

# Voting for Change: Elections and Political Transformation in Sudan



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Cover image: Ballot Count Begins in El Fasher, Sudan (16/04/2010). UN Photo/Albert Gonzalez  
Farran

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# Summary

The transition process that followed Sudan’s 2019 revolution was designed to lead up to—and be advanced by—national elections. Those polls will be crucial to the success and credibility of political transition. They carry significant risks, however—and those risks have multiplied since the coup of October 2021. The electoral process, and especially the results, may well be challenged by key stakeholders.

Scepticism about the process will be encouraged by the long and problematic electoral history in Sudan. That history offers dramatic evidence of the different possibilities of elections by adult suffrage and secret ballot: potentially a way to create accountability and nurture popular participation, elections can also be tools of authoritarian rule.

The former regime in Sudan was adept at manipulating elections. This did not simply involve faking votes or results, although that did happen. Just as importantly, elections were one of the ways in which the National Congress Party (NCP) embedded itself in society: taking advantage of the hopes and rivalries that run through ordinary life, turning the polls into instruments for a clientelist politics that rewarded those who aligned themselves with the government. Planning for the next elections in Sudan must be informed by an awareness of the challenges raised by this experience.

This report identifies a series of key areas in which decisions need to be taken around the design of the electoral process, and support for this. It lays out different options and discusses the implications of the possible alternatives. This report does not offer direct recommendations. There is no one model of a perfect election, and in each of the areas considered, any decision will carry both advantages and disadvantages. Ultimately, the choices to be made about the electoral process should reflect the priorities and decisions of the Sudanese public and policymakers (in terms of design) and the concerns of civil society and international partners (in terms of support).

## Electoral System

What principle of representation should be followed in the electoral system? Sudan has seen multiple experiments on this issue. Broadly, systems that offer more fairness in terms of representation tend to be more complex and may appear less transparent to Sudanese voters.

## Political Parties

How should political parties be regulated or supported? Parties are central to representative electoral politics, but most parties have been and remain institutionally weak. Regulations intended to strengthen parties may restrict political freedom.

International support for strengthening political parties has not been conspicuously successful.

### **Voter And Civic Education**

How should voter and civic education be undertaken? Understanding both the system of government and the electoral process is important for enabling engaged citizenship. At the same time, there is a danger that civic and voter education may underestimate voters, whose decisions are often rooted in a very accurate appreciation of political realities.

### **Electoral Management**

How can the substantial electoral management experience built up through previous elections effectively be drawn upon in organizing future elections? While potentially valuable, reliance on that experience may reproduce a range of problems that characterized previous elections. These range from logistical difficulties to multiple kinds of manipulation and a failure to handle complaints and disputes effectively.

### **Campaign Regulation**

How can the flagrant abuse of public resources in campaigning during previous elections be avoided in new ones? Although the distribution of money and other items to voters during campaigning is illegal, it has been common. The laws have been used not to prevent the practice, but rather to the advantage of the incumbent regime. Therefore, decisions must be taken on which laws can be effectively and equitably enforced.

# Glossary Of Acronyms, Words And Phrases

AU	African Union
CPA	Comprehensive Peace Agreement (2005)
DUP	Democratic Unionist Party
FBIS	Foreign Broadcast Information Service
FFC	Forces for Freedom and Change
GEC	General Elections Commission
ICF	Islamic Charter Front
IIFES	International Foundation for Electoral Systems
IGAD	Intergovernmental Authority on Development
NCP	National Congress Party
NEA	National Elections Act (2008)
NEC	National Electoral Commission
NIF	National Islamic Front
NUP	National Umma Party
omda	Headman
PDP	People's Democratic Party
SHEC	State High Election Committee
SPLM	Sudan People's Liberation Movement
SSU	Sudan Socialist Union
TMC	Transitional Military Council

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# Introduction

In 2019, after a prolonged wave of popular protest in Sudan, the long-standing regime of Omar al-Bashir finally fell. First the president himself was removed in an internal coup and replaced by a Transitional Military Council (TMC). Then, after further demonstrations and a terrifying moment of bloody repression, the TMC reached an agreement with the umbrella civilian opposition movement that had emerged from the protests, the Forces for Freedom and Change (FFC). That agreement created a new government and a temporary Sovereignty Council to oversee a programme of transition. This programme would involve the creation of an interim nominated national assembly, the convening of a constitutional conference and, finally, elections to produce a new government.

Originally timetabled for 2022, the timing of these elections is now unclear. Events since October 2021 have called the whole transition process into question. Yet still, if and whenever they occur, the elections will be a key moment in the political process. If the electoral process is widely seen as credible and the results are generally accepted, within and beyond Sudan, this will significantly improve the prospects for a long-term move away from authoritarian government towards a more open and inclusive political system.

The elections will also be a moment of danger. The transitional government initially broadly followed a policy of inclusion, at least with respect to those who had been prominent as political or paramilitary leaders during the Bashir era. The FFC itself was a diverse body, and the Juba Peace Agreement (JPA) of October 2020 brought several armed groups, loosely allied as the Sudan Revolutionary Front (SRF), into the process with the promise of transitional justice and (more immediate and tangible) positions in government and seats in the interim national assembly. The JPA also established federalism as a core principle of the constitution that is to be drafted, agreed and brought into force before the elections are held. Keeping this complex deal together through elections—in which some factions would undoubtedly have done better than others—would have been very difficult in any circumstances. The groups brought into government were rivals not allies, in competition for the role of the ‘real’ representatives of their people; elections will intensify that rivalry.

The removal of Abdalla Hamdok as prime minister in October 2021, and subsequent events, make that even more complicated. New rivalries and tensions have been created—not simply between civilians and the military, but amongst the various people and organizations who claim to speak for the people and within Sudan’s multiple, competing, security forces and militias. Even before elections are held, some will fear the outcome and may call the credibility of the process into doubt. When the results are announced, those who are disappointed may question them, whether they sincerely suspect malpractice or as a technique to cling to office.

Those who have doubts about the electoral process—either in advance or when the results are announced—may find a ready audience for their concerns. The electoral history of Sudan is problematic. In previous attempts at political transition, competitive multi-party elections have played a central part. In each case, the elected government proved divided and unstable.

In Sudan, there is also a long history of what has more widely come to be called ‘electoral authoritarianism’. Adult suffrage and the secret ballot, the key tools of electoral choice, have been used to strengthen centralized and autocratic governments that are ultimately unaccountable. This twin legacy—the perceived failings of multi-party elections and the manipulation of the electoral process by authoritarian regimes—casts a shadow over planned elections in Sudan. In an overwhelmingly youthful country, most Sudanese have only seen elections that have been dominated and manipulated by an incumbent regime. Those who are aware of a longer history of competitive multi-party elections will remember that those elections were associated with elite rivalries and factionalism, which produced governments lacking the popular legitimacy that might have defended them against military coups.

Aiming to offer background for those who are involved in electoral planning and support in Sudan, this report: 1) summarizes the history of previous electoral experience in the country; 2) discusses forms of malpractice that have occurred during those elections; and 3) identifies the key decisions that need to be taken in advance of the coming elections to make the new electoral system work better. Some of these decisions may be embedded in the constitution itself; others may be the subject of separate legislation. All of them require early consideration.

This analysis emphasizes that in planning for the upcoming elections, policymakers and election managers must think about what is most important—what the elections are primarily intended to do—and focus on achieving those goals. As such, polls that are not perfect in every way may nonetheless do vital political work in the transition which is the goal of many in Sudan.

Wherever they are held, elections by adult suffrage and secret ballot are nominally intended to allow the public to choose a government. At the same time, such elections do not always offer voters much in the way of real choice, and they can do many other things as well.

For example, elections can be an assertion of sovereignty: proof to the world that the nation is real. They can be a demonstration of state capacity: a reminder to the public that the state can organize and list; can know the names of all its citizens. Elections can be a demonstration of equal citizenship: a way for every voter to show and to see that their view carries the same weight as that of every other citizen. They can be arenas of contest among an elite, who use the popular vote to settle their internal rivalries over power and status. They can be mechanisms for patronage and the creation or exercise of hierarchical relations between powerful individuals and their clients. They can offer a stage for the display of the coercive capacity of the state: whether simply through the

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visible deployment of security forces or more aggressively through the violent disruption of opposition campaigns. Finally, elections can also provide a focus or stage for ethnic or sectarian conflict, as voters are mobilized by appeals to a particular identity or other concerns (for example, over land or employment) that are projected onto electoral politics.

The idea that every eligible person can cast a ballot is tremendously potent. Clearly, however, this idea can do many kinds of political work. In thinking about how to hold the next elections in Sudan, the multiple possibilities listed above—some desirable, some potentially destructive—must be considered, for they have all been features of previous elections..

## Research Methods

This report draws on a combination of documentary and interview research. Documentary data is gathered from a range of published sources, including observer reports on previous elections, newspapers and the website of the National Electoral Commission (NEC). Interviews were conducted in Khartoum and in five electoral constituencies selected from around Sudan.

Interviewees were purposively selected through a combination of local contacts and snowballing. They include former NEC staff, people who have worked as temporary polling staff, former candidates and political activists, and civil society activists and journalists. In total, 45 respondents were interviewed between February and June 2021. The majority of these are men, reflecting the dominance of men in senior positions in electoral management and in electoral politics generally. Nonetheless, the research team also interviewed some women election staff, candidates and civil society activists.

The five constituencies that were chosen reflect urban and rural experiences, and different circumstances across the country. The constituencies are situated in: 1) greater Khartoum (Um Badda); 2) Kassala (Western Kassala); 3) South Darfur (Nyala South); 4) North Kordofan (Um Ruwaba Rural); and 5) River Nile (Atbara). Face-to-face and online interviews were conducted by four researchers (two females and two males).

The interviewers are experienced teaching assistants at the University of Khartoum, chosen on the basis of previous experience and work with project leaders. In planning the data collection, consideration was given to safety and security of the team, COVID-19 and other possible risks in Sudan. Two online training workshops on research ethics, including informed consent and data handling, were organized for the researchers. The research team also engaged with a civil society organization in planning the research; namely, Partners for Development Services (PDS).

## Limitations

COVID-19 was a major challenge for the research, and a number of interviews were conducted by phone. The team also experienced some challenges in interviewing former election officials, as some were reluctant to provide information, even when anonymity was offered as part of the informed consent process. Through persuasive persistence and explanation, however, the team did manage to interview a number of officials from each constituency.

## Sudan's Elections: An Overview

Sudan has held multiple elections since 1953. These can be placed in two categories: 1) the liberal elections of the parliamentary periods; and 2) the authoritarian elections and referenda held during the regimes of Ga'afar Nimeiri (1969–1985) and Omar al-Bashir (1989–2019) (see Table 1). This categorization is based on two simple distinctions. The first is that in the liberal parliamentary system, elections were solely for the parliament or national assembly. During these years, Sudan had no directly elected president. The second is that in the liberal parliamentary election, electoral outcomes did have a direct (though limited) effect at a national level.

In the authoritarian elections, even though there were sometimes nominal contests for the position of president and multiple parties were on the ballot, the results did not affect overall control of the state. There was no possibility that the incumbent regime would be defeated. This does not mean that the authoritarian elections were irrelevant. Membership of the national assembly changed and elections were a focus of political activity but no one expected a change in government. Most elections have fallen into this category. All elections in the last 30 years have been authoritarian. Consequently, this is how the majority of Sudanese have experienced electoral processes.

A further categorical distinction can be made; that is, between elections before and after the coup of 1989. Elections held after 1989 are all authoritarian. Even in the 2010 post-CPA (Comprehensive Peace Agreement) elections, the incumbent regime had an overwhelming advantage and used this to ensure victory. Elections held during the al-Bashir regime thus reflect a more systematic and effective approach to the management, organization and manipulation of elections than is the case in any previous polls. The rulers of Sudan, as with others in the region, became better at manipulating elections to do political work during these years.

A consistent theme runs through the history of these elections. The standard critique of Sudanese politics is that in all regimes the state has been dominated by a northern riverain elite, who assumed their own cultural superiority and governed entirely in their own interests. This exclusive politics has driven multiple conflicts—not only in what is now South Sudan, but also across what is now Sudan, from Darfur to Kassala. Those conflicts are a significant factor in the political instability of the liberal parliamentary periods. Those elected from seats in the south were often chosen by a very small number of voters (as turnout was limited) and often showed little party loyalty.

The sense of social and economic division has shaped electoral politics in a more profound way, however. Among urban educated Sudanese, the belief that rural people have no interest in national politics, and vote according to ethnic or sectarian affiliation

or very parochial local interests, has long been entrenched.<sup>1</sup> As one civil society activist puts it, ‘Most rural voters are illiterate and their decisions are influenced by tribal or religious leaders.’<sup>2</sup>

**Table 1. Timeline Of Election Types**

Year	Type of election	Declared winner
1953	Liberal parliamentary	National Unionist Party
1958	Liberal parliamentary	Umma Party–People’s Democratic Party (coalition)
1965-1967	Liberal parliamentary	Umma Party–National Unionist Party (coalition)
1968	Liberal parliamentary	Ga’afar Nimeiri (sole candidate)
1971	Authoritarian presidential	Sudanese Socialist Union (sole party)
1974	Authoritarian parliamentary	Ga’afar Nimeiri (sole candidate)
1977	Authoritarian presidential	Sudanese Socialist Union (sole party)
1978	Authoritarian parliamentary	Sudanese Socialist Union (sole party)
1980	Authoritarian parliamentary	Sudanese Socialist Union (sole party)
1981	Authoritarian parliamentary	Ga’afar Nimeiri (sole candidate)
1983	Authoritarian presidential	Umma Party/Democratic Unionist party (coalition)
1986	Liberal parliamentary	Omar al-Bashir (president). All parliamentary candidates elected as individuals
1996	Authoritarian presidential and parliamentary	Omar al-Bashir (president) National Congress Party (parliament)
2000	Authoritarian presidential and parliamentary	Omar al-Bashir (president) National Congress Party (parliament)
2010	Authoritarian presidential and parliamentary	Omar al-Bashir (president) National Congress Party (parliament)
2015	Authoritarian presidential and parliamentary	Omar al-Bashir (president) National Congress Party (parliament)

Arguably, the political systems after Sudanese independence have failed to answer the national question: ‘how could a tiny educated elite rule an illiterate majority?’<sup>3</sup> That

1 Justin Willis and Atta el-Battahani, ‘“We changed the laws”: electoral practice and malpractice in Sudan since 1953’, *African Affairs* 109 (2010): 435.

2 Interview with civil society activist, Atbara, 19 May 2021. Also see interview with former National Congress Party activist, Um Ruwaba, 17 April 2021 and interview with former Popular Congress Party candidate, Um Badda, 1 April 2021.

