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An Anti-Fraud Strategy for Afghanistan's 2014 Elections

Summary

- On April 5, 2014, Afghans will go to the polls to vote in what is considered the most significant election since the fall of Taliban in 2001.
- Lack of security has been the main challenge to Afghanistan's electoral process since 2005.
- While security will be the main challenge to the 2014 elections, the lessons from previous elections suggest that there is an urgent need to put in place an effective anti-fraud strategy.
- The Independent Election Commission (IEC) should focus on mitigation measures for worsening security situation and an effective anti-fraud strategy. These measures should be widely discussed with all stakeholders and IEC should publicly declare its commitment to implement it.

Security Challenges

Lack of security has been the main challenge to Afghan elections since 2005. In the 2009 and 2010 elections, poor security was the main reason why millions of would-be voters did not go to the polls. In effect, the poor security conditions enabled massive fraud to take place.¹

Since then, the security situation has only gotten worse. The U.S. military surge appears to have broken the Taliban momentum in the South and East of the country, but these gains are fragile and unsustainable. Furthermore, the withdrawal of international troops will leave power vacuums around the country that are likely to be filled by Taliban and other anti-government elements. And this will take place precisely as election preparations begin.

Afghan National Security Forces (ANSF) are now about 352,000 strong. ANSF, however, lacks critical capacities in terms of equipment, air power, logistical support and trained manpower to counter sophisticated insurgence attacks. Most of these have been provided by ISAF.

Maintaining security with reduced ISAF support will be the major challenge to the upcoming presidential and provincial council elections. Security arrangements need to be in place during the whole election process.

In the pre-election phase the security institutions should verify the polling center list provided by IEC and make it clear in which centers the security forces will be able to maintain security. Experience from the past elections shows that the assessment of polling center lists is a problematic exercise.

In particular, government security officials often try to depict a "rosy picture" of the security situation in the country and therefore declare an unrealistically high number of polling centers as secure, even when they are located in the most dangerous places in the country. Many of these became "ghost

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polling centers," where ballots and other sensitive materials designated for the stations were instead used for fraud. The IEC should have its own independent security assessment mechanism in place. If there are discrepancies between its findings and those of the ANSF, the IEC should ultimately be the institution to decide whether to open polling centers in certain areas or not.

The real test of the security situation will be the voter registration process which, according to the IEC, lasts from April 21 to August 21, 2013². Voter registration centers will be established in all district centers and in the provincial capitals.

In the pre-election phase, the other major issue will be logistical support by ANSF and ISAF to the IEC. For the first time since 2001, the elections will take place in the spring, which means most of the logistical preparations must happen in the winter season. This presents logistical challenges, as most of the provinces will be snow-ridden when it's time for the delivery of elections materials.

Effective security coordination between IEC and ANSF is vital and also public outreach of security preparations will have psychological effect and in turn will contribute to higher turnout in the election process. Special security arrangements should be put in place for female candidates who are most vulnerable in the current situation in the country.

Anti-Fraud Strategy

While security will be the main challenge to the 2014 elections, the lessons from previous elections suggest that there is an urgent need to put in place an effective anti-fraud strategy. This strategy should be implemented not only by the IEC, but also by candidates, government actors, observers, agents, media and civil society. The strategy should be based on deterrence, detection and mitigation of fraud³. In past elections, massive fraud was detected and millions of votes were disqualified, but as it was not deterred the election results were considered to be tainted.

Potential Anti-Fraud Measures for the IEC

The IEC, as the constitutional body responsible for conducting and overseeing elections in the country, should consider the following anti-fraud measures:

1. Independent Assessment of Polling Center Security

The IEC needs to provide a deadline to ANSF by which it must submit its security assessment. The deadline should be set to allow sufficient time to move ballot papers and other sensitive materials from Kabul to the provinces. Lack of clarity on security of polling centers may lead to losing control over ballot papers. The IEC should also conduct its own security assessment of polling centers by its network of provincial offices. The two assessments should be compared before the IEC takes the final decision on which polling centers are deemed sufficiently secure to receive election materials.

2. Strict Control over the Chain of Custody of Sensitive Materials

As was done in 2010, all sensitive materials should be bar coded and tracked throughout the process from Kabul to the provinces, to districts and polling centers, and back to counting centers.

3. Transparent Recruitment and Vetting of Polling Officials

Temporary staff of the IEC, in particular District Field Coordinators (DFC), play a crucial role in the electoral process. The recruitment of DFCs should start earlier and the process should engage observer groups and civil society organizations. Prior to assignment of DFCs to polling stations, the list of prospective DFCs should be widely publicized with sufficient time to allow the wider public to submit complaints about their past performance or their current affiliation with candidates and political parties, and have those complaints adjudicated. It will significantly boost trust in the process

by candidates and voters if they have confidence in the neutrality of the IEC staffers on the ground.

4. Fraud Mapping of the Past Elections and Internal Audit

The IEC needs to map the fraud that took place in 2009 and 2010 elections and take additional preventive measures where it was most rampant. Internal IEC auditors should be deployed to those districts and polling centers, who will then recommend specific measures for those areas. The pool of the IEC internal auditors should be well trained and they should not conduct audits in areas where they live.

