes and the NEA.⁴¹

Carter Center observers noted the presence of SPLM party agents in all polling committees visited and NCP agents in 90 percent of polling committees. Agents from a number of other political parties and observers from National Civic Forum (NCF) and the Sudanese Group for Democracy and Elections (SuGDE) were also present in nearly 70 percent of polling committees visited. Both groups released press statements on May 12, in which they also noted that despite high tensions and procedural irregularities, the process thus far had been conducted safely and transparently, with active participation by political parties. The involvement of such groups represents the important role of domestic observers in promoting an open process and increasing a state's capacity to hold fair and credible elections.

There were very few reports of observers being restricted in their observations by either polling staff or security (except for the incident in Dilling), and counting and tabulation processes seem to have been open to all. This said, the NCP accredited some 3,700 agents and the SPLM approximately

contravenes the right of the voter to determine his or her own choice and may be viewed as a deliberate attempt to manipulate a vulnerable sector of society.

In terms of a women's right to stand for election, the NEA provides for 25 percent of seats to be reserved for women and allocated by proportional representation by closed party lists. However, the parties themselves did a less commendable job of representing women. Although seven parties put forward the full eight women candidates for the party lists, no party supported female candidates for the constituency seats. Out of 130 candidates standing for election for the 32 constituency seats, only two were women, both independent candidates. All three candidates for governor were men.

Additionally, women were not well represented in election management bodies. Although 29 percent of polling staff in polling committees visited were women, none served as chairperson. No women are represented at the SHEC. The Carter Center recommends that further steps are made to redress this imbalance in future recruitment of polling staff.

The NEC should make greater efforts to include women at all levels of election managements and political parties should make efforts to promote women as constituency candidates rather than just relegating them to the women's list.

Participation of Nomadic People

South Kordofan is home to a number of nomadic communities, the largest being the Misseriya. The NEA and electoral procedures do not adequately provide for the registration and voting of these communities. The NEA Art 22.1.a states that in order to register a citizen must be resident in the geographical constituency for at least three months prior to the close of the register and the register itself must close three months prior to the start of polling, after a period of objections, complaints and exhibition that must necessarily last at least two weeks. These provisions serve to disenfranchise nomadic communities who do not remain in one constituency for the length of time to both register and vote.

The SHEC addressed some of these issues by sending mobile registration teams to register people in the most remote locations, creating voter registry lists that were specifically nomadic. However, the Carter Center could find no evidence that these lists were then sent to the polling stations in the areas where the nomadic communities had resettled. Even this approach creates additional problems of transparency, protection against manipulation of such lists, and determining which constituency the nomads would be eligible for (or for allowing them to vote only for the governor and party lists). The Center therefore recommends that the NEC review the issues to determine the best way to register nomadic communities and allow them to vote, ensuring appropriate amendments to the law and procedures to ensure sufficient safeguards.

Next Steps

The South Kordofan elections conclude the electoral processes mandated by the CPA, and were critical in electing members of the state legislative assembly that will implement the anticipated popular consultations. The upcoming consultations will provide the citizens of South Kordofan with an opportunity to reflect on the measure to which the CPA has meet their aspirations. The Center supports the parties to take immediate steps to commence the popular consultation process, given the short timeframe for their implementation and for the SPLM to take up their seats in the legislature to ensure that all citizens of the state are represented in the state assembly. Further, the Center urges all parties to respect the rights of the citizens of South Kordofan to participate in a peaceful and genuine

popular consultation process in order to ensure that all stakeholders have a voice in the future of their state. The Center emphasizes the need for all parties to utilize proper legal channels to address