



# ASIAN NETWORK FOR FREE ELECTIONS (ANFREL) FOUNDATION

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**For Immediate Release: ANFREL Statement on the Conclusion to Afghanistan's Ballot Audit**

## **Election & Audit Shortcomings Must be Springboard for Electoral Reforms**

**BANGKOK, 29 SEPTEMBER 2014** – The Asian Network for Free Elections (ANFREL) Foundation is encouraged by the recent political agreement in Afghanistan and wants to congratulate the people of Afghanistan for their participation in the political transition in the country. Great respect and admiration is due to those determined citizens who voted in the face of significant and at times life threatening obstacles to doing so. Despite months of delays, threats, and uncertainty, Afghans showed remarkable patience with the electoral process.

With a new administration inaugurated today, ANFREL hopes that important electoral lessons can be learned from the successes and failures of the recent audit process. Given the recent electoral crisis and parliamentary elections due in 2015, now is the time for a thorough investigation and prosecution of electoral wrongdoing coupled with far reaching electoral reform. Part of that investigation should include a transparent and independent fact finding effort to review the election's shortcomings. Whether this is a part of the promised electoral reform commission or a separate complementary body, it's important to take action while the issues remain fresh and adequate political will exists for a proper investigation.

Regarding the state of the audit, in particular the negotiated agreement to keep secret the detailed results of the audit, ANFREL understands the desire for pragmatic short-term decision-making but at the same time believes that transparency must remain a sacrosanct principle within the Afghan electoral process. The need for transparency holds true regardless of whom results favor and regardless of whether the issue is the release of audit results or the transparency of many of the other internal processes within the Independent Election Commission(IEC) and the Independent Electoral Complaints Commission. "Public confidence in the election system must be rebuilt on a foundation of transparency, where the public's right to information cannot be negotiated away," ANFREL's Chairman Mr. Damaso Magbual stated.

Similarly, adequate dispute resolution mechanisms must be built up to deal with allegations of fraud in the future. Such institutions professional performance can strengthen public confidence and the perception of electoral justice among those alleging fraud in the future. Proper dispute resolution mechanisms can lessen the need for the type of crisis diverting audit agreed to in Afghanistan. They are especially necessary in light of the audit process and its impact, both of which ANFREL found to have significant shortcomings.

Unfortunately, outsized promises about the complete ballot audit created unrealistic expectations that prior results could be fully "cleaned" by the audit process. But given the audit methods and tools available and the massive quantity of voters in the election, such a full cleaning was never possible. No matter how well such processes were implemented, an audit such as this could not have filtered out all of the fraud present in the runoff election and promises that it could do so undermined the audit from the start. Such unfairly heightened expectations set the audit up to be portrayed as a disappointing or failed initiative in a way that does a disservice to many of the hardworking IEC, UNDP, candidates agents, and observers working in the hangars.

The work of the audit and conducting much significant forensic investigation of possible voter fraud was limited by the absence of a voter's list and reliable population data in Afghanistan. The audit, just as the

election had, suffered from the lack of such data and ANFREL, as we have done since 2004, continues to strongly recommend the implementation of a voter's list. Doing so will provide a longer term and more robust solution to eliminating voter fraud.

On the issue of the conduct of the audit itself, ANFREL recognizes the intense pressure faced by the IEC and the UNDP to launch the audit in a short amount of time and on what was a likely unforeseen scale. ANFREL nevertheless found troubling the arbitrary nature of some decision-making and the lack of uniformity in audit procedures found between audit units. To compound the problem, the fluid nature of the audit and the hurried start also contributed to rulemaking on the fly and an ever-evolving set of audit rules and procedures. Much of the blame for this goes to the political actors that agreed to start an audit before the rules of the game had been fully decided upon but it all nevertheless contributed to the arbitrary and ad-hoc feeling of the audit itself. ANFREL's observers reported that issues of arbitrariness and a lack of uniformity seemed to stem from a failure to fully think through the procedures and decide on best practices ahead of time as well as a lack of proper training, both problems exacerbated by the rushed start to the audit. ANFREL's team consistently found issues with a lack of training or time, rather than any ill intent on the part of the audit implementers, to be a primary problem facing the audit.

This need for greater training was also revealed in ANFREL's findings from the ballot boxes themselves, where polling station staff often seemed to have been unable to follow proper procedures. ANFREL hopes that, after those staff found to have committed fraud are removed from their posts, the IEC conducts thorough professional training programs for its entire staff before 2015's parliamentary elections.

Outside of the hangars, ANFREL was disappointed with the rather opaque and perfunctory nature of many of the IEC meetings, where deliberations seemed lacking and decision-making meetings were often behind closed doors. The integrity of the election is affected not only by the transparent management of ballots but by the transparency of the IEC and of the process as a whole. This should include decision-making meetings where Polling Stations were invalidated and planning sessions where invalidation criteria were determined. Going forward, the IEC's institutional transparency, in the form of openness to observers, the media, and candidates will go a long way in determining whether the IEC can fully regain the public's trust. ANFREL hopes that such measures to enhance transparency will be part of the promised electoral reform commission's recommendations.

Afghanistan's extended 2014 Presidential election revealed many problems and opportunities for improvement. ANFREL appreciates that infusing elections with integrity is a long arduous process often requiring many years of struggle and a slow consolidation of democracy in other sectors of the country. The lessons of 2014 should not be wasted when the just concluded Election can instead be used as a catalyst for true reform and electoral progress.

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