3 Ali Abdel Gadir Ali and Atta el-Battahani, ‘Sudan: colonial heritage, social polarization and the democracy deficit’, in *Democracy in the Arab World. Explaining the Deficit*, eds. Ibrahim el-Badawi and Samir Makdisi, Abingdon: Routledge, 2010.

phrasing per se is profoundly revealing of a confluence of self-belief and self-criticism, combined with suspicion of popular ignorance, that characterizes the Sudanese elite. This has contradictory effects. On the one hand, it expresses a suspicion that such voters will make bad decisions, which can easily slide into the cynical view that Sudan is not ready for democracy. On the other, it conveys a sense that politicians are scoundrels for exploiting them.

In 1965, when the major Sudanese political parties were urging rapid elections in the wake of the popular uprising of 1964, those who saw themselves as radicals (including the Professional Front) wanted to delay the polls.<sup>4</sup> Writing in the late 1980s, a Sudanese academic articulates these contradictory concerns: the corrupt behaviour of politicians tended to ‘destroy the idea of representation through elections’ but in any event, ‘the electoral system itself is alien to the people’.<sup>5</sup> This unreconciled tension—between a sense that elections have failed the people and a sense that the people are not ready for elections—has been a constant feature of Sudanese politics. That the author of the above comments went on to become the chair of the National Electoral Commission suggests the importance of that tension to the Sudanese electoral context.

### **Liberal Parliamentary Elections: 1953–1968 And 1986**

Liberal elections in Sudan tend to be characterized as a long inconclusive wrangle between two sectarian political parties, often now called the ‘traditional parties’ (Tables 2 and 3). These are (or rather were) the Umma Party (now sometimes called the ‘National Umma Party’ or the ‘NUP’), associated with the Mahdi family and the Ansar; and the Democratic Unionist Party (DUP; formerly the National Unionist Party, or the NUP, a potential source of confusion), associated with the Mirghani family and the Khatmiyya Sufi order.<sup>6</sup> Perhaps the most significant alternative to these sectarian parties was provided by the Islamic Movement (as its members tended to call it) – organized first as the Islamic Charter Front (ICF) and then as the National Islamic Front (NIF) – whose presence in parliament grew significantly over time.

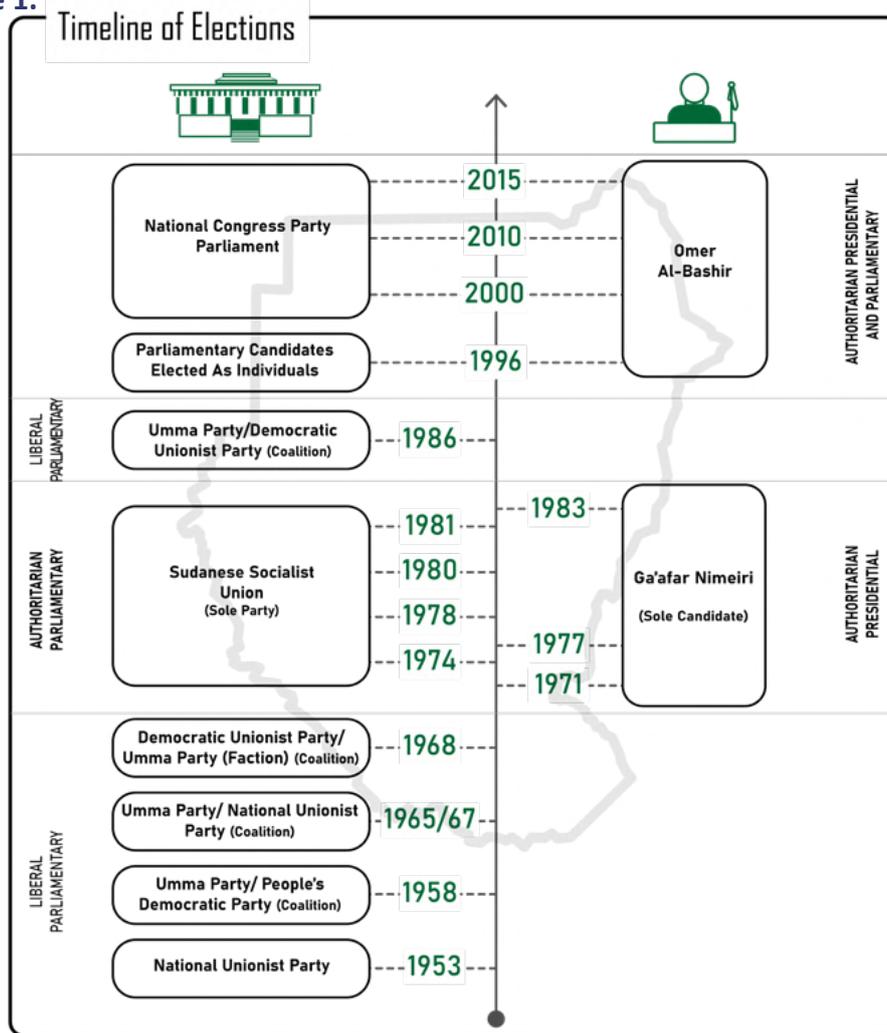
The sectarian divide is sometimes mapped onto a geographical and economic one. Whereas the Umma had its strongest support in Darfur, other parts of the west and the area of the White Nile around Aba, the DUP was stronger in eastern Sudan and in the riverain area from Khartoum northwards. Economically, the DUP was linked to merchants and the Umma to what might almost be regarded as a landed gentry; that is, the cotton farming interests of the Mahdi family and the agricultural economy of western Sudan.

4 Thomas Nyquist, ‘The Sudan: prelude to elections’, *Middle East Journal*, 19/3 (1965).

5 Mukhtar al-Assam, ‘Bureaucracy and development in the Sudan’, *Journal of Asian and African Studies* 24/1–2 (1989): 35.

6 Abdel Salam Sidahmed, ‘Institutional reform and political party engagement: challenges to democratic transformation in post-CPA Sudan’, *International Journal of African Renaissance Studies* 5/1 (2010).

Figure 1.



This geo-economic differentiation is useful shorthand but it overstates both the neatness of the divide and the coherence of the traditional parties. The DUP was never simply a vehicle for Khatmiyya interests. It also had substantial support from an urban educated community, along with a significant element of leftist support. In the late 1950s, the tension between these elements led to the formation of the People's Democratic Party (PDP).<sup>7</sup> In the 1960s, these elements partly re-joined to form the DUP but the party continued to be troubled by internal splits.<sup>8</sup> The Umma Party has also been repeatedly split by disputes between members of the Mahdi family.

The traditional parties, particularly the Umma, always lacked institutional strength. In part, the political uncertainty of the period arose from widespread local contests

7 Harold Gosnell, 'The 1958 elections in the Sudan', Middle East Journal 12/4 (1958).

8 James L Chiriyankandath, '1986 elections in the Sudan: tradition, ideology, ethnicity—and class?', Review of African Political Economy 14/38 (1987).

over who was the real Umma or DUP candidate in any constituency. Sectarian and ethnic ties undoubtedly were significant. Particular areas or groups were assumed to be closely tied to one party or another, with candidates claiming membership of one party or another in line with those ties. Yet the electoral consequences of this alignment were not predictable because those elected to parliament generally paid little attention to party programmes. Instead, they saw parliament as a place to pursue bargains to benefit themselves and their constituents. Parliamentary government was a constant negotiation, conducted without any effective party discipline. In short, it was both 'inefficient and corrupt'.<sup>9</sup>

**Table 2. Nominal Party Affiliation Of Representatives Elected To Parliament/ National Assembly**

Year	Umma	NUP/ DUP	PDP	ICF/ NIF	Communist	Beja and Nuba	Southern Parties	Other	Total
1953	22	50					9	11	92
1958	63	45	27				38		173
1965/7	92	71		5		20	12	18	218
1968	36 (Sadiq) 30 (Imam) 6(Umma)	101		3		5	25	12	218
1986	100	63		28	2	1	16	14	224

Source: compiled from Peter Bechtold, *Politics in the Sudan: Parliamentary and Military Rule in an Emerging African Nation*, New York: Praeger, 1976 and Ahmed Abushouk, *Al-Intikhabat al-Barlamaniyya fi as Sudan*, Omdurman: Abd al Karim Mirghani Cultural Centre, 2008.

**Table 3. Number (Percentage) Of Votes In Geographical Constituencies**

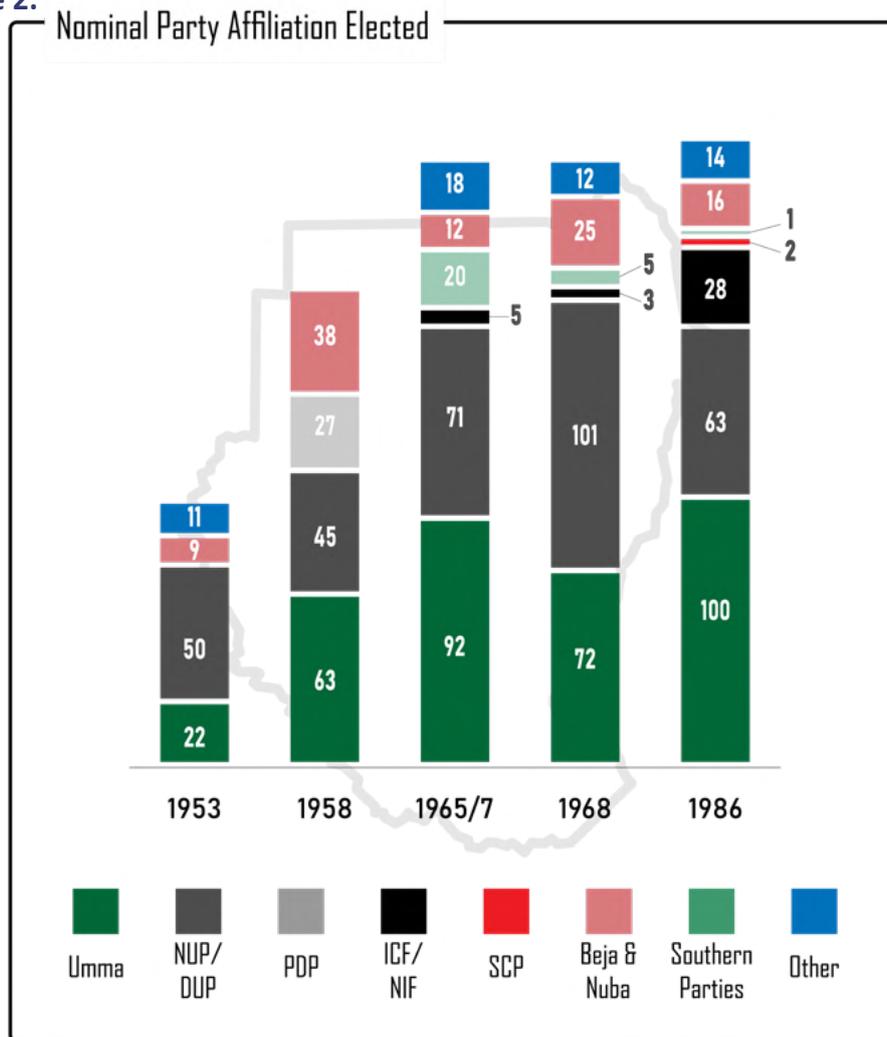
Year	Umma	NUP/ DUP	PDP	ICF/NIF	Beja & Nuba	Southern Partie	Other	Total
1968	758,226 (41.7%)	742,226 (40.8%)		44,552 (2.4%)	18,553 (0.1%)	100,315 (5.5%)	155,890	1,819,762
1986	1,531,216 (39.8%)	1,66,434 (30.3%)		733,034 (19%)	14,291 (0.4%)	55,541 (1.4%)	352,743	3,853,259

Source: compiled from Abushouk, *Al-Intikhabat*

While nominally based on political parties, past election campaigns tended to rely on the ability of candidates to persuade voters that they would speak for their special interests.

<sup>9</sup> Kamal Osman Salih, 'The Sudan, 1985-9: the fading democracy', *The Journal of Modern African Studies* 28/2 (1990): 203.

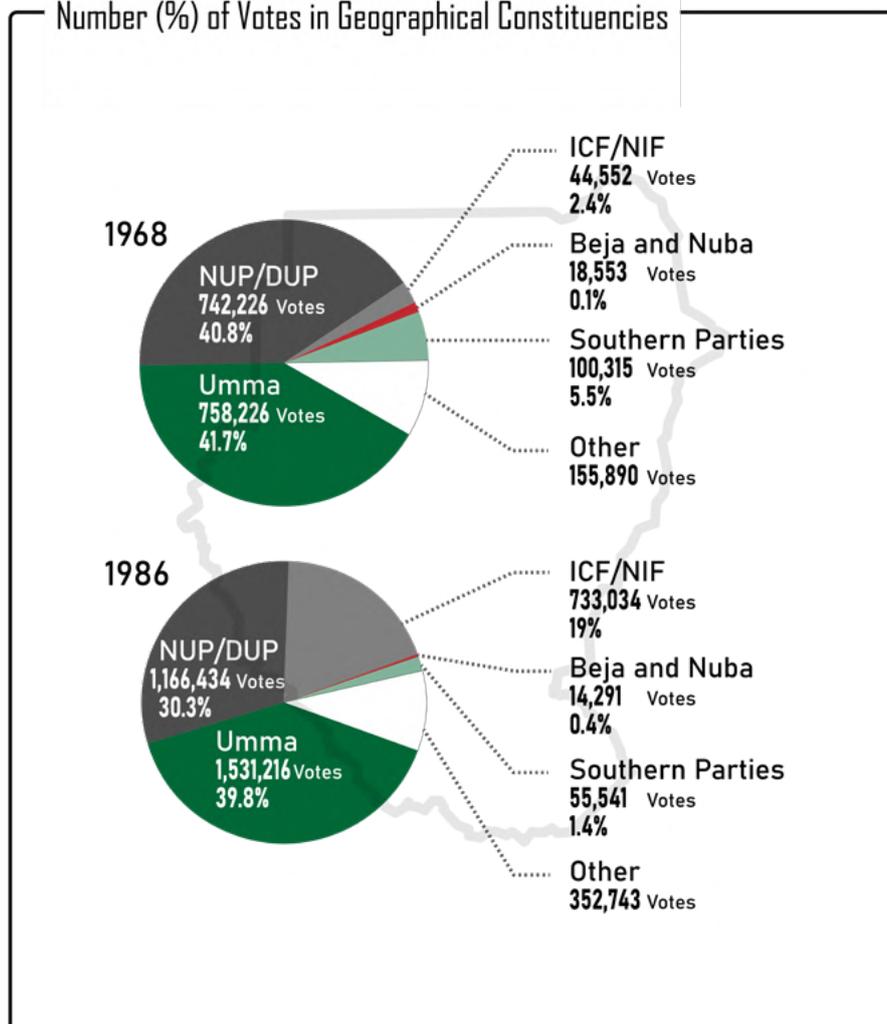
Figure 2.