5. Responsible Allocation of Ballot Papers

The excessive distribution of ballot papers (in other words, too many ballots being sent to each polling station) was a significant source of fraud in the past. Unused ballots have often been falsely marked. The IEC needs to make logical decisions on how many ballot papers go to each polling station. Turnout in past elections, voter registration data, population figure as well as the security situation should be carefully considered for allocation of ballot papers to the provinces, districts and polling centers.

6. Counting in the Provincial Centers

In the 2004 presidential election, counting took place in Regional Centers (of which there were eight across the country). In 2005, counting was done in provincial capitals. In 2009 and 2010, the count took place in polling centers. The expectation was that observers and agents would be able to act as a check against fraud. In the event, observers, candidate agents, and media were able to only cover around 30-35 percent of the polling centers. Counting in the polling centers proved to be one the main enablers of ballot stuffing and massive fraud.

To mitigate this, counting should be moved to provincial centers and be undertaken in the presence of observers, agents, ECC and media, and preliminary results should be announced at the provincial level. This will give the IEC a chance to control the process and observers, agents and ECC to concentrate their efforts and observe the process more effectively. It will ease the work of ECC to decide on the spot on suspicious ballot boxes. Experience suggests that the risk of fraud taking place during the transport of ballots is less than the risk of fraud inherent in polling station counting.

7. Anti-Fraud Public Awareness

It is essential to attract voter cooperation with the IEC on anti-fraud efforts. The IEC needs to inform the voters and candidates that fraud is a major offense and to help the IEC with its anti-fraud measures. In 2009 and 2010, the ECC and IEC disqualified more than one million votes because of fraud. This tainted even the legitimate winners, and damaged the reputation of electoral process and institutions.

Potential Measures for the Afghan Government

Besides the IEC, the Afghan Government must play its role in anti-fraud efforts. It must respect the independence and neutrality of the IEC and state officials must refrain from interfering in favor or against any candidate. In the past election, the Presidential Decree on Non-Interference by State Officials was signed, but lacked an effective mechanism for sanctions in case of violation and had little impact on deterring local officials from interfering.⁴

The IEC should put together a comprehensive framework and guidance for state officials, in particular security personnel, to assist but not interfere in the electoral process. The framework should define which actions of state officials are considered to be violations of impartiality. The IEC should be given the authority to collect evidence of interference and propose to the president that they be removed from their post or subjected to prosecution by legal institutions.

ABOUT THIS BRIEF

In April 2014, voters in Afghanistan will go to the polls for the most important elections since the fall of Taliban in 2001. Given that international security forces are scheduled to leave country by the end of 2014, a smooth political transition as result of an acceptable election is the cornerstone of stability in the country. This Peace Brief recommends an anti-fraud strategy to promote a higher voter turnout and a credible election process. The author, Zekria Barakzai, is the senior policy advisor with the High Office of Anti-Corruption of Afghanistan and chairman of the Afghanistan Association of Electoral Officials. Barakzai previously worked for the IEC as deputy chief electoral officer from 2005 through January 2013.



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Observers, Candidate and Political Party Agents, Civil Society, and Media

Free, fair and transparent elections require effective and proactive observation and engagement of political parties, civil society organizations and media. A large number of observers, candidate and political party agents and media were accredited for 2009 and 2010 elections,⁵ but, as noted, left a large number of polling centers were uncovered.

For the 2014 elections special attention should be paid to the capacity and logistical requirements of observation entities.

Conclusion

Afghanistan is in its critical stage of preparations for landmark 2014 presidential elections. Given that a comprehensive polling center specific voter registration was not possible, IEC should focus on mitigation measures for worsening security situation and an effective anti-fraud strategy. These measures should be widely discussed with all stakeholders and IEC should publicly declare its commitment to implement it.

The success of anti-fraud strategy will depend on the independence and neutrality of the IEC, political will in the government of Afghanistan, effective electoral observation, and engagement political parties and civil society in the process. It is necessary that efforts begin now to ensure that these elements are in place as required during the electoral preparations.

Notes

1. In the 2009 presidential election, more than 1.2 million votes and in 2010 Wolesy Jirga Elections 1.3 million votes were disqualified as result of fraud, 2009 and 2010 Election Results, www.iec.org.af
2. 2014 Election Timeline, Independent Election Commission of Afghanistan, Oct. 31, 2012
3. Dr.Staffan Darnolf, IFES Anti-Fraud Project
4. In 2010 the President has signed a decree on non-interference in the electoral process but no action was taken to prosecute those officials who violated the decree. For Example Ismail Khan- Minister of Water and Energy ordered the tally officials in the IEC to assist specific candidates, though his voice was recorded no action was taken.
5. A total number (280.000) Observers, Agents, CSOs and Media Representatives were accredited in 2009 elections and this number raised to the record number of (379.000) in 2010.(www.iec.org.af)