SUDAN ELECTIONS PROJECT
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Understanding Sudan's electoral system: Management of elections

This briefing is part of RVI's Sudan Elections Project, a short-term study on the history of elections in the country. The project examines the different factors that have shaped the course and consequences of elections in Sudan, while drawing out lessons to inform the programming and advocacy work of those hoping to ensure a successful transition in Sudan. Research is based on analyses of election-related documents and interviews with polling and electoral commission staff, candidates, political party members, civil society organizations, and journalists.

This briefing discusses how elections have been managed in Sudan and by whom. Focusing on the period since the 1990s, it suggests that a move to a professional electoral management body has been attempted, but this has been deeply problematic. The briefing is structured around three questions:

1. What institutions of electoral management has Sudan used for previous elections?
2. Why have these institutions been problematic?
3. What choices are required in designing a new electoral management body?

What institutions have managed Sudan's elections?

Up until the 1990s, Sudan's elections were managed by temporary electoral commissions. This was not uncommon internationally: elections tended to be seen as another aspect of administrative work, and in Sudan as elsewhere it was assumed that civil service administrators could be temporarily seconded to the task of managing them. These electoral commissions were small—usually just three or four people. They relied heavily on an equally temporary staff of election workers. Seconded civil servants took more senior roles, while teachers and lower-ranking public servants served as registration or polling officers.

The 1990s, under Omar al-Bashir's National Islamic Front, saw the creation of a General Elections Authority with seven members from 1994-98 and then three from 1998 onwards. This had limited funding and staff, and election management remained largely the domain of generalist administrators.

After the Comprehensive Peace Agreement (CPA) of 2005, Sudan followed developing international practice in creating a nominally independent, permanent, electoral commission—the National Election Commission (NEC). The nine commissioners were appointed for six years, renewable once, by the president, with their appointment approved by the national assembly. A number of them had previous election experience in the course of their careers, but none were specialists: they were academics and/or civil servants who had worked in other parts of government. However, the secretary-general, who was chosen by the commissioners, was an election professional, having served the temporary electoral commission of 1986 and the General Elections Authority in the same role.

The NEC had few staff of its own. Much of the actual management of elections, including the hiring and training of the staff and the management of the vast logistical task of positioning and equipping tens of thousands of polling stations, was the responsibility of five-person State High Election Committees (SHEC), one in each state. The NEC appointed these committees and delegated most of the running of elections to them, reserving for itself the tasks of national procurement, liaison with donors, and the issuing of regulations and instructions.

SHEC members were largely career civil servants, some already retired; a number had previous experience in organizing elections, but none were election specialists. They were very largely men: in 2009, only 5 out of 75 SHEC members in the north of Sudan (that is, the current Sudan) were women. Civil service experience was in many ways an advantage. In Sudan, as elsewhere, running elections involves recruiting, training and equipping a vast temporary staff. It also involves dealing with multiple other government agencies: the buildings, vehicles and security staff required for elections must be temporarily acquired. Familiarity with the workings of government, personal connections with officials and a habit of authority in dealing with others were significant assets.

Beneath that level, the principle of delegation was taken further by SHECs themselves, who gave latitude to temporarily recruited constituency officers in the hiring of their staff. These were also often retired teachers, minor civil servants or police officers. The most numerous election workers—registration and polling clerks—have largely been teachers, or university students, hired for a few days.

After the secession of the south in 2011, southern members of the NEC were replaced, but otherwise the institutional structure remained the same for the 2015 elections.

Why have these institutions been problematic?

There have been persistent and substantial problems with multiple aspects of electoral management. The 2010 elections, which were far-and-away the best recorded polls in Sudan since the 1950s, exemplify these problems. Almost every stage of the process was flawed, with the immediate causes often related to shortcomings in planning, procurement and logistics. There were not enough polling stations; equipment and staff arrived late; and voter information and staff training were inadequate. The processes of counting and tallying were often mishandled. The initially planned voting period was extended because delays and/or inadequacies in the provision of voting materials meant that some polling station were late in opening or were unable to operate properly. It is still not clear how many polling stations there actually were in 2010: there were initial plans for 21,000, but these were repeatedly revised, and it seems that around 16,000 stations actually operated. Counting procedures at polling stations were not properly followed. By one account there were problems with 95 per cent of the returns submitted by polling stations to tally centres, so that there was no way to verify or cross-check results.

For the 2010 elections, there has been some dispute over where blame for this lies. The polls were inherently challenging, because of a decision (which was not that of the NEC) to hold elections for every level simultaneously. This meant that every voter in the north had to cast eight ballots, while every voter in the south had to cast twelve.

That decision aside, much criticism has focused on the NEC itself. International organizations involved in electoral support accused it of obstructionism and a lack of willingness to plan or take advice. Some suspected that the commissioners worked intentionally to favour the NCP. Others have suggested that the NEC was set up to fail—or rather, to manage elections that would be flawed enough to allow the dominant parties in north and south to manipulate the polls without being so disastrous as to entirely discredit them.

The NEC was either unable, or unwilling, to confront the security services or the ruling party over their multiple abuses of power. Others have pointed to the unclear division between NEC and SHECs as a constant source of confusion over funding and decision-taking. There is no direct evidence that the NEC worked in a coherent way to rig the elections, but it is evident that its failings both provided space for malpractice and made it impossible to verify results.