Major urban centres saw some more programmatic campaigning, particularly by the smaller parties, such as the communists and increasingly the Islamists, organized first as the Islamic Charter Front (ICF) and then the National Islamic Front (NIF). In the end, however, voters everywhere were concerned (at least in part) with assessing how far they could make moral claims on a candidate. If elected, would the candidate respond to their concerns and would they help them?

The political nights that were the signature event of urban election campaigns were underpinned by an everyday politics of presence. Candidates were expected to demonstrate their commitment to their community by being visible and accessible. They were also assessed in the long term. That is, a reputation for generosity and accessibility had to be cultivated over time, and family ties and status mattered. As one former Umma party candidate explains, the aspiring candidate ‘must be in close communication with [voters], in all their social events, as well as being fully aware of

**Figure 3.** Number (%) of Votes in Geographical Constituencies



their problems’.<sup>10</sup> Attendance at funerals, willingness to listen and sometimes simply the ability to distribute gifts were all prized, not just party affiliation.<sup>11</sup>

During these years, elections were run by temporary election commissions. In 1953, when Sudan was still under Anglo–Egyptian rule, the commission was a multinational body. In the later liberal elections, commission members were serving civil servants. The actual work of the elections was also largely done by civil servants, temporarily seconded from their usual roles (usually in local government) or by teachers, who made up most of the actual staff at polling stations.<sup>12</sup>

<sup>10</sup> Interview with former Umma candidate, Khartoum, 3 April 2021.

<sup>11</sup> Ahmed Abushouk, *Al-Intikhabat al-Barlamaniyya fi as Sudan*, Omdurman: Abd al Karim Mirghani Cultural Centre, 2008, 224–226, 234–235.

<sup>12</sup> Gosnell, ‘The 1958 elections’.

For several of these elections, preparations for the vote were driven by a sense of urgency. The first elections in Sudan, in 1953, were seen by the civil servants who ran them and by the politicians who contested them as an opportunity to assert the readiness of the country for statehood. In 1965 and 1986, the traditional parties saw elections as a way to reassert what they each believed to be their rightful role as the leaders of Sudan, while others hoped that voting would bring a sense of unity. From the typing of voter and candidate lists to the printing of ballot papers and the multiple forms used in elections and the moving of ballot boxes, these elections relied almost entirely on the civil service, with the human and material resources of the administration borrowed or commandeered to complete a pressing national task. Complaints of malpractice—from gerrymandering to registration fraud and voter bribery—were not uncommon but no one party was in control of the of the country for statehood. In 1965 and 1986, the traditional parties saw elections as a way to reassert what they each believed to be their rightful role as the leaders of Sudan, while others hoped that voting would bring a sense of unity. From the typing of voter and candidate lists to the printing of ballot papers and the multiple forms used in elections and the moving of ballot boxes, these elections relied almost entirely on the civil service, with the human and material resources of the administration borrowed or commandeered to complete a pressing national task. Complaints of malpractice—from gerrymandering to registration fraud and voter bribery—were not uncommon but no one party was in control of the electoral process, campaigning was not systematically restricted and the parties involved accepted the overall results.

Turnouts in these elections were usually less than half of the estimated voting age population but were considerable. With the exception of what is now South Sudan, voter turnout increased over time to reach quite high levels in some areas in 1986, although the polls were open for 12 days to achieve this turnout (Table 4).<sup>13</sup> There were, however, consistent and significant regional differences in other parts of what is now Sudan; notably, in the west and east. In those areas the majority of potentially eligible voters did not participate, despite the sense of political crisis and possibility in Khartoum.

The electoral system in the liberal parliamentary period was very largely based on first-past-the-post geographical constituencies, a model established in the 1953 elections. Those elections also saw an experiment with a different idea of representation, which was to be repeated more than once. Graduates (those voters who had completed secondary education) were given an additional vote for a small number of additional representatives. The logic of this was simple. It reflected the belief among urban educated Sudanese that a mass uneducated rural vote, swayed by tribal and sectarian leaders, otherwise dominated elections.<sup>14</sup> The graduate vote divided opinion among the loose grouping of political actors who in the 1960s often described themselves as the ‘Modern Forces’: educated Sudanese, trade unionists and professionals who saw the

13 Chiriyankandath, ‘1986 elections in the Sudan’.

14 Sidahmed, ‘Institutional reform’, 21.

influence of tribal and sectarian leaders as a problem.<sup>15</sup> In 1965, in place of the previous first-past-the-post model, some members of the Modern Forces argued for a move to proportional representation as a way to address this problem. In 1986, they suggested another alternative in the form of representation for distinct ‘sectors’: such as farmers, workers and professionals.<sup>16</sup> That proposal was rejected but the graduate seats were tried repeatedly: dropped in 1958, they were reinstated in 1965; dropped again in 1968, they were used again in 1986.

**Table 4. Absolute Number Of Votes Cast, And Votes Cast As Percentage Of Estimated Eligible Voting Population (Arranged By The Old Province Boundaries).<sup>17</sup>**

Province	1965/7 turnout	1965/7 %	196 turnout	1968%	1986 turnout	1986%
<b>Khartoum</b>	120,135	33	193,938	52	634,631	74
<b>Blue Nile</b>	454,331	35	615,242	45	1,246,874	67
<b>Kordofan</b>	240,718	25	306,763	30	559,344	40
<b>Northern</b>	99,342	21	183,281	37	392,986	82
<b>Kassala</b>	97,842	14	164,899	23	490,607	47
<b>Darfur</b>	113,841	16	213,240	29	611,915	33
<b>Equatoria</b>	5,633	1	22,383	4	95,786	13
<b>Upper Nile</b>	33,541	6	58,994	11	33,818	4
<b>Bahr el Ghazal</b>	104,270	18	106,865	17	8,267	1
<b>Total</b>	1,269,653	21	1,865,605	29	4,074,228	43

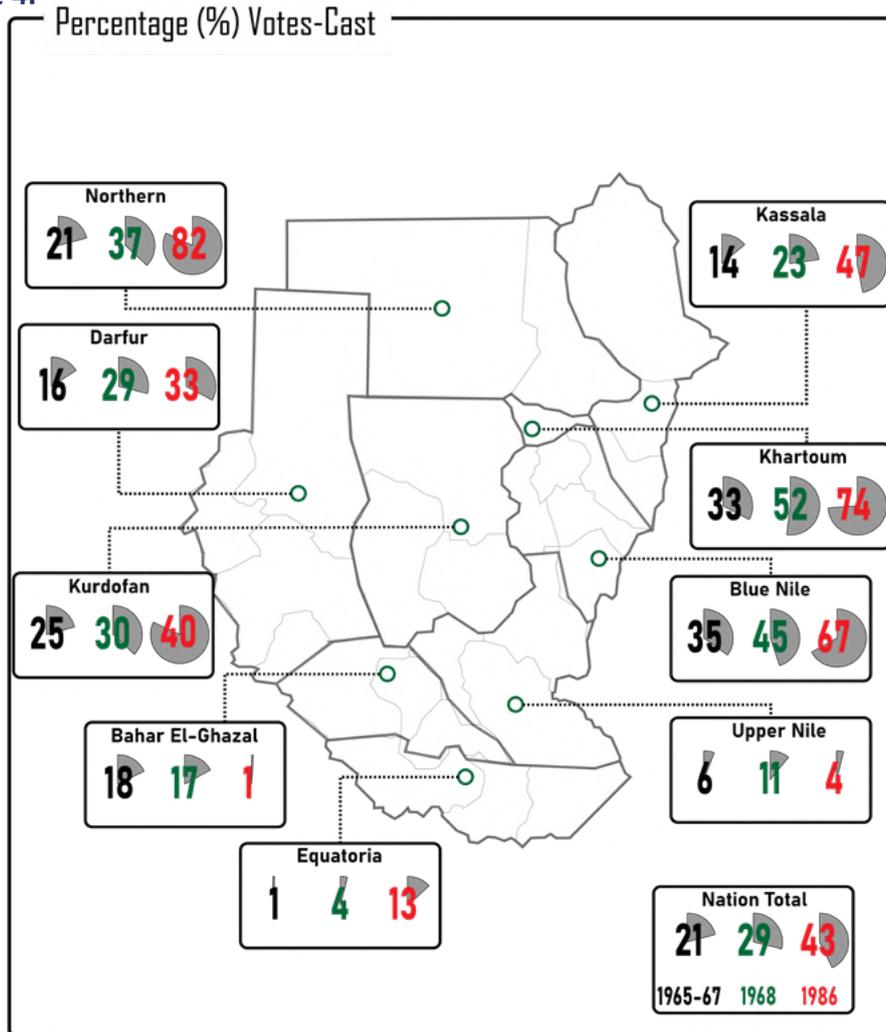
Source: compiled from Bechtold, *Politics in the Sudan*, Abushouk, *Al-Intikhabat* and newspapers and from population estimates from UN Population Division

<sup>15</sup> W J Berridge, *Civil Uprisings in Modern Sudan: The Khartoum Springs of 1964 and 1985*, London: Bloomsbury, 2015, 4, 95–118.

<sup>16</sup> Abushouk, *Al-Intikhabat al-Barlamaniyya*, 201–203.

<sup>17</sup> The eligible voter population should be treated as very approximate. The figures are estimated by taking population estimates by province and adjusting according to the estimated demographic profile (using UN population division data). Figures given here are from 1965 only: from that date, all adults over the age of 18 were eligible to vote.

Figure 4.



### Authoritarian Elections: 1969–1985 And 1989–2019

Most elections in Sudan have been held under regimes that were initially established by military coups. In these regimes, the security forces also continued to have a dominant influence, even when governments were nominally elected. These were authoritarian elections. There was no possibility that they would see a change in national leadership or a genuinely civilian government. In the period of Nimeiri’s rule, authoritarian elections were held on a one-party basis, with an emphasis on unity. The Sudan Socialist Union (SSU) was the only party, and the outcome of the presidential poll (when one was held) was not in doubt. Elections to the national assembly were a matter of a choice between individuals, not of party or policy. In the early period of al-Bashir’s rule, there were no political parties at all. In the elections of 1996, for example, all candidates, at every level, stood as individuals. More recent authoritarian elections have nominally involved multiple parties. In practice, however, the presidential contest has never been in doubt, and elections to national and state assemblies have not involved policy choices.

## Elections Under the Nimeiri Regime

The period of Nimeiri's rule (1969 to 1985) saw frequent but irregular elections. The presidential polls took a form that was common at the time in one-party states in Africa and more widely. That is, Nimeiri stood as a single candidate and the voter choice was limited to yes or no. The reported results of these presidential elections were overwhelmingly favourable. In 1977, for example, 5,672,506 votes were allegedly cast: 5,630,026 for Nimeiri and 48,378 against.<sup>18</sup> As with the liberal elections held by the traditional parties, these polls were also organized and run by civil servants. Moreover, there was substantial pressure on them to ensure a high voter turnout and an overwhelming majority. These presidential polls seem to have involved large-scale flagrant vote rigging through the stuffing of ballot boxes and the inflation of the count.<sup>19</sup>

Elections for the national assembly did involve some competition, although all candidates had to be approved by the single ruling party, the SSU. These elections were structured quite differently compared to the previous liberal polls: they were a completely intentional effort to break down what was seen as tribal and sectarian voting. In Sudan, authoritarian regimes have been more radical in their social and economic ambitions than have parliamentary governments.<sup>20</sup> The system varied a little over time but the principle of representation was consistent. Around one-third of seats were geographical constituencies, which were still decided on first-past-the-post system. Around one-third were sectoral seats, elected on a provincial basis by particular groups: farmers, engineers, doctors and others. A further one-third of seats were elected by local government institutions, which had been entirely remade in a pyramidal structure of multiple layers, with each level below choosing the members of the level above. For those who had seen the liberal parliamentary elections as a charade in which rural voters simply followed the orders of their tribal or religious patrons, this system was the answer, as it could produce genuine popular participation, as well as restructure social and economic relations.<sup>21</sup>

There is very little documentary evidence relating to these elections, and nothing even close to a comprehensive or consistent record of results. Rather, there is only anecdotal evidence for participation and outcomes. Retrospective interviews with those involved at the time again suggest that in both registration and polling, these elections diverged very largely from international norms: registration figures were made up or were based on lists used for the distribution of rationed foodstuffs; voting figures could be manipulated outright or even entirely invented.<sup>22</sup> Fragmentary archival records suggest very low levels of participation in some of the sectoral elections.

18 'Numayri elected president for a second term', Cairo MENA, 20 April 1977, Foreign Broadcast Information Service (FBIS-MEA-77-076). <https://www.readex.com/products/foreign-broadcast-information-service-fbis-daily-reports-1941-1996>. Accessed 30 July 2021.

19 Willis and al-Battahani, "We changed the laws".

20 Ali and el-Battahani, 'Sudan: colonial heritage', 293.

21 Timothy Niblock, 'A new political system in Sudan', *African Affairs* 73 (1974): 293.

22 Willis and al-Battahani, "We changed the laws", 206–207.

Yet, some votes were cast by real people, and these elections were not meaningless. For an international audience, the presidential elections asserted the popularity of the ruling regime in a manner that—however obviously questionable—was common at the time. Whether as many as five million people actually voted in 1977 may be doubted but significant numbers did turn out to vote, perhaps encouraged or bullied to do so by local party officials and civil servants. For the public, the elections could be a display of state capacity to reach the people, erratic though that reach was.

Within Sudan, the polls were designed as a way to engineer social change of a specific kind; that is, to undermine existing hierarchies dominated by wealthy individuals, and to redistribute power and wealth more widely. Despite these intentions, it seems this was not the result, given that prosperous merchants and landowners often did well in elections.<sup>23</sup> Civil servants were allowed to stand for election and, given their educational advantage and familiarity with bureaucratic processes, often won.<sup>24</sup> The elections offered a way to pursue factional rivalries among members of the SSU and were a way for individuals to display loyalty to the regime, either by mobilizing voters for Nimeiri or by standing as candidates. They also provided a way to assert and maintain status within a community, as local patrons and voters proved resistant to the attempt to overturn existing hierarchies.<sup>25</sup> Election to the national assembly (even in a problematic electoral process) gave individuals access to resources and a platform to speak on behalf of their community.

While elections were a national display, they also continued to be a part of the local politics of status all across Sudan. The dynamics of those politics may have shifted a little in relation to the past but they were not overturned in the way that enthusiasts for this new electoral system had hoped.

### **Elections under the National Congress Party**

The al-Bashir regime organized four national elections: in 1996, 2000, 2010 and 2015. In each of these, there was both a direct poll for the national presidency and a vote for a representative national assembly. Leaders of the traditional parties boycotted all these elections—in some cases after considerable hesitation—insisting that they were nothing more than window dressing, a mere pretence of democracy.<sup>26</sup> Certainly there was limited choice in these elections, and significant intimidation and coercion. The implication that the regime was simply going through the motions to fool the international community misses the point, however. The elections of 1996 and 2000 were not held to try and please international donors. On the contrary, the al-Bashir regime was openly adversarial in its relationships with the United States during these

23 Niblock, 'A new political system', 417.

24 al-Assam, 'Bureaucracy and development', 40.

25 Ahmed al-Shahi, 'Traditional politics and a one-party system in northern Sudan', *Bulletin (British Society for Middle Eastern Studies)* 6/1 (1979).

26 Opposition leader on presidential vote', *BBC World Service*, 13 February 1996, FBIS-NES-96-031.

years and did not seek to convince anyone that it was 'democratic' in the western sense of this term.

In those years, although the elections were partly held with an eye to an international audience, the primary aim was to demonstrate state capacity, internally and externally, and to assert an alternative political model based on Islam.<sup>27</sup> International pressure and involvement (and an overt rhetoric of democracy on liberal lines) were features of the next elections in 2010, albeit with limited effect on the process. In 2015, largely without international support, the regime held and won elections. Again, the ruling government was pursuing its own political goals instead of being driven by external pressure, although the regime was keen to receive the endorsement of electoral observers from the African Union (AU) and the Intergovernmental Authority on Development (IGAD).

The course of these four elections might be seen as the development and then the partial atrophy of a political apparatus that incorporated elections as one element in a wider policy of embedding the regime in everyday life. The NCP (not just the party that was formally created in 1998 but also the multiple local-level women's organizations and community groups that were inextricably tangled up with the party and the regime) became very adept at using and winning elections. This apparatus grew and was consolidated in the relatively prosperous years that began with the Machakos Accords of 2002 and peaked in the CPA period of 2005 to 2011. The complexity of this apparatus made it vulnerable in the increasingly strained circumstances in Sudan after 2011.

### **Establishing The System: The Elections Of 1996 And 2000**

As with Nimeiri's regime in the 1970s, in the 1990s, al-Bashir and his allies were clear that they rejected liberal parliamentary elections. They argued that these elections had been corrupted by tribal or sectarian sentiment. Moreover, they had never offered genuine popular participation. Past elections were also an opportunity to denounce former politicians as self-seekers. As al-Bashir tells a rally in 1995:

We want these elections to be different from those of the past. As you know, in the previous elections, candidates promised people schools, roads, boreholes and other services. But as soon as an MP arrives in Khartoum, he [or she] will only serve himself [or herself]. You should elect strong and trustworthy individuals who will articulate your hopes, aspirations and orientation.<sup>28</sup>

In their condemnation of established parties and politicians, the leaders of what they sometimes called the 'Islamic Movement' echoed the Modern Forces. Their initial approach in the 1996 elections was, in some ways, similar to that provided by Nimeiri. There would be a directly elected president to demonstrate the overall popularity of the regime. There would also be a simultaneous election for the national assembly. The national assembly would be both directly elected on a geographical basis (275 seats)

<sup>27</sup> al-Sudan al-Hadith, 18 March 1996.,<sup>4</sup>

<sup>28</sup> Al-Bashir urges election of strong candidates', Republic of Sudan Radio, 18 January 1995, FBIS-NES-95-013.

and indirectly elected through the system of decentralized government (125 seats). The indirectly elected seats would build up from the basic congresses at the local level, which elected popular committees, and then through a series of intermediate assemblies on up to national level.

The whole system was intended to encourage what were presented as Islamic democratic principles of consultation and consensus. There were no political parties. Every candidate instead stood as an individual. If the population of a geographical constituency could agree on a candidate without the need for voting, this was considered a success; in some places, reconciliation committees were even formed to encourage this.<sup>29</sup> The emphasis was on popular participation and involvement as ways to demonstrate not just of the popularity of the regime but to showcase its ability to give a voice to the people in ways that the previous liberal elections had not. This was, as al-Bashir puts it, a 'political experiment'.<sup>30</sup>

The 1996 elections were preceded by boastful predictions of overwhelming turnout. In the wake of problems with voter registration and state assembly elections in 1995, the first publicly announced task of the newly created General Elections Commission (GEC) was to develop a completely new voter registration system.<sup>31</sup> The polls were postponed several times. In the end, the nomination process and campaigning were all packed into a four-week period.

Having encouraged multiple nominations for the presidency (in the spirit of maximizing participation) the GEC then announced that too many candidates had put themselves forward and persuaded some to withdraw. In the polls, voting papers bore only symbols, rather than names, presumably because there was no time to print ballot papers with names. Whether because of these problems, or because traditional parties had urged their supporters to boycott the whole process, initial voter turnout was very low. There is no reliable record of final turnout. A later account suggests that many voters deliberately spoiled their ballots but these were disregarded in the public announcement of results.<sup>32</sup>

One-fifth of the geographical seats were reportedly decided by consensus, with only a single nominated candidate. There are also no overall numbers for turnout in the assembly poll. In the presidential poll, 5,525,280 voters were reported to have cast ballots, a significantly more modest turnout than the regime had predicted but reportedly

29 Yusuf al-Bedawi, al-Sudan al-Hadith, 17 February 1996

30 'Al-Bashir hails start of election process', Republic of Sudan National Radio, 8 March 1995, FBIS-NES-95-060.

31 'Government to set up permanent register of voters', Omdurman National Unity Radio, 25 October 1995, FBIS NES-95-208.

32 , as-Sahafa, 9 December 2000. The 1996 figures are confusing, as at one point it was reported that there were 9.7 million registered voters (al-Sudan al-Hadith, 18 March 1996) but the turnout of 5.5 million voters was later described as 72 per cent of the electorate (al-Sudan al-Hadith, 23 March 1996)

70 per cent of those registered to vote. Al-Bashir allegedly received 4,181,784 of these votes, or just less than 76 per cent of the total.<sup>33</sup>

It is likely that those figures were inflated by at least some direct manipulation of counts and tallies. Nonetheless, it also seems that quite a few people did cast ballots, whether encouraged or bullied into doing so by popular committee in their area, or by local women's organizations and other community groups (for example, tenant associations or neighbourhood policing groups), which the Islamic Movement had become adept at taking over.<sup>34</sup> The claims by exiled opposition leaders that 95 per cent of voters boycotted the elections seem exaggerated.<sup>35</sup>

The 1996 elections also saw the beginning of a significant phenomenon. Locally influential men (either holders of customary authority or wealthy individuals) who would previously have professed support for one or the other of the traditional parties began to align themselves with the al-Bashir regime. Their logic was simple. If the state was in the hands of the Islamic Movement, then their role as patrons and protectors (not to mention their own status and wealth) relied on building a relationship with the Islamic Movement. Nimeiri had sought to overturn local hierarchies through elections and failed. In contrast and with some measure of success, the al-Bashir regime sought to incorporate those hierarchies into an increasingly dense tangle of local structures that all linked to the state and the Islamic Movement. This encouragement of customary authority and tribal identity has been seen as a deliberate policy of division.<sup>36</sup> It might more so be seen as a pragmatic means of incorporating local politics into national politics.

The next elections in Sudan, in 2000, were shaped by the fracture inside the Islamic Movement. That fracture largely revolved around the position and influence of Hassan al-Turabi, and its consequence was his dramatic fall from his dominant position in the Islamic Movement. It also resounded through the multiple local institutions that the Islamic Movement had built, which were remade around the new party that had been created in the process of the split, the NCP. Some activists remained loyal to al-Turabi, denouncing al-Bashir's supporters as opportunists who had never been sincere in their commitment to Islam. Overall, however, the local institutions of the Islamic Movement had become so closely linked with the state and the security services that they entirely shifted their support the NCP.

The 2000 elections were held under a revised system, with two main changes. First, other political parties were allowed to compete, although most refused to do so. Second, the indirectly elected members of the national assembly (90 of the 360) included women's

33 'Official announcement on al-Bashir election', Republic of Sudan Radio, 23 March 1996, FBIS-NES-96-058.

34 al-Sudan al-Hadith, 13 March 1996.

35 Sudan: opposition says 95% voters boycott elections', Agence France-Presse, 24 March 1996, FBIS-NES-96-058.

36 Ali Ibrahim Hayder, 'Whither Sudan?', Contemporary Arab Affairs 7/3 (2014).

representatives, as well as graduates and professionals. These elections were even more poorly documented than those of 1996. Once again, many of the directly elected members of the national assembly were returned unopposed, with no reliable figures for the turnout in those elections.

The NCP was announced as the overwhelming winner of the national assembly elections, taking 355 of the 360 seats (the other five were won by independents). There were far fewer presidential candidates than in 1996 (only five, compared to forty) but the regime did make some effort, albeit farcical, to ensure that at least one of the other candidates was not a complete nonentity, eventually persuading ageing former president Nimeiri to stand. Al-Bashir duly won, allegedly by an even larger proportion of the vote than in 1996. Among those who voted, 86 per cent reportedly cast their ballot for him.<sup>37</sup>

As in 1996, it seems entirely possible that these figures were falsified. However fraudulent, it is also apparent that the elections had political significance. That is, this was a moment during which ordinary people could be expected or required to turn out to vote in order to demonstrate to the popular committee, the local women’s organization or the tenant committee that they were loyal. These institutions had significant leverage. They could and did mediate access to government healthcare, education and to essential commodities. For the personnel of those local institutions, who sat on the committees, distributed food and clothes, and scrutinized their neighbours for loyalty, their own petty roles ensured them favourable access and offered the possibility of a personal connection to those elected to the national assembly.

### **Perfecting Electoral Authoritarianism: 2010**

Polls scheduled for 2005 were cancelled because of the CPA between the NCP government and the Sudan People’s Liberation Movement (SPLM). The elections that were held in 2010 as a result of the CPA are by far the most well-documented polls ever held in Sudan. The new electoral system used in 2010 and the associated legal framework reflected a substantial degree of consultation and international involvement. Elections to the national assembly were adjusted to combine geographical seats with an element of proportional representation: 25 per cent of its members were elected from all-women lists put forward by parties; a further 15 per cent were elected by general party lists.<sup>38</sup> The decision to hold these national polls at the same time as elections for state assemblies (which also had a proportional representation element) and governors

37 European–Sudanese Public Affairs Council, ‘Democracy in Sudan. The December 2000 Presidential and Parliamentary Elections’, London: European–Sudanese Public Affairs Council, 2001. Accessed 10 June 2021, [http://www.espac.org/presidential\\_pages/presidential\\_parliamentary.asp](http://www.espac.org/presidential_pages/presidential_parliamentary.asp).

38 The system is described in detail in Marc Gustafson, ‘Electoral Designs: Proportionality, representation, and constituency boundaries in Sudan’s 2010 elections’, London: Rift Valley Institute, 2010. There are also useful summary tables showing the multiple levels and systems of elections in Paula Christina Roque, ‘Sudan elections: inaugurating the last unified political order?’, *African Security Review* 19/2 (2010): 48–51 and in Democracy Reporting International, ‘Assessment of the Electoral Framework Final Report Sudan’, Berlin: Democracy Reporting International, 2009, 28.

created significant challenges in terms of logistics—for example, printing ballot papers and getting them to stations—and the actual process of voting, in which each voter had to cast 8 ballots (and 12 ballots in the south, where there was separate assembly to elect).

A new electoral management body, the National Electoral Commission (NEC) was created, reflecting international norms to some extent. The whole electoral process received substantial amounts of financial support and multiple international organizations and experts were involved. It is hard to put a precise figure on total support but one source suggests that USD 91 million in international support was provided for the 2010 elections.<sup>39</sup> This was largely because the elections were seen as an opportunity for democratization: part of the vision of the CPA was a possible future in which a united Sudan would have a stable and accountable civilian government.<sup>40</sup> In practice, however, the elections became central to the implicit political compromise through which the NCP and SPLM agreed to split Sudan between them.<sup>41</sup> The election result was an overwhelming victory for the NCP in northern Sudan and for the SPLM in what is now South Sudan. This result was unsurprising, particularly since the SPLM withdrew its candidate for the national presidency just before the polls.

The elections were deeply problematic in terms of process. As the report of the observation mission from the Carter Center puts it, ‘planning ... was inadequate, voter education was notably absent, and irregularities during the polling, counting, and tabulation phases were widespread, undermining the credibility of the vote’.<sup>42</sup> In fact, many features of the 2010 elections could be described as malpractices, in terms of international electoral norms. It would be easy to see these instances simply as cheating; as ways to get round electoral procedure in order to produce an impressive sounding result. There is good evidence that there was some simple cheating; for example, stuffing ballot boxes and alternating numbers at the count and tally stage. There was also some suspicion that the NEC was deliberately under-resourced in order to prevent it from acting in a genuinely independent way.<sup>43</sup>

Once again, however, the 2010 elections were more than just window dressing for the sake of numbers. That is, the elections provided a focus for using and further refining the local institutions that embedded the regime, and to underline a key point; namely, that those institutions provided the only effective intermediary with the state. One

39 Scanteam, ‘Democracy Support through the United Nations. Report 10/2010. Evaluation. Sudan Case Report’, Oslo: Norwegian Agency for Development Cooperation, 2010, 6. Accessed 9 June 2021, <https://www.oecd.org/countries/sudan/48085726.pdf>. A former NEC official suggests a much higher figure—around USD 300 million: interview with former NEC official, Khartoum, 18 March 2021.

40 Democracy Reporting International, ‘Assessment of the Electoral Framework’, 6.

41 Giorgio Musso, ‘Electoral politics and religious parties in Sudan: an analysis of the April 2010 election’, *African Conflict and Peacebuilding Review* 2/1 (2012): 61; and Justin Willis, ‘Sudan’s elections: voting for authoritarians’, *Africa Review* 3/1 (2011).