There was very substantial international support around the 2010 elections, provided through a range of channels. This meant that significant elements of electoral management, from procuring the 'election kits' required for each polling station, to designing and printing training material and procedural guidelines for polling staff, were taken over by international organizations and agencies. The multiplicity of these efforts was itself in some ways a problem: despite an attempt to coordinate support, there were problems of communication and differences of approach.

There was also a clash of electoral cultures. International electoral assistance culture emphasizes professionalization and specialization and to focus on the elaboration of detail and process. The established culture of electoral administration in Sudan has relied on improvisation and leaving matters of detail to the judgment of local officials. Senior Sudanese officials who had much intermittent experience of elections found themselves being advised—and often criticized—by younger electoral experts who had no knowledge of Sudan but drew on extensive comparative and theoretical experience.

The 2015 elections were much less well observed and recorded than those of 2010. They were technically slightly simpler than those of 2010, since there was no poll for state governors, though voters still had to cast seven ballots. There was no international support—financial or technical—for these polls, but staff remember these elections as better resourced than those of 2010, with more polling stations. The reported final budget for the elections was US$86m—around USD 14 per vote cast, which makes these elections relatively expensive in international terms. As in 2010, the voting period was extended, though in 2015 this seems to have been a response to what was in effect a silent boycott by a significant number of voters.

Critical comment on the 2015 elections has tended to focus on the failure of the NEC, and the government, to offer anything like a level playing field. The NCP's entanglement with the state was so complete that the two were indistinguishable, and so the ruling party enjoyed an enormous advantage in terms of resources and the freedom to organize and campaign. The NEC's perceived bias towards the NCP was one of the reasons for the boycott of the elections by a number of parties.

What choices need to be made in designing a new electoral management body?

The current NEC is in effect a vestigial remnant of the former system. The remaining commissioners have served the maximum two terms permitted by the existing legislation, and all are to some degree tainted by association with the former regime. A new NEC therefore needs to be appointed. But should this follow the structure set out in the current legislation? And how far will it be possible to create a wholly new electoral management body—by changing not just the commissioners, but the structure as a whole?

The commissioners matter. They are intended to provide both leadership and accountability, and they must command public confidence: they embody the principle that the elections are managed by a distinct and independent body that is not just part of the government. That is the point of an electoral commission. But most of the work of electoral management is done by others—the permanent and temporary staff who actually run the elections—and questions of electoral management therefore also involve the recruitment and training of this larger staff.

How many electoral commissioners? The current legislation stipulates nine commissioners. This assumes that most will be part-time, that the body will benefit from the experience of a diverse group of academics and administrative generalists, and that a large commission allows the inclusion of multiple interest groups and so increases the legitimacy of the process. These considerations may still apply. On the other hand, a smaller body would expedite decision-making and encourage the emergence of a more specialized professional culture, which might have longer-term benefits.

How to appoint commissioners? The current system of presidential appointment of commissioners followed by approval by the national assembly has lent itself to suspicions that the commission is dominated by the executive. Any system is potentially fraught, and political considerations—notably, the need to demonstrably include multiple interests—will be involved. Appointment by the sovereign council would be one option, and would likely be swift (a desirable feature). But a system of self-nomination, followed by a multiple-stage process of vetting and selection by different bodies, including the sovereign council, a committee of ministers, and the national assembly, would be more likely to produce commissioners who command confidence. Following practice elsewhere, a tenure system that sets a limited period of office but protects commissioners from arbitrary removal by the executive would help make them more secure and enhance confidence in the independence of electoral management.

Central or decentralized? The established division between NEC and SHECs allows some decentralized decision-making, builds local knowledge and allows flexible responses to varying circumstances. The EU report on the 2010 elections recommended more devolution of responsibility to SHECs. However, this two-tier system also creates uncertainty over decision-making and funding and may inhibit the development of the sort of core staff of election professionals that is a feature of relatively successful electoral management bodies elsewhere in Africa. It may also inhibit scrutiny and accountability, and lead to local variations in practice that undermine confidence in process.

Professionals or generalists? Sudan's elections have largely been overseen by commissions made up of academics, judges and senior civil servants. They have been run by serving or retired civil and public servants, who are responsible for the detail of planning and for managing the vast, very short-term, staff of the polling stations and tally centres. A decision needs to be taken as to whether to design a new electoral management structure in a way that allows the emergence of a new generation of election professionals. That would require a national structure large enough to allow for career progression. If that is to be done, the task must begin very soon, since this new generation would not have the experience and contacts that were so valuable to their predecessors.

How far should this process rely on external support? The last three decades have seen the growth of an international architecture of election support. In 2010, a number of these bodies were active in Sudan. This undoubtedly brought some benefits. However, there was also an adversarial element to this support. Mutual suspicion between the NCP regime and an international community dominated by the US and EU was exacerbated because experienced officials resented being lectured by outsiders with little knowledge of Sudan. It might also be noted that ever-closer specification of detail does not necessarily improve electoral integrity: it may just create more possibilities for errors in procedure and paperwork, which themselves open the way for the manipulation of results. Policymakers within and outside Sudan should consider how to balance the undoubted value of external expertise and finance against an awareness that public confidence in the electoral process cannot be created solely through bureaucratic process.

Whatever decisions are made on these questions, they should be made soon. The most common criticism of the NEC in 2010 is hard to refute: it was not created early enough, and it took too long to start doing its work. Having been appointed in 2008, it was not really active until 2009—too late for elections that were held the next year.

Credits

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