42 Carter Center, ‘Observing Sudan’s 2010 National Elections’, Atlanta, GA: Carter Center, 2010, 2.

43 Scanteam, ‘Democracy Support through the United Nations’.

former NCP candidate elaborates this in describing the importance of his campaign committee, the members of which used their personal connections and his reputation to gain ‘the trust of the people’; that is, to persuade them that he would be an accessible and effective intermediary on their behalf with the state.<sup>44</sup>

This was at a time when the state had unusually large patronage resources, in part because of income from oil exports and in part because of the CPA process. Significant amounts of money went into creating small-scale jobs, along with a new group of salaried workers who had reason to be loyal to the regime.<sup>45</sup> The formal processes of the election (registration and polling) and the electoral campaigns all became demonstrations of NCP dominance over this patronage.

The funding and technical support provided by the international community supported a more ambitious programme to recruit and train electoral staff than had been the case in previous elections. In theory, the use of serving government employees as election officials was no longer allowed, although it still seems to have happened in some places. Instead, recently retired administrators, police officers and teachers were hired for more senior roles.<sup>46</sup> It would be tempting to see the recruitment of this electoral staff as somehow centrally orchestrated by the regime or the security services. That does not seem to be the case in any direct way, at least in the north. Indeed, some of those hired were pensioners who had been forced to retire in the Islamist purge of the 1990s. It was the combination of administrative experience with local ties and associations that mattered, with pensioners recommended by friends, former colleagues or family who were still working for the government.<sup>47</sup>

As one interviewee, a journalist, explains: ‘Most of the commission's people are police retirees. They don’t have the enthusiasm of the youth. They only care about the financial reward that they get and that’s it. They don’t care about the honesty of elections for that matter.’<sup>48</sup> This view may be something of an exaggeration but it is supported by the comment of a former member of the commission staff. As with many other staff during the 2010 elections, he is a former teacher and police officer. He remarks, ‘It was not our job to become familiar with the electoral law. [We] only had to perform the administrative process’.<sup>49</sup>

The architecture of electoral management was quite complex. Below the NEC, each state had its own State High Election Committee (SHEC). Those committees regularly

44 Interview with former NCP candidate, Nyala, 10 May 2021.

45 Eddie Thomas, ‘Elections in Sudan’, *Review of African Political Economy* 37/125, (2010): 373–379; Ali and el-Battahani, ‘Sudan: colonial heritage’, 268.

46 Interview with former election official, Um Ruwaba, 20 April 2021 and interview with former member of SHEC, Kassala, 15 March 2021.

47 Interview with Umma activist, Um Badda, 24 March 2021; interview with former election official, Kassala, 23 March 2021.

48 Interview with journalist, Nyala, 15 May 2021.

49 Interview with former election official, Omdurman, 25 March 2021.

made use of their power to create multiple sub-committees; in some cases, one for each constituency. These sub-committees worked with the appointed returning officers (at state level) and election officers (at constituency level) to hire a further layer of temporary staff for registration and as polling staff. Heads of polling stations were largely retired civil servants and teachers, or ‘rational and disciplined men [and women]’, as one of those hiring them puts it.<sup>50</sup> The temporary registration and polling clerks were mostly recent graduates. There were a significant number of women in this group, the presence of whom might be seen as a gesture designed for international onlookers, who were indeed pleased by it. This can also be seen as a pragmatic response to the need to mobilize women voters or as a deliberate choice of polling clerks, who might be more easily intimidated by senior male colleagues. Regardless, the 2010 elections were a vast exercise, with around 105,000 staff hired across the whole of the country.<sup>51</sup>

The recruitment of staff was, then, a major exercise in state patronage; however, this was mediated thorough local networks that were themselves part of the local institutions developed under the regime. Customary authorities and popular committees sometimes had an informal but apparently significant role in nominating or approving the recruitment of staff. Once hired, the electoral staff found themselves working closely with the institutions that had been created and developed by the regime. Registration relied heavily on the popular committees, which provided identification certificates for would-be voters. It also relied on the local administration, including customary authorities. According to one former election official, in some cases, the local administration supplied the lists of names to be registered: ‘Registration took place without documents and identification. And only the sheikh of the neighbourhood or the mayor registered the names.’<sup>52</sup>

In the absence of a comprehensive system of identity cards, every polling station also had one or more staff who were called ‘identifiers’. These were knowledgeable local people nominated by the community, which meant the customary authorities or popular committees. Their task was to confirm that voters really were who they claimed to be. Obviously, this role was open to abuse and corruption.

Just as the formal electoral process involved a reaffirmation of the importance of the local institutions to NCP control, the campaigns had a similar effect. The local structures of the NCP blurred into local government, customary authority and the civil society organizations sponsored by the regime. In any given community, the same people played multiple roles. They mobilized people for rallies and political nights. They went from house to house to build support. They organized the distribution of charitable donations from the government or candidates. They hired buses to bring voters to the polling

50 Interview with former election official, Um Ruwaba, 17 April 2021.

51 Scanteam, ‘Democracy Support through the United Nations’, 13.

52 Interview with local administrator, Um Badda, 23 March 2021 and interview with omda (headman), Nyala, 19 April 2021.

stations and provided them with refreshments. As one domestic election observer puts it:

There was a presence of the ruling system in the registration and polling centres ... there was control by the National Congress. The popular committees were present. They provided hospitality to people. They brought in voters. They set up registration and polling centres and they acted as identifiers of voters.<sup>53</sup>

The competition for nomination as an NCP candidate was simultaneously genuine and constrained, with local deals between possible rivals being brokered by local patrons. Those who stepped aside in the interests of unity were rewarded with jobs, government contracts or scholarships for themselves and their supporters.<sup>54</sup> Locally influential individuals who had formerly aligned with the Umma or the DUP instead sought roles in the NCP, confirming the near collapse of the local networks of the traditional parties.<sup>55</sup>

Those who won NCP nominations campaigned on the basis of their ability to mediate with government and secure benefits for the constituency. This was also an ability that could be presented as evidence of a morally virtuous commitment to the community on the part of the candidates. A former NCP official summarizes: ‘These were the requests of the people. They needed schools. And wells to end their thirst problem.’<sup>56</sup> The election itself became a powerful patronage device. It was an opportunity to rehearse hierarchies of clientelism at multiple levels—from the widow who went to vote to assert her moral claim to charitable support from the women’s organization and the omda (headman) who encouraged his people to attend a rally in the hope that this would ensure that new boreholes would be drilled for them to the parliamentary candidate who used all his or her local influence, status and family connections to win votes for the NCP, with the expectation that once in parliament he or she could reward the community with a road or a school, and individual supporters with jobs or business favours in exchange for campaign funds or personal endorsements.<sup>57</sup> A surprising number of people stood for the national assembly in 2010. On average, there were almost 9 candidates for every seat, which suggests the appeal of this role as intermediary.<sup>58</sup>

Alongside this exercise in patronage, both the campaigning and the elections provided an opportunity to display the control the regime had over the security services. Critical journalists were arrested. Opposition candidates and activists found it hard to get permission for meetings from the police and administration. The partisan use of the security services was more obvious, and occasionally brutal, in what is now South

53 Interview with former domestic election observer, Um Badda, 29 March 2021.

54 Interview with former independent candidate, Um Badda, 30 March 2021; Abdel Ghaffar Ahmed, ‘One Against All: The National Islamic Front (NIF) and Sudanese Sectarian and Secular Parties’, Sudan Working Paper, Bergen: CMI (Chr. Michelsen Institute), 2008. Accessed 9 June 2021, <https://www.cmi.no/publications/3115-one-against-all-the-national-islamic-front-nif>

55 Interview with former party agent, Um Ruwaba, 15 April 2021 and interview with former official of National Congress Party, Nyala, 19 April 2021.

56 Interview with former official of National Congress Party, Nyala, 19 April 2021.

57 Interview with omda, Nyala, 19 April 2021.

58 Figure compiled from NEC results documents.

Sudan. There, the incumbent regime relied on the security services because the complex network of institutions that the NCP had developed in the north simply did not exist. The SPLM had neither the resources nor the time to create such a network. Yet everywhere, the deployment and behaviour of the security services made a simple point: that the incumbent regime was the state and the only possible electoral outcome was victory for the NCP in the north and for the SPLM in the south.

While the overwhelming victories for the two parties were partly due to the multiple abuses of the electoral process, this process also showed how thoroughly the NCP had embedded itself in daily life in what is now Sudan. No other politics seemed possible. The traditional parties boycotted the elections because the process was deeply unfair. At the same time, they were also aware that they had largely lost their connection to the local politics of status and clientship across the country on which electoral politics rested.<sup>59</sup> Reported turnout in the 2010 elections was probably inflated by malpractice but there is ample evidence that many did vote. A small number of geographical seats were won by independent candidates and candidates claiming to stand in the name of the one of the traditional parties but the national assembly was dominated by the NCP.

### **The Decline Of Electoral Authoritarianism: 2015**

In 2015, after the secession of the south, al-Bashir's regime organized what were to be its last elections. The electoral system was slightly modified, with half the national assembly seats to be elected on a proportional representation basis. The experience and structures created in the 2010 elections were still available. Many of those who had been temporarily hired, as members of committees and sub-committees, as election officers and heads of polling stations, were hired again in 2015. More than 60,000 staff were recruited, with many of the more junior staff once again women.<sup>60</sup> Popular committees and other institutions were well practised at electoral mobilization, with campaign events combining the promise of patronage with the affirmation of networks of loyalty.<sup>61</sup> Yet circumstances had changed. There was no international support for these elections, and thus no financing or visiting experts. Government resources had been significantly diminished by secession and the border war. In 2010, the traditional parties had seriously considered taking part in the elections. By contrast, they boycotted the 2015 elections from the outset. The 2015 elections also came at the end of an inconclusive process of national dialogue and not long after the popular protests of 2012–2013.

59 Musso, 'Electoral politics and religious parties', 72.

60 'Sudan's electoral body to employ 60,000 workers to run April elections', Sudan Tribune, 20 March 2015. Accessed 10 June 2021, <https://sudantribune.com/spip.php?article54343>; African Union, 'African Union Election Observation Mission to the April 2015 Presidential and Parliamentary Elections in the Republic of Sudan. Final Report', Addis Ababa: African Union, 2015b, 21. Accessed 4 June 2021, <https://www.eisa.org/pdf/sud2015au9.pdf>.

61 James Copnall, 'Sudan elections 2015: Bashir on the campaign trail', African Arguments, 10 April 2015. Accessed 10 June 2021, <https://africanarguments.org/2015/04/sudan-elections-2015-bashir-on-the-campaign-trail-by-james-copnall/>.

These elections were much less well documented than those of 2010, as there were few international observers. The AU pre-election assessment mission judged that the NEC ‘does not generally enjoy the confidence of most electoral contestants and stakeholders’ and that the environment would not allow ‘free participation in the political process’ and recommended against sending a mission.<sup>62</sup> That recommendation was ignored and an AU mission did observe the elections but there were few others. The AU mission notes that ‘the turnout was generally low’ and the reported presidential results confirm this, even though the voting period was extended to encourage more voters to take part.<sup>63</sup>

The reported parliamentary results do not include turnout figures (in itself significant) but the number of votes cast for the winning candidates were reported. These numbers suggest that in some constituencies far fewer voters cast ballots. In rural Kassala, for example, where the 2010 NCP candidate allegedly won with 24,904 votes, a rogue DUP candidate won in 2015 with a mere 7,447 votes.<sup>64</sup> In South Nyala, the winning NCP candidate polled 15,589 votes in 2010 but only 7,072 in 2015. Prospective candidates were also less enthusiastic. Only 1,200 stood for the geographical seats in the national assembly (around 6 candidates per seat) as compared to 1,880 in 2010. Whether this was simply a response to the opposition call for a boycott is unclear. It might equally be seen as a consequence of the diminishing ability of state institutions to deliver patronage at a local level.

A slightly larger number of geographical seats were won by candidates who were not in the NCP. These candidates stood either as independents or claimed membership of one or another of the rapidly proliferating factions of the traditional parties. Perhaps one way to explain NCP electoral losses in 2015 is that it was more difficult to present the NCP as the effective sole intermediary with the state when resources were increasingly limited. One opposition candidate suggests another explanation for these gains by other parties, however: the NCP encouraged both splinter groups from some of the traditional parties and smaller political parties to participate by effectively promising that they would win a few seats.<sup>65</sup> Overall, the 2015 elections seem striking mostly for the reduced levels of participation, which was graphically revealed by news film clips of empty polling stations and bored polling staff.<sup>66</sup>

62 African Union, ‘Report of the African Union Pre-election Assessment Mission to Sudan’, Addis Ababa: African Union, 2015a, 14 and 7. Accessed 10 June 2021, <http://africanarguments.org/wp-content/uploads/2015/04/AU-Pre-election-Assessment-Mission-Report-Sudan-2015-elections.pdf>.

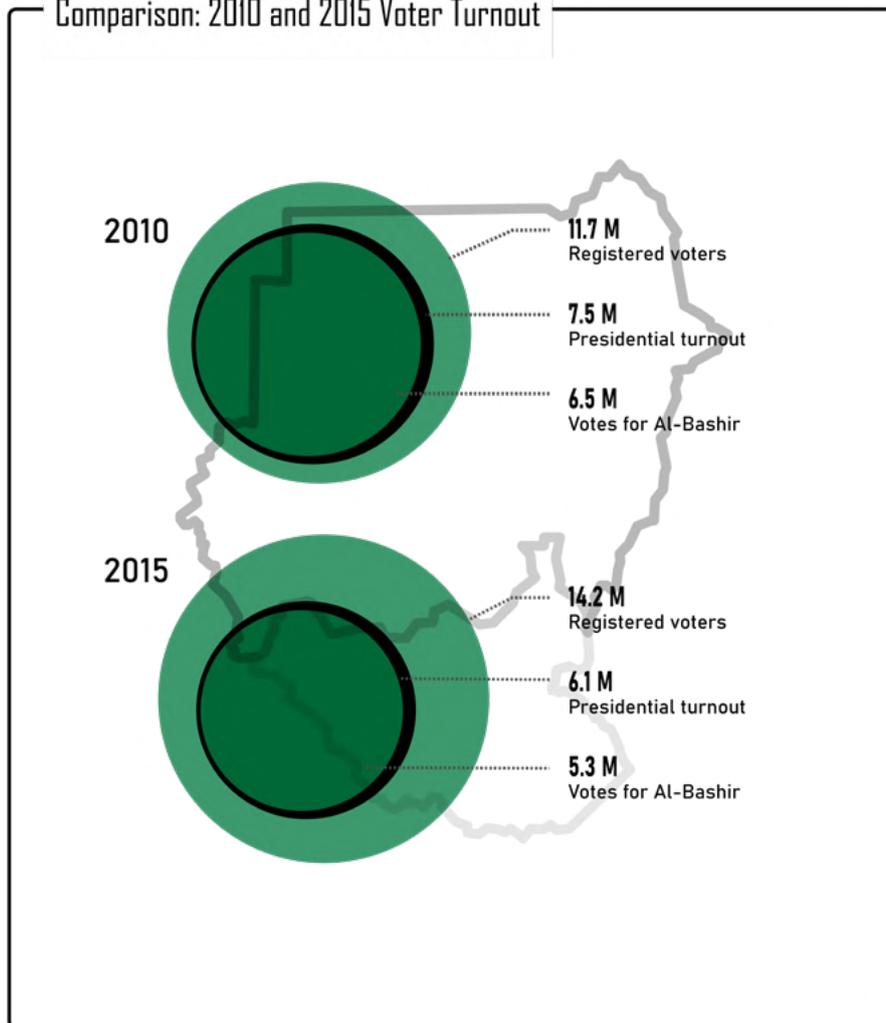
63 African Union, ‘Election Observation Mission’, 251.

64 Figures from NEC results. Other voting statistics in this paragraph are also derived from this source.

65 Interview with Democratic Unionist Party official, Nyala, 15 May 2021.

66 See, for example: ‘Low morning turnout in Sudanese election’, Agence France-Presse, 16 April 2015. Accessed 2 June 2021, <https://www.youtube.com/watch?app=desktop&v=Skb0cFTk2uk>.

**Figure 5.** Comparison: 2010 and 2015 Voter Turnout



**Table 5. Comparison: 2010 And 2015 Voter Turnout (President And Geographical Seats)**

	Registered voters	Presidential turnout	Votes for Al-Bashir	Geographical constituencies won by NCP (out of 213 total)
<b>2010</b>	11,652,723	7,474,002	6,483,499	188
<b>2015</b>	14,206,203	6,091,412	5,252,478	172

Source: NEC data and AU 2015 mission report. Please note: Figures for 2010 are for northern Sudan (present-day Sudan) only.

## Patterns Of Malpractice

What has been called the electoral ‘menu of manipulation’ is a long one.<sup>67</sup> The current legislation, the National Elections Act 2008 (NEA), specifies a number of illegal practices in Chapter ten, which is entitled ‘Corrupt and illegal practices and election offences’.<sup>68</sup> The chapter also sets out a number of required practices, of which the failure to follow is illegal. There have been widespread violations of the 2008 law in recent elections. In Sudan, significant forms of unlawful electoral manipulation have also occurred over the last 30 years. This is not a new phenomenon.

Two points should be emphasized. First, as previous discussion suggests, the electoral dominance of the NCP was not solely the result of breaking the electoral rules. The politics of clientship, and patterns of inequality and exclusion were also central to this. Improving the electoral process and reducing malpractice will not instantly change that politics. Second, not all malpractice in elections was the result of concerted schemes of election rigging by the regime. Rules often seem to have been broken because of time pressure, lack of resources or simply because it was easier to not follow the rules than to follow them. Where malpractice did have partisan intent, this could have been driven by a local politics of clientship, rivalry and status as much as by a coordinated scheme to achieve a clear NCP victory. Yet malpractice of any kind opens up space for the deliberate manipulation of results. It has also made the politics of clientship more problematic. Reducing electoral malpractice should help to produce a more inclusive and open politics in Sudan.

### Vote Tampering And Tally Fraud

The most basic form of election malpractice is to directly interfere with the voting results. Sudanese elections have seen persistent and credible stories of ballot boxes being stuffed with fake ballots, actual ballots being destroyed or lost, and the vote counts and tallies being changed.<sup>69</sup> The last has perhaps been the most prevalent. Many aspects of the 2010 elections were criticized but the tallying of votes was especially problematic. For example, forms were repeatedly changed, the system designed to cross check figures was not used and it became impossible to verify results through any sort of audit because the basic figures (the results at the polling station level) have never

67 Andreas Schedler, ‘Elections without democracy: The menu of manipulation’, *Journal of Democracy* 13/2 (2002).

68 National Assembly of Sudan, ‘The National Elections Act 2008’, Khartoum: National Assembly of Sudan, 2008. Accessed 5 June 2021, <https://aceproject.org/ero-en/regions/africa/SD/sudan-electoral-law-2008/view>.

69 National Assembly of Sudan, ‘The National Elections Act 2008’, Khartoum: National Assembly of Sudan,

been made available.<sup>70</sup> There is no published complete set of results for the elections, even at higher levels (for example, how many votes each candidate received in each geographical constituency). Moreover, the information that is available is inconsistent in a way that suggests significant problems.

Comparing the results that are available across the multiple ballots (see Table 6), it seems that many more people cast votes for the office of president than for that of governor in Khartoum.<sup>71</sup> In Kassala, more than 100,000 voters seem to have cast votes only in the race for the governorship. In River Nile, many voters apparently chose to vote for only president and governor. In South Kordofan, 20,000 voters seem to have cast ballots for the party list but not for the women’s list. In other constituencies, some voters appear to have cast votes only in the proportional representation ballots. There is a plausible reason for the relatively low number of voters for geographical seats in the national assembly. That is, in a few constituencies the election was uncontested or postponed. Otherwise, the discrepancies, which are sometimes large, follow no consistent pattern. It seems likely that these variations in voter turnout are the result of multiple errors, and diffuse and uncoordinated processes of vote tampering and tally fraud in multiple locations and contests.

Vote tampering seems especially likely in the proportional representation ballots, which the NCP were declared to have won overwhelmingly in both 2010 and 2015. The results of these were declared at state level, so in effect each state had its own separate proportional representation contest. In addition, some states did not produce any actual voter numbers. No state produced a complete set of results for the proportional representation ballots showing votes for all parties, and the calculations that drove the seat allocation were not published. The women’s seats were seen by some as a way to ensure effective representation of women’s concerns but they have not achieved this. Interview respondents suggest that many voters have little interest in, or understanding of, the proportional representation seats.<sup>72</sup>

70 European Union, ‘European Union Election Observation Mission to the Republic of the Sudan. Final Report on the Executive and Legislative Elections’, Brussels: European Union, 2010, 42-46. Accessed 4 June 2021, [https://www.europarl.europa.eu/meetdocs/2009\\_2014/documents/afet/dv/201/201007/20100713\\_finreportsudan\\_en.pdf](https://www.europarl.europa.eu/meetdocs/2009_2014/documents/afet/dv/201/201007/20100713_finreportsudan_en.pdf)

71 All these figures are compiled from NEC data unless otherwise specified.

72 Balghis Bedri and Samia el Naggar, *The Quota in Sudanese Electoral Law: Achievements or Challenges and Lessons Learned*, Omdurman: Al Ahfad, 2013; interview with civil society activist, Atbara, 22 May 2021.

**Table 6. 2010 Elections: Comparative Voter Turnout By Polls**

State	Women's list	Party list	Geo-graphical	Governor	State women's list	State party list	President
<b>Northern</b>	213,186	212,138	220,753	219,887	N/A	207,280	221,418
<b>White Nile</b>	397,394	388,570	333,623	396,689	N/A	427,491	405,460
<b>Khartoum</b>	1,285,420	1,258,583	1,104,413	1,315,654	1,251,334	1,276,097	1,356,250
<b>River Nile</b>	323,064	328,139	313,359	349,705	324,167	321,256	349,922
<b>Kassala</b>	525,492	537,109	464,022	636,496	532,709	522,887	651,138
<b>Red Sea State</b>	415,630	404,845	304,507	436,705	402,780	401,217	435,633
<b>North Kordofan</b>	554,485	554,922	519,011	546,519 519,011	538,121	523,562	544,677
<b>South Kordofan</b>	373,769	395,365	390,949	N/A	N/A	N/A	370,363
<b>Gedarif</b>	323,064	328,139	232,028	317,824	317,991	319,222	326,039
<b>Gezira</b>	1,023,824	1,011,026	1,017,623	1,063,223	N/A	N/A	1,134,303
<b>Blue Nile</b>	249,681	328,139	270,588	254,276	250,939	250,444	251,268
<b>Sennar</b>	353,478	323,203	336,378	358,147	358,092	353,673	360,405
<b>North Darfur</b>	N/A	N/A	294,922	N/A	339,947	N/A	318,862
<b>South Darfur</b>	498,253	550,328	534,693	532,719	498,587	501,349	510,822

Source: Compiled from National Electoral Commission (NEC) data.

## Gerrymandering

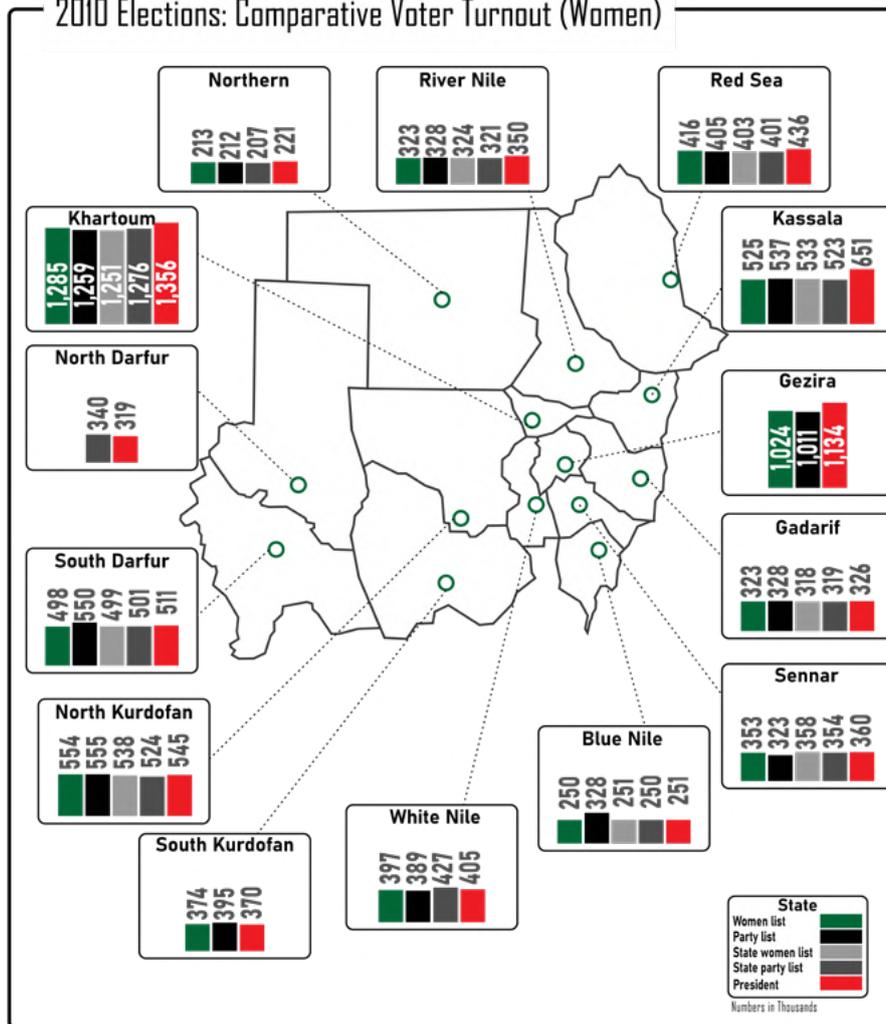
In the liberal parliamentary elections, the traditional parties often accused one another of attempts to adjust constituency boundaries to partisan advantage, usually by including or excluding an ethnic group seen as linked to a particular party.<sup>73</sup> This allegedly has continued (for example, in defining the Um Ruwaba constituency) even though Chapter five of the NEA sets out requirements for demarcating geographical constituencies that make gerrymandering illegal.<sup>74</sup>

Constituencies should be allocated according to the census. Each state should be given a number of seats proportionate to its population. The SHEC decides on constituency boundaries. Constituencies must not cut across administrative boundaries and should

<sup>73</sup> Abushouk, *Al-Intikhabat al-Barlamaniyya*, 198–201; Willis and al-Battahani, ““We changed the laws””, 201.

<sup>74</sup> Interview with Umma activist, Um Ruwaba, 15 April 2021.

Figure 6. 2010 Elections: Comparative Voter Turnout (Women)



not vary by more than 15 per cent from the national dividend; that is, the number that results from dividing the total population of Sudan by the total number of constituencies.

The intention is to maintain a degree of equality in representation. In 2010, the demarcation of constituencies was decided late. The maps produced to explain demarcation were inadequately detailed. There were more than 800 appeals to the SHECs over the demarcation, of which more than 300 were upheld.<sup>75</sup> Of the appeals rejected by the SHECs, 58 were taken to court but only five of these were upheld.<sup>76</sup> Despite this process of appeal and scrutiny, a significant number of constituencies seem to have been well outside the legal range in terms of population. It is not clear, however, whether this variation in size and the problems with the process generally were the result of some grand plan for rigging. According to some assessments, the SHECs simply

<sup>75</sup> European Union, 'Final Report', 18.

<sup>76</sup> Gustafson, 'Electoral Designs', 26–38.

did not have the capacity to properly handle either the demarcation process or the appeals.<sup>77</sup> In 2014, the boundaries were reviewed and all appeals against the reviews were rejected.<sup>78</sup>

Registration figures show substantial variation in the size of the national constituencies—significantly beyond the legal limit of 15 per cent. Observers note a lack of transparency in the process.<sup>79</sup> Interviewees for this study suggest that the reasons for this inequality varied. One SHEC member insists that it was the political parties that drove boundary manipulation rather than election officials.<sup>80</sup> In Kassala, the redrawing of boundaries for the state assembly constituencies by the SHEC was part of a negotiation with the Beja Free Lions party, the leaders of which were closely linked with the customary leadership and threatened to boycott the vote. Elsewhere, boundary decisions have allegedly been taken to favour the NCP by excluding (or, sometimes, including) particular ethnic groups.<sup>81</sup>

## Registration Fraud And Impersonation

Registration fraud has been a persistent feature of Sudanese elections. As with previous legislation, the current legislation stipulates voters must: 1) be over eighteen years old; 2) provide proof of identity; and 3) have evidence that they have resided in the constituency in which they are registering for at least three months.<sup>82</sup> Prospective voters are also required to register in person. The historic lack of any national identification system has complicated this, as has a repeated lack of proper resourcing for the voter registration process. Further, there has usually been pressure to register voters swiftly.

In recent elections, customary authorities and popular committees have been active in verifying the identity of prospective voters. They are widely assumed to have abused this role to ensure the registration of people who were underage, lived elsewhere or were already registered elsewhere.<sup>83</sup> There are reports that in some cases customary

77 International Foundation for Electoral Systems, 'Final Report, FY2009–FY2013, Sudan Election Administration Support Program', Washington, DC: United States Agency for International Development, 2013, 84. Accessed 9 June 2021, [https://pdf.usaid.gov/pdf\\_docs/PA00K2DX.pdf](https://pdf.usaid.gov/pdf_docs/PA00K2DX.pdf); and Democracy Reporting International, 'Assessment of the Electoral Framework', 24 and 30.

78 'Sudan's electoral body rejects all appeals on delineation of geographical constituencies', Sudan Tribune, 20 October 2014.

79 African Union, 'Pre-election Assessment', 6.

80 Interview with former member of SHEC, Khartoum, 15 March 2021.

81 Interview with journalist, Khartoum, 8 April 2021 and interview with Umma activist, Um Ruwaba, 15 April 2021.

82 NEA 2008, sections 21 and 22.

83 African Centre for Peace and Justice Studies, 'Building on a cracked foundation. An analysis of the election registration process in Sudan and its impact on the potential for free and fair elections', New York: African Centre for Peace and Justice Studies February 2010. Accessed 9 June 2021, <https://www.acjps.org/building-on-a-cracked-foundation/>; interview with administrator, Um Badda, 23 March 2021; interview with former Umma official, Um Badda, 24 March 2021 and interview with former election official, Um Ruwaba, 20 April 2021.

authorities or popular committees simply submitted lists of names for registration. As one member of the SHEC in Kassala claims, ‘Most people are registered through an agent or through the local committee or the tribal leader.’<sup>84</sup> As the EU mission also notes: ‘Many of their identifications [those made by popular committees or customary authorities] seem to have reflected party allegiances or were available in bulk to allow large numbers of registrations in a way that could facilitate false identifications.’<sup>85</sup>

One of the local observers of elections puts this more bluntly:

There was a presence of the ruling system in the registration and polling centres, although there were representatives of parties, deputies and people from the neighbourhoods, but there was control by the National Congress. The popular committees were present. They provided hospitality to people. They brought in voters. They set up registration and polling centres. And they acted as identification of voters if they were residents of the constituency.<sup>86</sup>

Delays in the registration process, which were the result of inadequate planning and resourcing, have meant that the process of public display of registers has been rushed or has never happened at all, although this is a legal requirement.<sup>87</sup> The register has also never been audited to identify double registrations. In turn, this means that there is no opportunity to challenge apparent fraudulent registration, to correct errors and to appeal exclusion from the register. The latter is especially problematic, as there were many reports of names simply being missing from the register.<sup>88</sup> In some cases, voters were included in the register but for polling stations that were not located where they had registered. In the 2010 election, this was usually because of cuts to the planned number of polling stations. In general, however, there was no simple way for voters to discover where they were supposed to cast their ballot.

There were also no voter registration cards to identify voters, although in 2010 those who registered were given a slip of paper with a reference number. In the absence of consistent documentary proof to verify voter identity, polling station staff relied on identifiers. Usually nominated by the customary authority, these were people who were supposed to be knowledgeable enough to recognize members of the local community. This was by no means a reliable system and was open to abuse. If the identifier was complicit, someone could easily impersonate a registered voter and cast a vote in the name of that person. In some areas, it was common practice for the NCP to bring voters to the polling station by bus, which is not illegal.<sup>89</sup> The combination of influence over

84 Interview with former member of SHEC, Kassala, 15 March 2021.

85 European Union, ‘European Union Election Observation Mission to the Republic of the Sudan. Final Report on the Executive and Legislative Elections’, Brussels: European Union, 2010, 21. Accessed 4 June 2021, [https://www.europarl.europa.eu/meetdocs/2009\\_2014/documents/afet/dv/201/201007/20100713\\_finreportsudan\\_en.pdf](https://www.europarl.europa.eu/meetdocs/2009_2014/documents/afet/dv/201/201007/20100713_finreportsudan_en.pdf).

86 Interview with former domestic election observer, Um Badda, 29 March 2021.

87 NEA 2008, section 23.

88 Interview with Umma party activist, Um Ruwaba, 15 March 2021.

89 Interview with former polling station official, Kassala, 20 May 2021.

registration and identification could make it possible for a popular committee to register ineligible people, bring them to the polling station and have them identified as voters and allowed to cast ballots.

## Ballot Secrecy

All ballots should be secret. The essence of the whole system of ballot paper and box is that individuals should be able to make an electoral choice free from the influence of others. They should be safe both from intimidation to make them vote for a particular candidate and from punishment as a result of having voted for a particular candidate. The use of symbols on ballot papers is intended to make it possible for those who cannot read to mark their own ballot, thus maintaining secrecy. Voters who have declared that they are illiterate have also been permitted to ask for assistance from polling staff or other individuals. This is a common arrangement in countries with relatively low literacy levels. In both the 2010 and 2015 elections in Sudan, this provision was reportedly widely used; however, it was used in such a way that suggests this assistance may not have been neutral but rather served to force voters to cast their ballots for particular candidates.<sup>90</sup>

## Campaign Spending And Abuse Of Public Resources

Chapter eight, section 69 of the NEA forbids the use of public resources in election campaigns. It also gives the National Electoral Commission (NEC) the power to establish campaign spending limits for the presidential and national assembly polls. Chapter eight, section 67, paragraph 3 of the NEA stipulates that candidates are legally required to submit campaign accounts within a specified period. In the 2010 elections, nominal spending limits were set but not enforced.<sup>91</sup> In 2015, the NEC stated that limits had been set but the AU pre-assessment mission could not find out what these were nor could they see any evidence of enforcement.<sup>92</sup> According to one of the commissioners, the NEC never had the capacity to monitor or enforce spending limits.<sup>93</sup>

The prohibition on the use of public resources is inherently difficult to enforce in some circumstances. If an incumbent politician ensures that a school is built in a particular place and then boasts of this in a re-election campaign, for example, is this an abuse of public resources? Electoral campaigns in Sudan have always revolved around the promise of patronage. Even if the ban on the use of public resources is understood in a more limited sense, it has been widely flouted. NCP candidates at every level have made

90 Intergovernmental Authority on Development, 'Preliminary statement of the IGAD Election Observation Mission to the Presidential and General Elections of the Republic of the Sudan', Djibouti: Intergovernmental Authority on Development, 27 April 2015. Accessed 10 June 2021, <https://reliefweb.int/report/sudan/preliminary-statement-igad-election-observation-mission-presidential-and-general>.

91 African Union, 'Pre-election Assessment', 18

92 African Union, 'Pre-election Assessment', 18

93 Interview with former member of NEC, Khartoum, 1 April 2021.

use of public vehicles and received favourable treatment from officials, although this is prohibited under Chapter eight, section 65, paragraph 1 of the NEA.<sup>94</sup>

## Media Access

Paragraphs 2 and 3 in section 66 (of Chapter eight) of the NEA guarantee all candidates equal access to publicly owned media. In 2010, this provision was partially respected, but the NCP received disproportionate coverage.<sup>95</sup> NCP candidates also enjoyed a significant advantage in coverage by privately owned media. In part, this was because their campaigns were better financed. In addition, some private media houses were directly or indirectly owned by NCP supporters. Private media are also vulnerable to threats and intimidation of various kinds, so can be manipulated. Government advertising is an important source of revenue for private media, so newspapers and radio stations might have been inclined to favour the incumbent regime. Licences to operate and supplies of newsprint also rely on government approval. More simply, editors and journalists can be accused of crimes, arrested and imprisoned on an arbitrary basis. Sudanese media laws both give broad powers to the security forces and create some very generalized offences, which can be used to harass private media.<sup>96</sup> Consequently, the equal access to the media on the part of all political candidates that is nominally guaranteed by the NEA has not always been available and has never been equal.

## Bribery

Chapter ten, section 87 of the NEA makes it illegal to give or solicit a bribe in order to 'influence ... electoral conduct and behaviour'. A bribe is defined to include gifts of money and offers of employment or contracts or 'any other material benefit' (section 87, paragraph 1). Nonetheless, giving and soliciting gifts has been widespread. There are constant allegations of bribery at its most basic; that is, the distribution of money to persuade voters to support particular candidates. Some of these allegations may be untrue. For disappointed candidates, for example, this is routine way to explain defeat and claim moral superiority. Yet such allegations are widespread enough to suggest that bribery of this kind has occurred. The former head of one SHEC suggests that customary authorities were routinely bribed to persuade their communities to vote in a particular manner.<sup>97</sup> There is also ample reason to believe that bribes have been used in other ways; for example, to persuade some candidates to withdraw from electoral contests. More than one former polling official says that that they had been offered bribes to commit other kinds of electoral fraud (over registration or vote counting). If the broad definition of the phrase 'material reward' is taken literally, electoral campaigns have

94 As-Sahafa, 23 December 2000; African Union, 'Election Observation Mission', 20.

95 European Union, 'Final Report', 33.

96 European Union, 'Final Report', 29; African Union, 'Pre-election Assessment', 4–5, 19–20; Democracy Reporting International, 'Assessment of the Electoral Framework', 20.

97 Interview with former member of SHEC, Atbara, 18 April 2021

revolved around bribery. That is, everything from donating food to the poor during Ramadan to promising a new borehole might be seen as material reward.<sup>98</sup> As one interviewee comments:

Political money can be translated in many forms. For example, a candidate in a constituency introduces electricity, and it is a public service, which you cannot call dirty money. But it is very easy to see through this service, as a bribe or an attempt to influence. So political money can take many forms. There is direct money. If one of the candidates has a political night, he [or she] can bring in 10,000 voters in return for paying money for transportation and meals. And this is direct financing.<sup>99</sup>

Providing potential supporters with food or drink during a campaign, during polling or after the results have been announced has been a common practice. This is routinely explained as an appropriate and necessary display of generosity rather than a bribe. Few people would be prepared to listen to a candidate who was perceived to be lacking in generosity, let alone vote for them. The point at which the ubiquitous politics of clientship tip over into bribery is by no means clear. After all, voters may follow Sadiq al-Mahdi's famous advice to eat the bull slaughtered for them by one candidate but then cast their ballot for another candidate. That may be difficult, however, when voters feel either that they are closely scrutinized by others or that the acceptance of a gift places them under a moral obligation they cannot ignore.

## Freedom To Campaign

The NEA guarantees 'complete and unrestricted freedom of expression and presentation of campaign programmes' (section 65, paragraph 2). Section 93 (b) makes it illegal to obstruct campaigns. In 2010 and 2015, however, there were significant restrictions to campaigns. In 2010, prior approval for any campaign event was required, in a process that varied slightly in different parts of Sudan and was allegedly used to restrict campaigns by non-NCP candidates.<sup>100</sup> The EU observation mission reports several examples of harassment and intimidation of non-NCP candidates by the security services; these were more common and open in what is now South Sudan but occurred across the country.<sup>101</sup> The 2015 AU pre-election mission reports that the security services acted to 'curtail activities of opposition parties' and notes 'arbitrary arrests of their members and restrictions on their movement'.<sup>102</sup> The subsequent AU election observation mission report is generally much less critical of the process. In a remarkable use of the passive form, for example, it notes that 'some parties or groups found it difficult to carry out legitimate activities relating to the electoral process'.<sup>103</sup>

98 as-Sahafa, 19 December 2000.

99 Interview with journalist, Khartoum, 8 April 2021.

100 Carter Center, 'Observing Sudan's 2010 National Elections', 32–33.

101 European Union, 'Final Report,' 27.

102 African Union, 'Pre-election Assessment', 12 and 17.

103 African Union, 'Election Observation Mission', 32.

# What Is To Be Done? Decisions And Challenges In Electoral Planning

Multiple decisions on the nature and conduct of elections must be taken before the next polls are held, whenever that takes place. If the elections are to play a positive role in political transition, those decisions should be informed by a clear sense of what exactly the polls are intended to achieve. There are numerous possibilities. Not all of these aims are compatible. Deciding which are the priorities should be the first step. The aims that have been identified should then inform all subsequent decisions.

If the key aim is to ensure substantial popular participation and a consequent degree of bottom-up legitimacy, for instance, then the elections should be run to maximize involvement and to emphasize the sense of connection between voters and those who represent them. If the aim is to emphasize the equality of citizenship across Sudan, the process should ensure that women and minority groups are represented, although that may involve a clash with local hierarchies and possibly reduce the sense of involvement of some other voters. If the aim is to demonstrate the impartiality and efficiency of the state, the process should emphasize adherence to the rules and demonstrate a willingness to confront rule-breakers, although that may limit involvement and create conflicts with local power brokers. If the aim is to achieve some sort of elite accommodation by including as many players as possible, then the process may involve some pragmatic compromises over rules to keep as many people as possible inside.

Planning should also consider how best to benefit from international support. International support in the form of direct finance, equipment or expertise may well be helpful. This support could potentially be available. Many bilateral and multilateral partners would be interested in contributing. Supporting the electoral process is also an explicit part of the mandate of the United Nations Integrated Transition Assistance Mission in Sudan (UNITAMS). The 2010 elections show, however, that such support has its limits. International practice in electoral support emphasizes the importance of closely defining all aspects of procedure and then creating a documentary trail that allows the procedure to be audited. There is a form for almost everything election related, in the expectation that having to fill in the forms will force electoral staff and voters into close compliance with the rules. Alongside training and logistical support (in particular, with procurement), much of the international support for the 2010 elections went into producing rules and forms. Yet this approach was not successful. In those elections, the rules were not always followed.

The failure of this approach is partly the result of mutual suspicion between the NCP and the main providers of electoral support (the United States, European Union and various UN agencies). One major provider of electoral support complains about ‘a

great deal of resistance to international advisors'.<sup>104</sup> Those providing the international support thought that either the government was deliberately slow in planning (because it intended to cheat) or planning was simply inadequate (because NEC staff were not properly trained), or both.<sup>105</sup> There may also have been lower-level tensions between NEC staff, who felt they were experienced administrators, and international experts, who were keen to provide guidance based on international norms. Some of the language used by the international experts—for example, the comment in the report produced by the International Foundation for Electoral Systems (IFES) that 'IFES was able to increase NEC's understanding of a proper electoral process'—suggests that these experts viewed the NEC and its staff with considerable condescension.<sup>106</sup> At the same time, there were divisions among those providing this international support; most evidently, between UNDP and UNMIS (United Nations Mission in Sudan), each of which organisations felt that electoral support was part of their mandate, but which did not coordinate their approach to this.<sup>107</sup> If international support is forthcoming, then it would most effective if it is consistent in approach and clearly coordinated. It should also avoid an adversarial relationship with the electoral management body.

## Electoral System

Sudanese electoral history is a long-term struggle between different kinds of electoral systems. The first-past-the-post geographical system has generally dominated but has been consistently criticized, and with good reason. First, it tends to skew representation. Second, women have rarely been elected to representative office in this system. Geographical seats may also encourage tribal and sectarian politics, as well as patronage politics or politics of clientship. At the same time, this system is simple and familiar. People are used to the idea that the representative of their area is an intermediary on their behalf with government. Evidence from elsewhere in Africa suggests that proportional representation seats may reduce the sense of involvement people feel, although such seats also reduce the sense that those who are elected are simply conduits for patronage. Proportional representation seats on party lines have apparently been especially vulnerable to vote rigging. Moreover, this approach relies on an effective party system of a kind Sudan lacks.

There is also a question of polling day logistics. Combining electoral systems may be desirable: balancing representation with a sense of direct connection. This means, however, more ballot papers, more printing and more logistical challenges. Having multiple simultaneous ballots also opens up space for mistakes and confusion. In turn, this opens up space for the suspicion—and the reality—of election rigging.

<sup>104</sup> International Foundation for Electoral Systems, 'Final Report FY2009–FY2013', 24; European Union, 'Election Observation Mission', 20.

<sup>105</sup> Scanteam, 'Democracy Support through the United Nations', 5.

<sup>106</sup> International Foundation for Electoral Systems, 'Final Report FY2009–FY2013', 26.

<sup>107</sup> Scanteam, 'Democracy Support through the United Nations', 6.

If geographical constituencies are the basis of the upcoming election, the demarcation process should take place soon. The process will inevitably be contested. The need for constituencies of equal size will always be hard to balance with geography, and with local sympathies and loyalties. Partisan suspicions—that the government or a government faction are manipulating the process—will intersect with local rivalries and loyalties. It will not be possible to undertake demarcation in a way that pleases everyone. There will always be dissatisfied groups or individuals. For that reason, the process needs to be as transparent and clearly recorded as possible. Importantly, it must also allow time for complaints and appeals.

## Summary

An election with only geographical seats would be less fair, since ballots in such systems almost always end up not having equal weight. It would also be less likely to produce women representatives. Further, it would involve a complex and dispute-prone demarcation process, and encourage patronage politics. On the plus side, it would be simpler to manage, more likely to encourage participation and may appear more transparent.

## Political Parties

Political parties can be a valuable asset in elections. They can provide scrutiny of key processes (polling, most obviously) but also during the planning process. Inter-party committees can provide a mechanism for identifying problems and airing concerns. Parties encourage participation and can provide voter education. In Sudan, as in much of Africa, however, political parties (except the NCP) have been chronically institutionally weak. One interviewee explains, ‘These parties are weak and divided from the inside. They especially lack materials and finances, and they don’t know the main pillars of the organizational work. They are at the mercy of the biggest political party, which is the National Congress.’<sup>108</sup>

That weakness is linked to the ambivalent public attitude to politicians. On the one hand, government is seen as a source of patronage, and representatives are expected to mediate with that source. On the other hand, both politicians and government are seen as corrupt and self-interested. This combination of distrust towards politicians with large-scale expectations of government is, of course, by no means unique to Sudan or even to Africa. It does, however, raise questions around elections. One common component of programmes for democracy support and electoral support, in Africa and

108 Interview with Umma activist, Um Ruwaba, 15 April 2021. For Africa generally, see Giovanni M Carbone, ‘Political parties and party systems in Africa: Themes and research perspectives’, *World Political Science* 3/3 (2007), [https://www.researchgate.net/profile/Giovanni-Carbone-5/publication/40822931\\_Political\\_Parties\\_and\\_Party\\_Systems\\_in\\_Africa\\_Themes\\_and\\_Research\\_Perspectives/links/586d64b208ae8fce491b5c14/Political-Parties-and-Party-Systems-in-Africa-Themes-and-Research-Perspectives.pdf](https://www.researchgate.net/profile/Giovanni-Carbone-5/publication/40822931_Political_Parties_and_Party_Systems_in_Africa_Themes_and_Research_Perspectives/links/586d64b208ae8fce491b5c14/Political-Parties-and-Party-Systems-in-Africa-Themes-and-Research-Perspectives.pdf). Accessed 17 August 2021.

elsewhere in the world, has been capacity building for political parties. Sometimes linked to legislation, sometimes delivered by multilateral agencies, sometimes by international foundations linked to parties in Europe or the United States, this capacity building is predicated on the assumption that improved management and communication skills will create stronger political parties. The results of this work have not generally been encouraging and it has proved difficult to engineer strong political parties into existence.

Creating a legal framework for political parties is necessary. They must have some kind of legal existence. Such regulation can also be used to exclude parties that might be seen as dangerous to democracy as a whole or to national unity; for example, those that entirely linked to a particular ethnic identity, and those espousing secession or an explicitly hate-based politics. Such restrictions create their own dangers, however. Requirements for an elaborate bureaucratic structure may discourage the bottom-up creation of political parties. In addition, a system of party registration could be used in a partisan way to stifle particular groups. The current political party legislation in Sudan has been applied inconsistently and is seen as partisan.

It is likely that party capacity building by international partners in Sudan would have limited effect. This is because the practice of elections has continually tended to reinforce the sense that party programmes are of limited relevance to most voters. This was the case even in the parliamentary periods. More recently, the dominance of the NCP has underlined the point. What matters more is the sense a voter has of a candidate, along with his or her estimation of whether a claim can be made on a candidate. This is not a simple matter of material calculation. It is wrapped up with ideas of virtue and connection. Is the candidate likely to have influence in government, and is he or she someone who will share the sense of moral obligations a voter has to a community? Decades of politics have turned on immediate questions. Can this candidate be relied upon to provide a well or a school for the community? There is an emotional aspect to this, too, which is often an ethnic or religious one. Does this candidate belong to my group, and will he or she recognize my claims? This does not preclude party politics but it means that effective political parties cannot simply be produced just by top-down capacity building. Instead, it is the local links of trust and reputation that matter most.

Political parties can now organize with relative freedom in Sudan. The planned elections will also be conducted on a multiparty basis. No party has a strong national structure. The influence and networks that sustained the NCP still exist but have no formal existence. The traditional parties have lost the links to local politics upon which they once relied. The secular intellectual parties (the Communists, the Sudan Congress) have articulate and ardent members but no national presence. Politics over the last 30 years has either taken place within the networks of the NCP or has been displaced into regional and ethnic patterns.

## Summary

Planning for the elections should not assume the existence of a party-based political system that will provide effective support in terms of scrutiny, management or dispute resolution. Legislation on political parties is necessary but will need to balance the demands of reasonable restriction against the danger of stifling alternative voices. Programmatic support for capacity building in parties is highly desirable because in the long run representative electoral systems rely on political parties to be viable. Developing the capacities of political parties must be undertaken with the knowledge that this is unlikely to have any major effect in the short term.

## Voter And Civic Education

Those interviewed for this research suggest that both voter and civic education for the electorate are urgently needed. They feel that many people simply have not understood the electoral system, particularly because of the proportional representation element. They also believe that many Sudanese simply do not understand politics and government, and are therefore likely to take poor decisions. Not all interview respondents went as far as the former electoral official who suggests that the illiterate should not be allowed to vote.<sup>109</sup> Nonetheless, there is evidently a widespread feeling that the electorate is dangerously uninformed.

This will surely resonate with international donors, who are often inclined to understand political problems as basically a matter of insufficient education. It seems widely believed that only the ill-informed make bad political decisions. Voter education and civic education are standard parts of any electoral support programme, although there are sometimes tensions when incumbent regimes feel that education programmes are somehow designed to favour the opposition. There was a significant voter and civic education element in support for the 2010 elections but there was also widespread criticism of the reach and effectiveness of these efforts. The responsibilities of the National Electoral Commission do not include civic or voter education, nor does it have any statutory powers relating to this.

All this suggests the need for a substantial programme of activities intended to explain the role of elections in government (broadly, civic education) and a linked programme to explain and publicize the actual processes of registration and voting (voter education).

The content of civic education in particular needs some consideration, however. Voters may be better informed and more thoughtful than is often assumed. If their focus tends to be on the potential role of an elected representative in providing local services or direct patronage, this reflects the political reality that they have experienced. It is not the result of ignorance. It is likely that voters and candidates will be making such assessments in the coming elections, regardless of how much education is provided.

<sup>109</sup> Interview with former election official, Um Ruwaba, 17 April 2021.

## Summary

Voter education is a routine part of any electoral support programme. The problem in Sudan is not that voters are ignorant. They are very well aware of political realities and respond to these. Voter education around registration and the electoral system would be useful, given the complex history of these. Civic education to emphasize that there are alternative possibilities for political action is highly desirable. It would be unrealistic to expect, however, that any programme of education would have a transformative effect on political behaviour in the short run. Any education programme should consider the balance between interventions intended simply to make the electoral process work and more ambitious interventions to change the nature of political behaviour.

## Electoral Management

An electoral management body has two roles. One is fundamentally about management and logistics; that is, devising and executing the very complex procedures involved in elections. The other is political; that is, persuading the rival candidates and parties, as well as the electorate at large, that the process has been fair and has offered each eligible voter some say over how he or she is governed.

These two roles are connected but not identical. Procedurally messy elections can end up commanding general support. Elections that are procedurally robust nonetheless can be denounced by some contestants or be seen as corrupt by voters. Sudan, unfortunately, has a history of elections (especially in the recent past) that have been both procedurally and politically problematic.

Procedurally, there is a choice to be made about election staff. Sudan has a substantial group of people with significant previous electoral experience. They have worked as returning officers, constituency officers, members of the SHECs and members of sub-committees. Relying on this group would have advantages in terms of training and cost. It would probably be the cheapest way of getting elections done. At the same time, relying on this group would risk perpetuating behaviours that have undermined the credibility of previous elections. An alternative would be to move towards a more professional electoral management body with a single national structure instead of state committees, and with core staff recruited from recent graduates. This would end the reliance on former administrators, teachers and police officers for senior and intermediate roles. This reshaping would disrupt existing hierarchies and would likely improve confidence in the process, especially among the younger generation.

If a decision is taken to reshape election management, substantial training would be needed. Temporary staff (those involved in registration and polling) would continue to be largely drawn from recent graduates and school leavers. They should receive more than a minimum training, and should feel confident of their understanding of the process and of the law. The age and gender dynamics of polling have meant that temporary staff are more likely to be young and to be women. This may have made it

hard for them to challenge malpractice by more senior electoral staff or by influential members of the local community. Giving all staff the knowledge and confidence to insist on procedure would be a surer route to robust elections than digital technology, although the combination of the two may be very effective.

There are also decisions to be taken around how many ballots to hold, and how many should be simultaneous. Multiple simultaneous ballots that use different electoral systems create major logistical challenges. It must be made easy for election staff to follow the law and to observe procedure. Complicated rules and poor planning are a dangerous combination and may in effect force election staff to break the rules because they do not have the means or the time to follow them. The use of digital technologies should be considered, with the understanding that these are not a solution to all problems. They are expensive and have their own distinctive vulnerabilities to failure and malpractice.<sup>110</sup>

Politically, the body that oversees the elections is key. The commissioners who oversee the current NEC have not commanded widespread confidence. Suspicions and allegations will beset any new group of commissioners but a clear process for nomination and vetting may mitigate these. Once appointed, the commissioners must put emphasis on communications and transparency, explaining the decisions they take and justifying them. An electoral management body will never be popular with everyone but it can aim to make clear what it is doing and why. This should apply to every aspect of the process—from using the election rules and the demarcation of constituencies to the vote itself (where the aim should be to have a full and completely accessible record of polling, by polling station).

The emphasis on transparency and information should also apply to handling disputes, complaints and appeals. Previous practice has been unclear or even opaque. The processes for making disputes and raising appeals (for example, over demarcation, registration, nominations, polling or results) need to be clear and clearly reported. This should include the processes for reporting alleged malpractice by those working for the electoral management body. There will inevitably be some division of labour between the NEC, the civil courts and the criminal justice system in the handling of disputes and appeals and complaints. As such, the lines of that division should be made clear.

## Summary

A decision is needed about whether to rely on an experienced existing body of election administrators or to create a new cohort. In the latter case, investment in training and inspiring a new core group of electoral professionals, and a wider body of temporary election workers, are essential. Electoral management should emphasize transparency and clear communication, including in the handling of complaints and disputes.

<sup>110</sup> Interview with former election official, Um Ruwaba, 17 April 2021.

## Campaign Regulation

Despite clearly being illegal, previous elections have repeatedly seen the misuse of public resources by incumbent regimes and candidates. Enforcing the ban on the use of public vehicles, buildings and resources would be a minimum requirement for credibly fair elections. Elections under the NCP have also seen the ruling party and its candidates spending much more on their election campaigns than other parties or candidates could. Some of this has involved direct misuse of public resources but it also reflected the ability of incumbent parties to raise campaign funds by legal or extra-legal means. Individuals and businesses are more likely to support incumbents because they see a clear likelihood that their support will be rewarded with favourable treatment. Existing campaign finance regulations are intended to prevent this but have not been enforced. A decision must be taken over whether to retain these regulations and, if they are retained, how to enforce them. Enforcement is complex and requires resources. It would only have meaning if there is a genuine willingness to prosecute violations by any party or individual. Otherwise, finance limits may just become a selective tool used to punish the opposition. No regulations might be better than regulations that are not enforced or are enforced in a partisan way.

Bribing voters is also illegal but seems to have been widely practised in various forms. Again, this is a difficult law to enforce, especially since some established practices—transporting and feeding voters, for example—might seem to shade into bribery. As with campaign finance in general, a decision should be taken as to whether the law can be effectively and consistently enforced, as inconsistent enforcement might be used in a partisan way.

## Summary

Decisions about campaign finance and limits to this must balance the need to ensure fairness (to stop elections from being bought) with the realities of enforcement. Restrictions that are not enforced or that are selectively enforced can be worse than no restrictions at all.

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Sudan's political transition, which began following the ousting of Omar al-Bashir in 2019, is designed to lead up to—and be advanced by—national elections. Those polls will be crucial to the success and credibility of political transition, but they carry significant risks. Sudan's political history provides plentiful evidence of the different possibilities of elections by adult suffrage and secret ballot. While they can be a way to create accountability and nurture popular participation, they may also be used as tools of authoritarian rule. To assist those working to ensure that the upcoming elections contribute towards the former, *Voting for Change: Elections and political transformation in Sudan* identifies a series of key areas in which decisions need to be taken around the design of the electoral process. It lays out different options and discusses the implications of the possible alternatives. While there is no one model of a perfect election, and in each of the areas considered, any decision will carry both advantages and disadvantages. Ultimately, the choices to be made about the electoral process should reflect the priorities and decisions of the Sudanese public and policymakers, and the concerns of civil society and international partners.